

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-20-098
IVO LOUVADO,)
Defendant.)
_____)

Friday, November 6, 2020

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE

REARRAIGNMENT - HELD VIA ZOOM

For the Plaintiff:

Leo Wise, Esquire
Assistant United States Attorney

For the Defendant:

Brian Murphy, Esquire

Also Present:

Manisha Garner, U.S. Probation Officer
Alexandra Wade, U.S. Pretrial Services Officer
TFO John Sieracki, FBI

Reported by:

Douglas J. Zweizig, RDR, CRR, FCRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

P R O C E E D I N G S

(3:01 p.m.)

THE CLERK: The United States District Court for the District of Maryland is now in session with the Honorable Catherine C. Blake presiding.

THE COURT: Good afternoon. I'll ask the Government to call the case.

MR. WISE: Good afternoon, Your Honor. The case is United States of America versus Ivo Louvado, Criminal Number CCB-20-098.

THE COURT: Thank you.

Defense counsel?

MR. MURPHY: Yes, Your Honor, good afternoon. I'm Brian Murphy on behalf of Mr. Louvado.

THE COURT: All right. Mr. Louvado, can you see and hear me?

THE DEFENDANT: Yes, I can, Your Honor.

THE COURT: All right. Thank you.

All right. We are here, obviously, by videoconference. And, for the record, I need to cover that.

As counsel are aware, under the CARES Act, it is permissible to proceed by way of videoconference for a guilty plea so long as the defendant consents and if certain findings have been made.

The Chief Judge has entered an appropriate order in

1 this regard, and I am finding that the proceeding to be held
2 today cannot be further delayed without serious harm to the
3 interests of justice. This is a matter that has been pending a
4 long time, relatively. Mr. Louvado has reached an agreement
5 with the Government. It's in his interest, as well as the
6 public interest, to resolve this, move this forward, and that
7 would not be possible safely to do in the courthouse for some
8 time because of the current public health situation.

9 So it is my understanding that Mr. Louvado does
10 consent to proceed by way of videoconference.

11 Mr. Murphy, is that correct?

12 **MR. MURPHY:** Your Honor, that is correct.

13 **THE COURT:** All right. Mr. Louvado, that's correct?

14 **THE DEFENDANT:** That is correct, Your Honor.

15 **THE COURT:** All right. Thank you.

16 Another preliminary matter. Very recently Congress
17 passed a law changing Federal Rule of Criminal Procedure 5, and
18 it now requires that in all criminal proceedings, the first
19 scheduled court date when both the prosecution and defense
20 counsel are present, the judge is required to confirm on the
21 record in an oral or written order the prosecution's
22 obligations under *Brady versus Maryland* and its progeny.

23 Ordinarily in the future, that will be done at earlier
24 proceedings in the life of the case, but this is the first time
25 I'm together with counsel in this case since the law changed,

1 so I'm advising you, Mr. Wise, that, as required by Rule 5(f),
2 the Government is ordered to produce all exculpatory evidence
3 to the defendant pursuant to *Brady versus Maryland* and its
4 progeny. Not doing so in a timely manner may result in
5 sanctions, including exclusion of evidence, adverse jury
6 instructions, dismissal of charges, contempt proceedings,
7 vacating a conviction, or disciplinary action against the
8 prosecution.

9 To be clear, this does not impose any new obligation
10 on the Government.

11 But, Mr. Wise, if you would like to confirm for the
12 record that you're aware of your obligations under *Brady* and
13 have complied with them in this case?

14 **MR. WISE:** I am, Your Honor, and I have.

15 **THE COURT:** All right. Thank you.

16 All right, then. We are here for I believe it's both
17 initial appearance and entry of a plea on the charge against
18 Mr. Louvado.

19 So if our courtroom deputy would like to proceed.

20 **THE CLERK:** Thank you, Judge.

21 Mr. Louvado, please raise your right hand. Please
22 unmute your mic first. Thank you.

23 IVO LOUVADO, SWORN.

24 **THE CLERK:** Thank you. You may lower your hand.

25 Please state your name for the record.

1 **THE DEFENDANT:** Ivo Louvado.

