

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION

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| 3 | UNITED STATES OF AMERICA, |) | |
| 4 | |) | |
| 5 | Plaintiff, |) | |
| 6 | vs. |) | |
| 7 | |) | CRIMINAL NO.: CCB-20-0098 |
| 8 | IVO LOUVADO, |) | (Via Zoom) |
| 9 | |) | |
| 10 | Defendant. |) | |
| 11 | |) | |
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Transcript of Proceedings
Before the Honorable Catherine C. Blake
Monday, February 8th, 2021
Baltimore, Maryland

For the Plaintiff:

Leo J. Wise, AUSA

For the Defendant:

Brian Murphy, Esquire

Also Present: Aaron Wonneman, U.S. Probation

Christine T. Asif, RPR, 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

1 THE COURT: Good afternoon, everyone.

2 I'm going to ask the government counsel to call the
3 case.
4

5 MR. WISE: Good afternoon, Your Honor. Leo Wise
6 appearing for the United States. And the case is United
7 States of America versus Ivo Louvado, criminal number
8 20-98-CCB.

9 THE COURT: All right. Thank you.

10 And defense counsel?

11 MR. MURPHY: Yes, Your Honor. Good afternoon.
12 Brian Murphy on behalf of Mr. Louvado.

13 THE COURT: All right. And Mr. Louvado is here.
14 Can you hear me and see me, sir?

15 THE DEFENDANT: Yes, I can, Your Honor.

16 THE COURT: All right. Thank you.

17 All right. And of course, we're here with various
18 other court personnel.

19 Let me start by addressing the fact that we are
20 proceeding by way of video conference. This is permitted
21 under what's called the Cares Act during this Corona Virus
22 public health pandemic, so long as the defendant consents,
23 provided the chief judge has made certain findings, which he
24 has, and that I make a finding that this particular proceeding
25 cannot be further delayed without serious harm to the

1 interests of justice.

2 And I am making that finding. Mr. Louvado, of
3 course, entered his plea several months ago. He's ready to
4 proceed with sentencing to move on with that. The government
5 is as well. That is certainly in the public interest, as well
6 as Mr. Louvado's interest to resolve this matter and move
7 ahead. And it would not be possible for some significant
8 period of time still, most likely in person, because of the
9 public safety issue. So I do believe the Cares Act is
10 satisfied.

11 But, Mr. Murphy, if you could confirm that?

12 MR. MURPHY: Yes, Your Honor. He does so consent.

13 THE COURT: Okay. Is that correct, Mr. Louvado,
14 you're willing to proceed by video conference today?

15 THE DEFENDANT: Yes, it is, Your Honor.

16 THE COURT: All right. Thank you.

17 All right. Well, as indicated, of course we're here
18 on Mr. Louvado's guilty plea, a one-count information of
19 making false statements to a federal agent. This occurred
20 back in May of 2018. As counsel know, I need to address the
21 presentence report and the advisory guideline calculation. So
22 I'll start with the presentence report.

23 Mr. Wise, any additions, corrections or
24 modifications?

25 MR. WISE: No, Your Honor. Thank you.

1 THE COURT: Okay. And, Mr. Murphy, I know that you
2 have reviewed the presentence report. Just for the record,
3 can you tell me that your client has had a chance to review it
4 and discuss it with you?

5 MR. MURPHY: He has and we have discussed it.

6 THE COURT: All right. Any additions, corrections
7 or modifications to the current version of the presentence
8 report?

9 MR. MURPHY: I have none.

10 THE COURT: Okay. All right. Thank you.

11 As counsel also know, the advisory guideline range
12 is just one of the factors that I have to consider, but it
13 appears to be correctly calculated as follows in the
14 presentence report.

15 This particular offense has a base offense level of
16 a 6. There's an increase of two because Mr. Louvado did abuse
17 a position of trust in regard to this offense. Then a
18 decrease of two for his timely acceptance of responsibility.
19 So we have an offense level of 6. Criminal History Category
20 is a I. The guideline range is from zero to six months.

21 As I've said, that is only one factor. I have
22 reviewed a sentencing memo in this case. I will move toward
23 asking counsel to give me their specific recommendations,
24 taking into account all the factors under 3553(a).

25 And I will, as usual, start with the government,

1 Mr. Wise.

2 MR. WISE: Thank you, Your Honor. United States
3 filed a sentencing memorandum indicating that it intended to
4 ask for a 24-month sentence. In light of the fact that the
5 conduct in this case was not reflected in the guidelines
6 calculation, we made a similar argument in the sentencing of
7 this defendant's co-defendant, Victor Rivera, several weeks
8 ago. In light of the Court's sentence of 14 months, we would
9 request the same sentence for Mr. Louvado, who we believe is
10 equally culpable with Mr. Rivera for reasons that we will --
11 that I'll -- that I'll mention in a moment.

12 In Ivo Louvado's 21-year career with the BPD, ten of
13 which he spent as a federal Task Force Officer, he faced two
14 critical tests of his integrity and he failed both of them.
15 The first occurred in 2009 when he and two other detectives,
16 including Rivera, discovered three kilograms of cocaine that
17 should have been turned in to the BPD's Evidence Control Unit,
18 but, because of a mistake, hadn't been.

19 And so instead of turning them in, these three
20 defendants agreed, and that's the key word, they agreed among
21 them that they would take them, that they would bring them to
22 a drug dealer, and that that drug dealer would sell them back
23 onto the same streets that they were policing, and that they
24 would then share the proceeds of those drug sales.

25 And these three men agreed to do this because of

1 greed. And that's -- that's the simple fact that all of them
2 have to and have, at various points, tried to confront and
3 come to grips with. If they had been afraid that the case
4 might have gotten dismissed, for instance, by this sort of
5 sloppy police work, or that they might have gotten
6 disciplined, then they could have just thrown the drugs away.

7 Your Honor heard in the Gun Trace Task Force trial,
8 this was news to me, but police officers throw drugs out the
9 window driving down the Jones Falls expressway to avoid the
10 paperwork. There was sworn testimony to that effect. And if
11 you think about it, nothing would have been easier than to
12 have slipped this backpack into a garbage can and moved on.
13 But that's not what they chose to do and -- because they
14 wanted to make money from it.

15 And what they did choose to do was actually very,
16 very risky in the sense that they decided to sell them through
17 an informant. And an informant, by definition, tells law
18 enforcement about criminal conduct. And so even that didn't
19 deter them. Even the possibility that this informant would
20 have this hanging over them, really forever, didn't keep them
21 in line or keep them from doing this.

22 And as I said at Mr. Rivera's sentencing, they
23 almost got away with it. They almost got away with it. And
24 this brings us to the second time Ivo Louvado showed no
25 integrity, and that's when the FBI approached him, when, after

1 they'd learned about this episode and were looking, quite
2 genuinely, for this officer to tell the truth. And that's
3 what they were asking.

4 And the statute of limitations had run by this point
5 on the drug sale. And really, all he had to do was either
6 tell them he didn't want to talk to them or tell them the
7 truth. And instead, he chose to lie to them. And that's the
8 second time, when tested, he showed a real lack of integrity.

9 And his lie, which came before Mr. Rivera's,
10 effectively stymied the investigation for quite some time.
11 And that's why lying to federal law enforcement is -- is
12 powerful and it has real consequences. It was only later,
13 when there was an unrelated break in the investigation, that
14 we were able to figure out what happened and what role Mr.
15 Louvado played and Mr. Rivera played. And so we were able to
16 overcome the effects of his lie, and they didn't enable him
17 and Rivera to get away with it, ultimately, in the end.

18 Stepping back and looking at the underlying conduct,
19 as I said at Rivera's sentencing and at other sentencing where
20 this has been an issue, a police officer selling drugs is
21 shocking. It's a shocking breach of public trust and an
22 appalling abuse of the authority our society endows police
23 officers with.

24 And to be clear, Louvado didn't just turn a blind
25 eye. He didn't tell Gladstone and Rivera that he wouldn't

1 turn them in. He didn't just go along with it. He agreed
2 that what they would do was sell it and split the proceeds.
3 And that's -- it's hard to imagine a worse breach of the trust
4 that was placed in him.