2 **THE CLERK:** Mr. Louvado, what is your age?

3 **THE DEFENDANT:** 47 years old.

4 **THE CLERK:** What is the year of your birth?

5 **THE DEFENDANT:** 1973.

6 **THE CLERK:** Has a copy of the criminal information
7 been provided to you?

8 **THE DEFENDANT:** Yes, it has.

9 **THE CLERK:** Have you read the criminal information or
10 has the substance of the charges been explained to you?

11 **THE DEFENDANT:** Yes, they have.

12 **THE CLERK:** And do you understand the charges?

13 **THE DEFENDANT:** Yes, I do.

14 **THE CLERK:** Mr. Murphy, are you satisfied that the
15 defendant understands the charges placed against him?

16 **MR. MURPHY:** I am so satisfied, yes.

17 **THE CLERK:** Mr. Louvado, you have been charged in
18 Count 1 of the criminal information.

19 What is your plea?

20 **THE DEFENDANT:** Guilty.

21 **THE CLERK:** Your plea is guilty as to Count 1 of the
22 criminal information; is that correct?

23 **THE DEFENDANT:** Yes, ma'am.

24 **THE CLERK:** Thank you.

25 **THE COURT:** All right. Thank you.

1 So, Mr. Louvado, what I need to do is to ask you a
2 series of questions just to make sure that you know what you're
3 doing.

4 I'll confirm again for the record that you can see and
5 hear me all right?

6 **THE DEFENDANT:** Yes, I can, Your Honor.

7 **THE COURT:** All right, sir. If you don't understand
8 any of my questions or if you need a chance to talk to your
9 attorney for any reason, just let me know; all right?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** All right, sir. Do you understand you are
12 under oath, so if you knowingly give a false answer to any of
13 my questions, you could be prosecuted for false declaration or
14 perjury?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** All right, sir. How far did you go in
17 school?

18 **THE DEFENDANT:** I received a Bachelor's degree and I'm
19 currently enrolled in school now for my Master's degree.

20 **THE COURT:** I take it you were able to read and
21 understand the charge against you and the plea agreement in
22 this case?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** In the last 24 hours, have you taken any
25 drugs or alcohol or medication of any kind?

1 **THE DEFENDANT:** No, Your Honor.

2 **THE COURT:** Have you had any recent treatment for
3 substance abuse or mental health problems?

4 **THE DEFENDANT:** No.

5 **THE COURT:** Are you having any difficulty
6 understanding what's going on here today?

7 **THE DEFENDANT:** No, I do not.

8 **THE COURT:** Okay. The charge that you're pleading
9 guilty to in the information is making a false statement to a
10 federal agent.

11 Do you understand there are several things that the
12 Government would have to prove beyond a reasonable doubt if the
13 case went to trial? They'd have to prove that on or pretty
14 close to the date that's specified in the information, that you
15 did falsify or conceal or cover up a material fact, an
16 important fact, something relevant to the Government.

17 They'd have to also prove that the fact falsified or
18 concealed or covered up was, as I just said, material.

19 They'd also have to prove that you did this by trick
20 or scheme or device; that you acted knowingly and willfully --
21 wasn't an accident, it wasn't a mistake.

22 And, finally, they'd have to prove that this
23 falsification, concealment, or coverup was with respect to a
24 matter related to something within the jurisdiction of the
25 government of the United States.

1 Do you understand that's what the Government would
2 have to prove if the case went to trial?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Okay. In terms of the possible penalties,
5 not necessarily what you will get, but do you understand there
6 is a maximum sentence under the law of five years in prison, a
7 maximum of three years of supervised release, a maximum fine of
8 \$250,000, and a required \$100 special assessment?

9 Do you understand those penalties?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** All right, sir. I mentioned supervised
12 release. That's a term of years that's imposed to follow
13 whatever prison term you might get.

14 While you're on supervised release, you have to obey
15 the rules and regulations of supervised release, not commit any
16 new offense.

17 If you violate any condition of supervised release,
18 you can get put back in prison for the full term of the
19 supervised release without getting any credit for the time you
20 were out. Even if that somehow meant you spent more time in
21 prison than would otherwise be the maximum, that's how
22 supervised release works. If you violate it, you could go back
23 to jail for the full term.