5 This case is the fourteenth sentencing Your Honor
6 has seen of a police officer in this investigation, and after
7 14 officers, the need for deterrence remains strong. This
8 wasn't an isolated incident at the BPD. This wasn't a single
9 bad decision by a single officer. It is part of that larger
10 context.

11 And, Your Honor, what we have seen, of course, is
12 that this conduct, kinds of corrupt conduct we saw, has really
13 metastasized throughout the BPD. It wasn't isolated in the
14 officers around Wayne Jenkins or in just the Gun Trace Task
15 Force. We're now in a kind of, you know, if it's a -- if it's
16 circles radiating outward from the center, we're -- we're now
17 prosecuting officers that are multiple steps removed from the
18 genesis of this investigation, and we're finding bad conduct.

19 And so it is in some ways more important than ever
20 that sentencings like this take the opportunity, as Your Honor
21 said at the Rivera sentencing, to send a message that this
22 conduct cannot, cannot continue.

23 And so for all those reasons, we would ask for 14
24 months of incarceration for this defendant.

25 Thank you.

1 THE COURT: Thank you, Mr. Wise. Appreciate it.
2 Mr. Murphy.

3 MR. MURPHY: Yes, Your Honor. I'll start with the
4 guidelines, which are very clear. They're as low as they
5 possibly could be in a federal case, based upon the offense
6 and his lack of any record whatsoever, zero months to six
7 months. I would note that the presentence report recommends
8 the top of the guidelines, which are six months. And of
9 course, Mr. Wise is asking for four times the top of the
10 guidelines. Now, he has his reasons, and, you know, he's made
11 them very clear, but I think this Court should, and I know
12 will, follow the dictates of 18, U.S.C., 3553. And each
13 sentencing is an individualized decision.

14 Now, Mr. Wise makes his argument, and who can fault
15 him, you know, from the outside looking in, that his argument
16 should be that you have to send a message in this case. His
17 sentence memorandum sort of tracks what he just finished
18 saying. And his focus is on some of the 3553 factors. And
19 most particularly, I guess they're all kind of lumped into one
20 of the three subsections, and that's the factor that says
21 there should be just punishment, there should be deterrence,
22 general deterrence, and there should be a sentence that
23 promotes respect for the law.

24 Certainly, 24 months to somebody with no record
25 whatsoever who, other than this particular conduct, which I am

1 not minimizing or sugarcoating, has led an exemplary life,
2 would send that message out. But I don't think that's this
3 Court's total job. This Court has to look at the other
4 factors in 3553 to see if -- what is enough, is sufficient,
5 but not more than necessary, to do all of those things as to
6 this particular defendant.

7 And what that really involves is the Court looking
8 at two things: Who is this defendant exactly, and then what
9 exactly did this defendant do?

10 Now, starting with the first part. He's 47 years
11 old, and but for the conduct in this case, which, again, I'm
12 not in any way sugarcoating or excusing, he has led an
13 exemplary life. There's no evidence whatsoever that before
14 this happened or after this happened, he did anything wrong at
15 all.

16 As a part of his exemplary life, he was a Baltimore
17 police officer and -- for almost 21 years. And again, but for
18 this conduct, which really cannot be excused, he was a good
19 cop. He had the toughest assignments. The various task
20 force -- the task forces, narcotics. He -- he solved crimes
21 involving the biggest drug dealers, some of the most violent
22 gangs. And by all accounts he was very good at his job.

23 This Court has possession of a resume that I
24 attached to my sentencing memorandum. I filed it under seal
25 just so that -- you know, there's a lot of personal things in

1 there. But you can read through that. He went through the
2 police department. He always got a better and more important
3 assignment, a lot of undercover things like that. He did
4 well. He was commended by various bodies, and, you know, he
5 was simply a good cop.

6 Now, he did do this thing. And that's the giant
7 elephant in the room. The crime of conviction, of course, is
8 giving a false statement, which he did. He was called in, he
9 sat down and, you know, one might argue, as when I did my
10 research for this case -- this is nothing to do with
11 Mr. Louvado, his conscience and what he wanted to do. But in
12 doing my research and looking at the 302s and exactly what he
13 said to the FBI and the questions they asked him, one could
14 argue, which we didn't argue or are not now arguing really,
15 that he answered the questions that were presented truthfully.
16 He was asked about whether or not money was stolen during the
17 Trenell Murphy raid, and as far as he knew, money wasn't
18 stolen, and he answered that way.