24 Do you understand that?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** All right, sir. Do you understand that
2 you're subject to what are called the sentencing guidelines
3 that have been issued by the United States Sentencing
4 Commission? They're advisory, but I have to calculate them and
5 take them into account, deciding on a reasonable sentence in
6 your case.

7 And the advisory guideline range depends on a variety
8 of things: the type of the offense, your role in the offense,
9 your criminal record, if you had any, those kinds of things go
10 into deciding what the advisory guideline range is going to be.

11 Do you understand that?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** All right, sir. Do you understand that
14 under the law -- and this may be changed by your plea
15 agreement -- but under the law, if you think I make a mistake
16 deciding on the sentence, you have the right to appeal? And
17 the same is true for the Government. Ordinarily under the law
18 if the Government thinks that I've made a mistake deciding on
19 the sentence, then the Government has the right to appeal.

20 Do you understand that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** All right. Now, when you plead guilty,
23 you are giving up some very important rights. I'm sure you've
24 been over that with your counsel, but I need to go through some
25 of those with you and make sure you're giving them up

1 voluntarily.

2 First of all, because the possible penalty for this
3 charge is more than one year in prison, it's considered a
4 felony. You would have the right to insist that this charge be
5 presented to a grand jury and a grand jury find probable cause
6 to return an indictment against you, and instead we're
7 proceeding by way of an information that's been signed by the
8 U.S. Attorney.

9 Are you aware of your right to insist on a grand jury
10 indictment and are you willing to give that up and proceed
11 today just based on the information?

12 **THE DEFENDANT:** Yes, I am aware, Your Honor, and I
13 agree to proceed based on the information.

14 **THE COURT:** All right. Counsel, is there somewhere a
15 written waiver of indictment that can be made part of the
16 record?

17 **MR. MURPHY:** There is one. We have exchanged e-mails
18 with this, and he -- Mr. Louvado e-mailed it back to me. I
19 just can't open it correctly. It's coming out as half a sheet.
20 So I will, as soon as humanly possible, correct that and send
21 it in to the court.

22 **THE COURT:** All right. Thanks. We can follow up and
23 get that on the record later.

24 Okay. Mr. Louvado, do you understand you have a right
25 to plead not guilty to this charge?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** Do you understand you have a right to a
3 trial by a jury?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Do you understand if you were willing to
6 give up your right to a trial by a jury, and if the Government
7 also was willing to give up its right to a trial by a jury, you
8 could be tried just by a United States District Judge, you
9 could have a judge trial without a jury?

10 Do you understand that?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** Do you understand if you went to trial,
13 you would continue to have the right to be represented by
14 counsel just as you are now? He would stick with you, and at
15 any point or so long as you cannot afford a lawyer, then one is
16 appointed to represent you at the Government's expense.

17 Do you understand that?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** All right, sir. Do you understand that if
20 you went to trial, you would be presumed innocent, the burden
21 would be on the Government to prove your guilt beyond a
22 reasonable doubt?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** All right, sir. Do you understand that if
25 you went to trial, you or your attorney would have the right to

1 cross-examine; in other words, he could ask questions of any
2 witness who testified against you? And if you went to trial,
3 you would have the right to make people come in and testify on
4 your behalf. If someone had some helpful evidence to give for
5 you, you could have a summons or a subpoena issued to make them
6 come in and testify.

7 Do you understand that?

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** All right, sir.

10 Do you understand that if you went to trial, you
11 personally would have the right to take the witness stand and
12 testify if you wanted to; but if you did not want to testify
13 for whatever reason, no one could force you or make you
14 testify?

15 Do you understand that?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** All right, sir. Do you understand if you
18 decided not to testify, for whatever reason, no one, including
19 the jury, could hold that against you in any way, they could
20 not decide anything bad about your case or specifically that
21 you were guilty just because you decided not to testify?

22 Do you understand that?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** All right. Do you understand if you were
25 tried by a jury, in order for you to be convicted, the jury's

1 verdict would have to be unanimous, there would be 12 jurors,
2 they would all have to agree that you had been proved guilty
3 beyond a reasonable doubt?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Do you understand that when you plead
6 guilty, you are giving up each and every one of those rights,
7 there will be no further trial of any kind, and you will be
8 sentenced based on your guilty plea?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** All right, sir. Finally, do you
11 understand that when you plead guilty, you're giving up your
12 right to try to suppress any statements you might have made,
13 keep something out of evidence that might have been taken from
14 you, pretrial motions; in other words, any defense that you
15 might have to this charge, you give it up when you plead
16 guilty.

17 Do you understand that?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** All right, sir. I do have in front of me
20 a plea agreement. It's January 7th of 2020, addressed to
21 Mr. Murphy. It does appear to have your signature at the end.

22 Did you read and sign this letter, Mr. Louvado?

23 **THE DEFENDANT:** I did, Your Honor.

24 **THE COURT:** All right. And it appears to me that you
25 have a copy of it in front of you; is that correct?

1 **THE DEFENDANT:** That is correct, Your Honor.

2 **THE COURT:** Okay. Directly above your signature, it
3 says, "I have read this agreement, including the sealed
4 supplement, and carefully reviewed every part of it with my
5 attorney. I understand it and I voluntarily agree to it.
6 Specifically, I have reviewed the factual and advisory
7 guideline stipulation with my attorney, and I do not wish to
8 change any part of it. I am completely satisfied with the
9 representation of my attorney."

10 Is that all correct, sir?

11 **THE DEFENDANT:** That is correct, Your Honor.

12 **THE COURT:** All right. And specifically regarding the
13 representation that Mr. Murphy has been providing to you, is
14 there anything you think he should have done that he hasn't
15 done or anything else you need to ask him about right now?

16 **THE DEFENDANT:** No, Your Honor.

17 **THE COURT:** Well, if we can go back to the beginning
18 of the agreement, I'm going to just summarize it with you.

19 First, let me ask whether anyone has used any force or
20 made any threats against you or against anyone else to get you
21 to enter into this plea?

22 **THE DEFENDANT:** No, Your Honor.

23 **THE COURT:** Okay. So the letter says you're giving up
24 an indictment. You're pleading guilty to a one-count
25 information, the charge is making false statements to federal

1 agents.

2 Paragraph 2 tells you what the Government would have
3 to prove if the case went to trial; we talked about that.

4 Paragraph 3 talks about the possible penalties, and we
5 discussed that.

6 Paragraph 4 talks about the rights you're giving up by
7 pleading guilty, which may include certain valuable
8 civil rights. And if you were not a U.S. citizen, you might be
9 subject to deportation or other loss of immigration status.

10 Paragraph 5 says you understand I have to determine an
11 advisory guideline range and take it into account in connection
12 with sentencing.

13 Paragraph 6 refers to a stipulation of facts. So
14 there is an Attachment A, a stipulation of facts at the end of
15 the agreement, which also appears to have your signature.

16 You read and signed that as well, Mr. Louvado?

17 **THE DEFENDANT:** Yes, I did, Your Honor.

18 **THE COURT:** Okay. I'm not going to read it word for
19 word, but let me summarize.

20 It discusses the Baltimore Police Department and the
21 Law Enforcement Officers' Code and indicates that you joined
22 the BPD in November of 1999. You were promoted to Detective in
23 2008.

24 In February of 2009, you were serving on a squad with
25 a number of other people, generally identified by initials.

1 You were told that some others in that group had
2 gotten information about a large-scale narcotics trafficker
3 operating out of a residence in the 1400 block of
4 Ellamont Street in Baltimore.

5 February 19th, 2009, you and others conducted
6 surveillance in that block, targeting a certain person.

7 There was reason to go into the residence and others
8 in the squad got a search warrant.

9 You did participate in the search of the residence,
10 took some photographs, including a picture of a jacket with a
11 large amount of cash.

12 In the house, officers found car keys that alarmed a
13 pickup truck nearby. You had not seen that truck before,
14 weren't aware of its existence. You and other officers went to
15 that pickup truck. There was a very significant quantity of
16 cocaine found.

17 You and others waited with that until a SWAT team
18 arrived to provide protection. That cocaine was loaded into a
19 BPD surveillance van to be taken to headquarters.