19 Now, obviously, that's not the full truth. Somebody
20 who wanted to clear the air and get things off their chest,
21 knew that they were being brought in there to talk about
22 something that the police thought was awry in this big raid.
23 And he didn't -- he didn't tell the full story. There's no
24 question about that.

25 And I will tell the Court that since that happened,

1 and actually probably since the original conduct happened, he
2 has had a moral quandary bigger than probably any client I've
3 ever represented in my life. He knew he did wrong. He had to
4 live with it. He didn't know what to do.

5 He -- clearly, the thing to do would have been to
6 turn himself in, because that's what he would have been doing.
7 He couldn't just tell his sergeant because -- and the Court
8 knows from the many cases the Court has been involved in,
9 that, you know, everyone uses the term "a culture of
10 corruption" and so on and so forth, and that's -- that's not a
11 trite hackneyed phrase. I mean, that -- that is true.

12 Other than turning yourself in for committing a
13 crime, there's nobody just to speak to and say, you know what,
14 these guys and me did something wrong. And he didn't do that.
15 He just didn't do that. When the time came for him to
16 actually be confronted with the direct question, he answered
17 that direct question and thus he stands before this Court
18 being sentenced.

19 Anyhow, beyond that, besides his stellar life, his
20 very good and stellar career, he is married. He has two
21 children. He has a 19-year-old by his first wife, from whom
22 he is divorced, who is out on her own. He has a 12-year-old
23 son who lives with him and his wife. He is the sole support
24 of his wife and his 12-year-old son. She was working for the
25 state. Because of a -- sort of a harassment thing against her

1 by somebody in her agency, she left employment and she does
2 not now work.

3 He supports them through two ways, number one, the
4 pension that he got from retiring. And secondly, he works at
5 Home Depot. He is, I'm sure, quite overqualified to work at
6 Home Depot. It's not a small, entry-level position, but of
7 course, it's not a college-educated, former law enforcement
8 position either. He's in a very tough spot as far as getting
9 employment because of this case, that he put himself into, but
10 he has that job. It's a good job. It pays the bills. And he
11 would like to be able to keep it.

12 The Court has his financials that are attached to
13 the presentence report. You'll note that he is -- I have the
14 figure somewhere, but he's -- he's \$128 a month in the hole.
15 And these are not extravagant expenses. This is a mortgage on
16 a house, transportation, food, things like that, car payments,
17 insurance. You know, even right now with him working and no
18 one else working, he's \$128 down below, which is pretty
19 clearly why he qualified for a CJA attorney.

20 Now, he is also, as you know from my memorandum as
21 well as by the presentence report, he's going to University of
22 Baltimore for graduate school in psychology. He is not
23 content simply to let this extreme error in judgment leading
24 to criminal conduct just destroy his life. Although it has
25 largely nearly destroyed his life, he is trying to move on as

1 best he can, after paying his debt. And he has taken
2 psychology courses toward a graduate degree in industrial
3 psychology. He hopes one day to be able to get that degree
4 and to use it for the greater good.

5 Now, looking beyond who he is to what did he do, and
6 again, there's nothing I'm going to say here that's excusing
7 what he did, and he would not want me to do that, but I think
8 he could be described as somebody who did what he did, but I
9 would assert to the Court, there may be a factual dispute
10 between Mr. Wise and I as to exactly what his role in this
11 underlying conduct was, but I would tell you that this is the
12 only time that he did something wrong. There's no evidence
13 that anything else happened.

14 He was with a -- Victor Rivera, who had really no
15 problem, it seems, looting this cocaine that wasn't turned in
16 to an informant of his to be sold on the street and to get the
17 proceeds back. It wasn't Mr. Louvado's informant. It was
18 Victor Rivera's informant. And if that informant of Victor
19 Rivera hadn't worked out, according to what I know, it would
20 have been another informant or some acquaintance of
21 Mr. Gladstone, not Mr. Louvado.