20 You followed the SWAT team to headquarters to maintain
21 chain of custody, and 41 kilos of cocaine were turned in to the
22 BPD evidence control unit on February 20th of 2009.

23 The individual involved with those drugs was charged
24 in a criminal complaint in federal court.

25 Later, you and two others discovered three additional

1 kilos of cocaine in that van that had been used to transport
2 the cocaine to BPD, and those kilos had come from that seizure
3 out of the pickup truck but were not turned in to BPD on
4 February 20th of 2009. And you and two others agreed to sell
5 it and split the proceeds.

6 Another individual actually sold it. It was sold.
7 The cocaine was sold in Baltimore City. Proceeds were shared.
8 And you did receive \$10,000 in drug proceeds from that cocaine.

9 On February 9th of 2012, you became a federal task
10 force officer with the Bureau of Alcohol, Tobacco, Firearms and
11 Explosives. You knew it was a crime to provide false
12 information or conceal or cover up material facts during
13 voluntary interviews with federal law enforcement.

14 On March 1st of 2017, seven members of the
15 Gun Trace Task Force, BPD, were arrested on federal
16 racketeering charges, and the FBI continued to investigate
17 misconduct.

18 It says that on May 30th of 2018, you agreed to
19 participate in a voluntary interview with FBI agents. You were
20 questioned about the seizure of that cocaine on February 19th
21 and 20th, 2009, and in the interview, you did knowingly
22 falsify, conceal, and cover up material facts, specifically
23 that you and two other officers had split the proceeds from the
24 sale of three of the kilos of cocaine that had been seized by
25 the BPD.

1 You knew the FBI was investigating police corruption
2 at the time and you were being questioned about the seizures
3 that day to determine if police misconduct had occurred. So
4 you did know that your conduct was unlawful.

5 So my question, Mr. Louvado, is just whether you agree
6 that that statement of facts is correct and you did what it
7 says in there you did?

8 **THE DEFENDANT:** Yes, I did, Your Honor.

9 **THE COURT:** All right, sir. So you do agree you're
10 guilty of this offense?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **MR. MURPHY:** Your Honor, can I butt in real quick?

13 **THE COURT:** Sure.

14 **MR. MURPHY:** There is one slight correction. I think
15 Mr. Wise and I discussed this a long time ago.

16 **THE COURT:** Ah.

17 **MR. MURPHY:** And that would be Paragraph 16, one of
18 the dates -- it says Paragraph 16 on February 9th, 2012,
19 Louvado became a federal task force officer. I think the
20 actual date was January of 2010.

21 I think that's correct, Mr. Louvado. Is that right?

22 **THE DEFENDANT:** That is correct. And I apologize, I
23 didn't read through that again. That is correct.

24 **MR. MURPHY:** And I think, Mr. Wise, we spoke about
25 that, but rather than change it again on the plea agreement

1 that was going back and forth, we said we could do it here at
2 this point.

3 **THE COURT:** Sure.

4 **MR. MURPHY:** And Mr. Wise is there somewhere.

5 **THE COURT:** Mr. Wise, does that sound okay to you,
6 Mr. Wise, January 2010 instead of February 2012?

7 **MR. WISE:** It's certainly fine with me if that's the
8 accurate date. I honestly candidly don't remember talking
9 about whether that date was accurate or not, but I'm confident
10 if Mr. Murphy says it was earlier, it was earlier.

11 **THE COURT:** Okay. All right.

12 So other than that one correction, the statement of
13 facts is accurate. That's fine.

14 Going back to the letter in Paragraph 6, based on
15 those facts, Mr. Louvado, you have an agreement with the
16 Government about the guidelines.

17 There is an offense level of 6 to start out with, an
18 increase of two for abuse of a position of trust, so that's a
19 total of eight. The Government is not going to oppose a
20 two-level downward adjustment for your timely acceptance of
21 responsibility as long as there is no violation of the plea
22 agreement between now and sentencing, so that would be an
23 offense level of 6.