22 Now, does that exculpate him from any criminal
23 conduct? Of course not. I mean, everyone knows that the
24 lookouts in a robbery is as guilty as the person who goes in
25 the bank. And, you know, it doesn't matter as far as your

1 guilt of the offense. But I think it does matter, however, as
2 to what your sentence ultimately would be. Now, Mr. Wise may
3 dispute, and he may say every single one of the three was
4 equally as guilty as the other, but I think the Court can read
5 between the lines as to whose informant it was, and who sold
6 it to the informant, and so on. So I think that should be a
7 factor this Court would take into account in imposing
8 sentence.

9 He clearly dug himself into the hole of criminal
10 conduct when he accepted money that was gotten through
11 reselling the drugs on the street. There's no -- there's no
12 way to defend that, of course, and I'm not defending that.
13 Whether that was the original intent of him or whether it
14 wasn't, but he certainly did get involved in it then. I don't
15 know that it matters tremendously, insofar as criminal
16 conduct, which way it happened. He took the money.

17 And I will tell the Court -- and again, I don't
18 think this is disputed. I know the FBI and -- during one of
19 the interviews got into a back-and-forth as to, you know,
20 where is the money, and there was some evidence that they
21 thought he had bought something with it. But the bottom line
22 is this: He gave the money away.

23 Now, certainly, that sort of atonement doesn't
24 insulate you from the crime you already committed, but I'll
25 tell the Court he did not profit really from this. He really

1 didn't. And what happened was he -- and I can tell you this.
2 He led and had many, many sleepless nights, you know, probably
3 almost nightmares to the point where he is undergoing
4 counseling now. And he started I guess right around the time
5 when, you know, this -- his second interview where he told the
6 truth.

7 You know, this is a big burden on him, as the Court
8 may imagine. To him it's a dissent, if you will, into conduct
9 that was unlike anything he had ever done before or since. He
10 tried to atone by giving the money away. Obviously, that's
11 not going to undo it. And like a bad dream, it came back to
12 haunt him and here we are today.

13 Insofar as not the underlying conduct, but the
14 actual conduct of conviction here, I explained already what he
15 didn't say, what he did say. I think if you compare, in a
16 proportionality review, his lie, you know, the actual offense
17 you're going to be sentencing on, compared to Rivera's -- and
18 I listened to Mr. Rivera's sentencing, as a -- I think any
19 good lawyer should do, on the public access line, and Mr. Wise
20 was very -- pointed out that Mr. Rivera lied 18 times. You
21 know, they -- they knew what they had then. The police knew,
22 the FBI did, and they set him up pretty well, as Mr. Louvado
23 was trying to do to Mr. Rivera. But they knew if they asked
24 certain questions they would get a lie, and they did their job
25 well and I guess they got 18 lies.

1 Not so much with what Mr. Louvado did. It was not
2 the full truth. It was a lie. But it wasn't this repeated,
3 repeated, repeated, repeated lie. So I ask the Court to take
4 that into account when fashioning a sentence.

5 Now, you know, it's always been a -- sort of a
6 quandary of mine as to, in the federal court, the state court,
7 any court you go to, what's the magic number of months or
8 years that makes a sentence appropriate. And, you know, it's
9 kind of like the concept of money for pain and suffering in a
10 civil case. How do you put a value on that? You know, why is
11 one case worth \$10,000? Why is another worth \$487,000? I
12 don't know.

13 And again, when you get to criminal sentences,
14 certain kind of sentences, you can figure, well, that's --
15 that's appropriate. You have a very dangerous person who
16 killed several people, and who is likely to do it again, you
17 give them life in prison, because they should just not get out
18 again.

19 You have somebody who maybe commits an armed robbery
20 or maybe a serious sexual offense, and they're 25 years old
21 and a lot of what they do is because of their youthful
22 indiscretion and their hormones ranging or whatever, you want
23 to lock them up for -- until they get over that. So you may
24 want to give that person 15 years, 20 years. So those kinds
25 of numbers make sense.

1 When you get down to where we are now, which is
2 what's appropriate here, two months, six months, no months,
3 eight months, 15 months? I really don't know how you arrive
4 at that in the sense of let's make a statement to the world at
5 large and let's sentence Mr. Louvado appropriately based upon
6 all the 3553 factors. I just don't know.