24 There is no specific agreement about your criminal
25 history, no disagreements about the guidelines.

1 Paragraph 9 says that at the time of sentencing, both
2 the Government and the defense can argue for whatever you think
3 is a reasonable sentence, whatever any of you thinks is a
4 reasonable sentence, and both sides can give me any information
5 that would be helpful for me to make a decision about what is a
6 reasonable sentence.

7 It says that at the time of sentencing, the office
8 will move to dismiss any open counts, but in this instance
9 there are no open counts; is that correct?

10 **MR. WISE:** That's correct, Your Honor, it's a
11 single-count information.

12 **THE COURT:** Yes. Okay.

13 Paragraph 10 relates to appeal rights.

14 So, first of all, Mr. Louvado, it says that you're
15 giving up your right to appeal your conviction. In other
16 words, your guilty plea today is your conviction of this false
17 statement charge, and you're giving up your right to appeal
18 that.

19 Both you and the Government are also giving up that
20 right that I previously mentioned to appeal the sentence.

21 Then it says you're giving up your rights under the
22 Freedom of Information Act. That just means you won't be
23 asking for more documents about the case.

24 Paragraph 13, which appears to be slightly out of
25 order, Paragraph 13 says that if you were to violate the plea

1 agreement in some way between now and sentencing, if the
2 Government proved that to me, they would be free of their
3 obligations to you and you could not necessarily withdraw your
4 guilty plea.

5 Paragraph 11 tells you the Court is not a party to the
6 agreement; in other words, I didn't sign the letter. I have an
7 independent responsibility, with the help of the presentence
8 report, to decide what the guideline range is, what the facts
9 are, what a reasonable sentence is. I don't have to accept the
10 U.S. Attorney's recommendation. I don't have to accept your
11 counsel's recommendation. And if I don't, that doesn't mean
12 that you get to withdraw your plea.

13 And then it says that that's the complete plea
14 agreement in this case.

15 So, in other words, nobody can make you an absolutely
16 binding promise of what the sentence is going to be.

17 All right. So that was a summary of the plea
18 agreement. Anything that needs to be added, modified, changed,
19 Mr. Murphy?

20 **MR. MURPHY:** I have nothing.

21 **THE COURT:** Mr. Wise?

22 **MR. WISE:** No, Your Honor, nothing from the
23 United States.

24 **THE COURT:** Most important, Mr. Louvado, I didn't read
25 that word for word, but as far as you're concerned, was that a

1 correct summary of what you think your agreement with the
2 Government is?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Okay. Let me ask it another way: Is
5 there anything else that's been promised to you, any reward,
6 any benefit, anything you expect to get in exchange for your
7 guilty plea besides what's in the letter?

8 **THE DEFENDANT:** No, Your Honor.

9 **THE COURT:** All right. Counsel, anything else that
10 needs to be put on the record before I make a finding?

11 **MR. WISE:** Not from the United States, Your Honor.

12 Thank you.

13 **MR. MURPHY:** And nothing from the defense, Your Honor.

14 **THE COURT:** All right. Thank you.

15 Mr. Louvado, do you have any questions at all about
16 your guilty plea or the terms of your plea agreement?

17 **THE DEFENDANT:** No, I do not, Your Honor.

18 **THE COURT:** All right. Thank you, sir.

19 Conference at the bench.

20 (It is the policy of this court that every guilty plea and
21 sentencing proceeding include a bench conference concerning
22 whether the defendant is or is not cooperating.)

23 **THE COURT:** Based on the answers that you've given me
24 and what counsel have said and reviewing the record, I'm going
25 to find that you're competent to enter this plea.

1 I believe you understand the charge against you and
2 the penalties you're subject to.

3 I'll find that you understand the rights you're giving
4 up by pleading guilty, that you're doing this voluntarily, and
5 that there is a factual basis for your entry of the plea, so
6 I'm accepting your plea of guilty to this one-count
7 information.

8 Now, a couple of things.

9 I will be issuing a regular sentencing order. It will
10 have "sentencing date to be determined" simply because it's
11 hard to schedule things these days. We have to coordinate with
12 a lot of people. It will probably be a couple of months down
13 the road.

14 Again, this is Mr. Louvado's first appearance here. I
15 have a pretrial services report.

16 Have you reviewed the pretrial services report also?

17 **MR. MURPHY:** Your Honor, I don't know whether it's me
18 or your -- you faded a bit there.

19 **THE COURT:** Okay. Well, I'm glad we made it this far.

20 Can you hear me now?

21 **MR. MURPHY:** I can.

22 **THE COURT:** Okay. I was asking about the pretrial
23 services report, have you seen that?

24 **MR. MURPHY:** I have.

25 **THE COURT:** Okay. It appears to recommend that

1 Mr. Louvado be released. The only conditions would be
2 reporting as directed to Pretrial Services, avoiding any
3 contact with any co-defendants or persons who might be a
4 witness, and not possessing any firearm, destructive device, or
5 other dangerous weapon.

6 Have I, first of all, correctly summarized, from the
7 Pretrial Services Officer's point of view, what the conditions
8 should be?

9 **PRETRIAL SERVICES OFFICER:** Yes, Your Honor.

10 **THE COURT:** All right. Is that satisfactory to
11 everyone? Mr. Murphy?

12 **MR. MURPHY:** It is.

13 **THE COURT:** Okay. And Mr. Wise?

14 **MR. WISE:** Yes, Your Honor, it is.

15 **THE COURT:** Okay. We'll have to get the order
16 actually sort of put into writing, if you will.

17 But, Mr. Louvado, do you understand that you will be
18 released on conditions? The most important one is that you
19 show up for any court proceeding as scheduled and surrender to
20 serve any sentence that might be imposed.

21 You will be just needing to report to Pretrial
22 Services as directed. Again, not possess any firearm or
23 destructive device and not be in contact with any witness or
24 someone that might be considered a co-defendant.

25 I need to advise you that if you violate any condition

1 of pretrial release, you can get prosecuted for contempt of
2 court. You could get detained. If you commit some new offense
3 while you're on pretrial release, you can get an additional
4 jail term and a sentence for that.

5 Again, the most important thing you're agreeing to is
6 just to show up for court proceedings and surrender to serve
7 any sentence that might be imposed.

8 Again, we'll get a written version so that that can be
9 appropriately signed at some point and entered into the record.

10 But do you understand those conditions, Mr. Louvado?

11 **THE DEFENDANT:** Yes, I do, Your Honor.

12 **THE COURT:** All right. And you agree to abide by
13 them?

14 **THE DEFENDANT:** Yes, I do, Your Honor.

15 **THE COURT:** Okay. I'm assuming that at some point
16 also Mr. Louvado may need to -- I don't know how that's being
17 managed these days -- reporting to the marshal, being
18 processed. Not turning himself in or anything, but I will
19 leave that up to the Pretrial Services Officer who maybe knows
20 how that works.

21 **PRETRIAL SERVICES OFFICER:** Yes, Your Honor.

22 Mr. Louvado would be expected to report to the Marshals Service
23 within five business days of today for processing.

24 **THE COURT:** Okay. All right. And that's great. I
25 will leave it to the Pretrial Services officer and . . .

1 **THE COURT REPORTER:** Your Honor, I'm sorry, you're
2 frozen.

3 **THE COURT:** I just said I will leave it to the
4 Pretrial Services Officer and counsel to get that taken care
5 of.

6 **MR. MURPHY:** Yes.

7 **THE COURT:** And I think we can probably adjourn,
8 particularly if I'm freezing again.

9 Anything else?

10 **MR. MURPHY:** Nothing from the defense.

11 **MR. WISE:** Not from the United States, Your Honor.

12 Thank you.

13 **THE COURT:** Okay.

14 **THE CLERK:** Thank you, Judge.

15 This honorable court is adjourned.

16 **THE COURT:** Thank you.

17 (Court adjourned at 3:34 p.m.)

18 I, Douglas J. Zweizig, RDR, CRR, FCRR, do hereby certify
19 that the foregoing is a correct transcript from the
20 stenographic record of proceedings in the above-entitled
21 matter.

22 _____/s/_____

23 Douglas J. Zweizig, RDR, CRR, FCRR
24 Registered Diplomate Reporter
 Certified Realtime Reporter
25 Federal Official Court Reporter
 DATE: September 2, 2021

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