7 But I would suggest the Court should look at all
8 that I've said about who he is, all that I've said about what
9 the crime was, his participation in the crime, and examine
10 what it would take to prevent him from doing it again. Well,
11 I don't think it would take anything. I think that's already
12 done. That's one of the 3553 factors. Will he commit any
13 further crimes? Deterrence, specific and general deterrence.
14 Specific deterrence, again, that's -- he's not going to do
15 this again. He didn't do it again after he did the first one.

16 Other factors like protecting the public, same
17 thing, he's not going to reoffend for anything. Educational
18 needs, I don't think he has that. His educational needs are
19 better served by him going to University of Baltimore, to
20 graduate school.

21 So really what we come down to is what Mr. Wise is
22 speaking of, and that's just making a statement, making sure
23 that other cops, other police officers don't do this sort of
24 thing. And I mean, that's really what this boils down to
25 from -- as I can tell from Mr. Wise's argument.

1 Now, the question is, the statute requires it to be
2 sufficient, but not more than necessary. And, I don't know,
3 it would seem to me that just the fact that you've been caught
4 and you're going to get any kind of sentence should be enough
5 to prevent anybody from this point forward -- I'm not talking
6 about people who have already done it in what has been called
7 the culture of corruption in the Baltimore City Police
8 Department, but this point forward, do you need 14 months? Do
9 you need one year? Six months? I don't know.

10 But I would say, if you look at this defendant and
11 say what would it take to make that statement and also not
12 oversentence him, I'm asking the Court to consider very
13 strongly, and I'm not going to go so low as to say probation
14 totally, but I will say this to the Court, he is a sole
15 supporter of this family, he has a job, he -- if he gets, for
16 example, home confinement for whatever length of period the
17 Court would deem sufficient, that would allow him to maintain
18 his job, keep his job and not have his family suffer for his
19 misdeeds with which they had nothing do.

20 Of course, he also has told me that if -- he could
21 take a six-month leave of absence from his job, his current
22 job and he would not lose his job. Anything longer than that
23 they -- even though he's a good employee, and the Court has
24 seen the testimonial from there, they have to move on as well.

25 So an outright confinement sentence of six months or

1 less, whether it would be community confinement or something
2 like that, would allow him to keep his job. And that's
3 important to him and important to his family. Of course, home
4 detention would do it. Intermittent confinement, weekends,
5 something like that would certainly do it as well.

6 So bottom line is this, Your Honor, I think that he
7 did what he did. He's trying to atone for it. I still
8 suggest he was not the moving party. And I think it's been
9 said, he was the meekest personality of the three. I think
10 that's true. And I think that would be sufficient, but not
11 more than necessary, if the Court were to sentence him to
12 either home detention for however long the Court would see
13 necessary, or at the most the top of the guidelines, which in
14 this case, is six months.

15 THE COURT: Okay. Thank you, Mr. Murphy. I
16 certainly appreciate, as I'm sure your client does, your
17 advocacy. Before I turn to your client or see if Mr. Wise has
18 anything that he feels he needs to respond to, let me also
19 ask, on the assumption that there might be some period of jail
20 and that there would be a period of supervised release
21 following that -- I'm sure you're aware of the mandatory and
22 standard conditions of supervised release, and they're all
23 laid out in the presentence report.

24 I think there were some additional conditions
25 recommended, which if I can find it, included -- now, you

1 mentioned mental health counseling, and I believe Mr. Louvado
2 is already engaged in that. There was also a recommendation
3 for community service and providing financial information to
4 the probation officer. Anything you want to comment on there,
5 any objections or additions or comments on any of that?

6 MR. MURPHY: I have none, Your Honor.

7 THE COURT: Okay. All right. Mr. Wise, was there
8 anything else you needed to say on -- either about supervised
9 release or otherwise?

10 MR. WISE: Very briefly, Your Honor. Not on
11 supervised release. But as I indicated earlier, we don't --
12 the government's view is not that Mr. Louvado sort of went
13 along with it. I think Mr. Murphy said something to the
14 effect of he took the money whether that was the -- his
15 original intent or not. We know what his original intent was.
16 He's admitted that it was to sell the drugs and profit from
17 it. And I think saying anything else really does not reflect
18 the facts in this case.

19 I don't think Mr. Louvado atoned. We've never seen
20 any evidence of this charitable giving. It's never been
21 produced to us. When he had the chance to atone, he lied.
22 And that's -- that's facts.

23 And what we need, to answer the question Mr. Murphy
24 posed, is we need police officers to tell the truth. It's
25 really an existential issue for the criminal justice system.

1 And so when people like Mr. Louvado lie, there needs to be a
2 strong message that that will not only result in -- really at
3 this point, given that he's retired, it would be almost no
4 consequences for him. There needs to be the consequence that
5 someone will face a term of incarceration, as Your Honor has
6 done in all of these other 13 sentencings now. And we believe
7 that's appropriate.

8 THE COURT: Okay. Mr. Louvado, if there's anything
9 you'd like to say before I make a final decision, you have the
10 right to do that. You don't have to. I won't hold it against
11 you if you don't. But if you'd like to speak, you have the
12 right to do that.

13 THE DEFENDANT: Yes, Your Honor. Thank you. It is
14 with great remorse, sorrow, shame that I come before Your
15 Honor today. I accept full responsibility for my actions. I
16 would like to apologize to the government, to the Court, to
17 the citizens of Baltimore, and to my family for all the pain
18 and suffering that I have caused them. This foolish mistake
19 on my part has forever changed my life. This event that
20 occurred does not define who I am. I pray that Your Honor
21 hands me a sentence that will allow me to continue to work and
22 support my family so they do not endure any further suffering.

23 Thank you, Your Honor.

24 THE COURT: Thank you, Mr. Louvado. Appreciate it.

25 (Conference at the bench. It is the policy of this

1 court that every guilty plea and sentencing proceeding include
2 a bench conference concerning whether the defendant is or is
3 not cooperating.)

4 THE COURT: Anything else anybody wants to say at
5 this point?

6 MR. WISE: No, Your Honor. Thank you.

7 THE COURT: All right.

8 MR. MURPHY: I have nothing.

9 THE COURT: Thank you.

10 So this sentencing, like most sentencings is
11 difficult, and I certainly understand that it is -- has
12 personal consequences, not just for Mr. Louvado, but also for
13 his family, which of course is unfortunate. There are many
14 factors that I have to consider in determining an appropriate
15 sentence in this case.

16 First of all, the offense itself is quite serious.
17 Mr. Louvado, at that time a sworn police officer, did not tell
18 the truth, when confronted, to federal agents who were
19 investigating a very serious matter, a very serious breach of
20 trust, even though it was in the past, by police officers.
21 And he chose at that time not to tell the truth.

22 In addition, what he chose not to tell the truth
23 about, of course, was a very serious matter. It was not a
24 small matter of misconduct. It was activity, jointly
25 undertaken activity, no matter whose idea it was. At the

1 time, everyone agreed these drugs were going to be put back
2 into the community, the same community that Mr. Louvado, of
3 course, had taken an oath to protect.

4 And I have to agree with the government, as I did in
5 the previous case, that the guidelines, which are only one
6 factor, do not adequately take into account the seriousness of
7 the offense and the matter about which Mr. Louvado was
8 untruthful.

9 The offense itself, as I said, is serious. It
10 interfered with a -- an important federal investigation into,
11 again, what's been described as a culture of corruption in the
12 Baltimore Police Department. That is certainly a matter of
13 great concern for the entire community. And we have seen a
14 lot of the results of what's been uncovered over the past few
15 years. So the offense itself is -- is quite serious.

16 There is also the issue of deterrence. Now, I will
17 certainly agree with Mr. Murphy, I don't think Mr. Louvado
18 personally needs deterrence beyond what he has -- the
19 consequences that he has endured and will in the future. But
20 this is one of those cases, again, where the matter of general
21 deterrence, of sending a message, of making it clear that we
22 simply cannot tolerate corruption and lies by police officers,
23 that message has got to be sent. And in fairness, it needs to
24 be sent as to Mr. Louvado in a manner that is similar to what
25 other similarly situated people have occurred.

1 We have a situation, also, as I mentioned with
2 Mr. Rivera, where I do appreciate that Mr. Louvado has now
3 accepted responsibility. I do believe there's remorse, and I
4 do believe he has suffered personal consequences. That is all
5 fair to take into account.

6 It's also important, as I briefly alluded to,
7 though, to compare Mr. Louvado's conduct to those similarly
8 situated people, I think it is very hard to draw much of a
9 distinction between Mr. Louvado and Mr. Rivera. The -- for
10 many reasons, the essence of the offense, degree of acceptance
11 of responsibility, the seriousness of the offense, indeed the
12 issue of personal and specific deterrence, I think are all
13 very similar in my mind in this case.

14 So while I, again, appreciate everything Mr. Murphy
15 has said, and I do -- also I will say, I appreciate that
16 Mr. Wise initially would have recommended more, but, in
17 fairness, has modified that recommendation in light of the
18 past sentence. I find myself in agreement that is
19 the sufficient without being greater than necessary, the
20 reasonable sentence in this case, Mr. Louvado, is 14 months in
21 the custody of the Bureau of Prisons. That is to be followed
22 by a period of supervised release of three years.

23 Special conditions of supervised release are going
24 to be participating in any mental health counseling or
25 treatment that the probation officer recommends. There's not

1 going to be a fine. I don't think your financial
2 circumstances permit that. But I do think it's appropriate,
3 particularly since there isn't a fine, that there be a
4 requirement of community service as recommended by the
5 probation office. And that's going to be a hundred hours of
6 community service to be done within the first two years of the
7 supervised release.

8 You'll also be required to provide to the probation
9 officer access to any financial information that they would
10 want to have.

11 The other mandatory and standard conditions of
12 supervised release as set forth in our standing order also
13 will apply.

14 Now, having said all that, I also recognize Mr.
15 Louvado has -- of course has been on release without incident.
16 I'm happy to take up the question of voluntary surrender.

17 Mr. Murphy, if you'd like to address that.

18 MR. MURPHY: I think he's a good candidate for
19 voluntary surrender. I don't know how much time he needs. I
20 mean, he's -- he's on this hearing as well. Can I ask
21 Mr. Louvado --

22 THE COURT: Sure. If you'd like, the other thing we
23 can do, if you'd like a little chance to consult with your
24 client, is perhaps set up a conference call in a week or
25 two --

1 MR. MURPHY: Okay. Not yet.

2 THE COURT: -- Mr. Murphy, and then we can take into
3 account adequately the various considerations that may be
4 important under the current public health as well as other
5 circumstances in choosing --

6 MR. MURPHY: Okay.

7 THE COURT: -- that's reasonable, if that's
8 acceptable to the government.

9 MR. MURPHY: Yes.

10 MR. WISE: That's acceptable, Your Honor.

11 THE COURT: Okay. I'll ask you all, if you don't
12 hear from chambers, please reach out to chambers within a week
13 or two, and we'll set up a conference call for that purpose.

14 I'm not sure I mentioned the \$100 special assessment
15 that is required, so if I didn't, I will add that.

16 And is there anything that I've left out, anything I
17 haven't addressed?

18 MR. MURPHY: I have nothing.

19 MR. WISE: Not for the United States, Your Honor.

20 THE COURT: Okay. All right. Thank you all.

21 MR. MURPHY: Thank you, Your Honor.

22 MR. WISE: Thank you, Your Honor.

23 THE CLERK: Judge, before you leave the bench, I
24 don't believe you addressed the rights to appeal. I just want
25 to be sure the record is clear.

1 THE COURT: Thank you very much.

2 Mr. Louvado, in light of the sentence and the plea
3 agreement, I'm not sure there's anything actually that you
4 have a right to or would want to appeal from, but if you were
5 going to be noting any appeal, that would have to be within
6 14 days. Do you understand that, sir?

7 THE DEFENDANT: Yes, I do, Your Honor.

8 THE COURT: All right. Thank you.

9 THE CLERK: This honorable court is adjourned.

10 Thank you everyone.

11 (The proceedings were concluded.)

12 I, Christine Asif, RPR, FCRR, do hereby certify that
13 the foregoing is a correct transcript from the stenographic
14 record of proceedings in the above-entitled matter.

15 _____/s/_____
16 Christine T. Asif
17 Official Court Reporter
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