

1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF FLORIDA
3 ORLANDO DIVISION

3 UNITED STATES OF AMERICA, :
4 :
5 Plaintiff, : Case No.:
6 : 6:20-cr-00097-GAP-LRH
7 v. :
8 : Orlando, Florida
9 : May 17, 2021
10 : 10:00 A.M.
11 JOEL MICAH GREENBERG, :
12 :
13 Defendant. :
14 :

9 AMENDED TRANSCRIPT OF CHANGE OF PLEA HEARING
10 BEFORE THE HONORABLE LESLIE R. HOFFMAN
11 UNITED STATES MAGISTRATE JUDGE

11 APPEARANCES:

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25 Proceedings recorded by mechanical stenography.
Transcript produced by computer-aided transcription.

1 So, Mr. Greenberg, I understand we're here today
2 because you wish to change your plea. Is that correct?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** Okay. And you can stay seated for the
5 duration of this. I appreciate that.

6 So what we're going to do now is I'm going to have my
7 courtroom deputy place you under oath, and then we'll proceed.

8 (Defendant sworn.)

9 **THE COURTROOM DEPUTY:** Please state your name for the
10 record.

11 **THE DEFENDANT:** Joel Micah Greenberg.

12 **THE COURT:** So, Mr. Greenberg, you've just taken an
13 oath to tell the truth, and what that means, sir, is you waive
14 your right to remain silent. This proceeding, like I just
15 said, is being recorded, both audio recording and with a court
16 reporter. Anything you say during this hearing can be used
17 against you, and if at any point it's determined that anything
18 you say today is determined to be untruthful or, for lack of a
19 better phrase, a lie, you could be subjecting yourself to
20 further prosecution for perjury or making a false statement.
21 Do you understand, sir?

22 **THE DEFENDANT:** I do.

23 **THE COURT:** Okay. So what we're going to do here
24 today, sir, is in a minute I'm going to ask you a couple of
25 background questions. Then the rest of the time is going to be

1 a series of yes-or-no or do-you-understand questions.

2 If at any point in time you don't understand what I'm
3 saying or you want to ask me a question, don't hesitate to stop
4 me. You can ask me whatever you want, and I'll do my best to
5 answer it. If I can't answer it, I'll tell you why.

6 And you also have your attorney, Mr. Scheller,
7 sitting next to you. If at any point you want to talk to him
8 confidentially, just let me know, and you can do so for as long
9 as you need to.

10 Do you understand, sir?

11 **THE DEFENDANT:** I do.

12 **THE COURT:** Okay. And then I just want to directly
13 address the members of the press that are here and in the
14 overflow room. I just want to thank you all for your
15 cooperation, getting everybody seated today. I know we're
16 under -- still under pandemic rules, so we got as many people
17 into the courtroom as we could. And for those in the overflow
18 room, I appreciate your cooperation.

19 So, with that, is the United States prepared to
20 proceed?

21 **MR. HANDBERG:** We are, Your Honor.

22 **THE COURT:** Okay. And, Mr. Scheller, the defense is
23 prepared to proceed?

24 **MR. SCHELLER:** We are.

25 **THE COURT:** Okay. So what I wanted to do now,

1 Mr. Greenberg, is -- like I talked to you about, is those few
2 background questions, and the reason I ask those is just so
3 that I feel comfortable that you're aware of what's going on
4 and that you're competent to proceed.

5 So can you tell me your date of birth, please.

6 **THE DEFENDANT:** February 4, 1985.

7 **THE COURT:** Okay. And how far have you gone in your
8 education, sir?

9 **THE DEFENDANT:** College.

10 **THE COURT:** Okay. And is English your native
11 language?

12 **THE DEFENDANT:** Yes, it is.

13 **THE COURT:** Okay. I'm going to ask you a yes-or-no
14 question. In the last 48 hours, have you taken any drugs,
15 alcohol, or medication, including prescriptions?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Okay. Whatever those substances were, do
18 they impact your ability to understand what's going on here
19 today?

20 **THE DEFENDANT:** They do not.

21 **THE COURT:** Okay. Those same substances -- have you
22 taken them today?

23 **THE DEFENDANT:** I have.

24 **THE COURT:** Okay. Do they -- what you've taken
25 today, would that --

1 **THE DEFENDANT:** I'm sorry. I have not.

2 **THE COURT:** You have not taken anything today. Okay.

3 Thank you, Mr. Greenberg.

4 Now, my last question for you is do you have any
5 mental conditions or diseases that would impact your ability to
6 understand what's going on here today?

7 **THE DEFENDANT:** I do not.

8 **THE COURT:** Okay. Thank you, sir.

9 So there's a couple housekeeping matters I need to go
10 through.

11 Mr. Greenberg, as the court security officer
12 announced, I'm what's called a United States magistrate judge.
13 I'm not the judge that will impose sentence in this case.
14 That's the presiding district judge, Judge Presnell. But what
15 I can do with your consent is I can do the rest of this
16 hearing, ask you those series of yes-or-no or do-you-understand
17 questions, and at the end of this hearing, if I feel that your
18 decision to change your plea was made knowingly, voluntarily,
19 and intelligently and that there's a factual basis to support
20 it, I would issue what's called a "report and recommendation"
21 to Judge Presnell recommending that he accept your change of
22 plea. And if Judge Presnell accepts my report and
23 recommendation, it has the exact same effect as if we did this
24 entire hearing before Judge Presnell himself. Do you
25 understand that, sir?

1 **THE DEFENDANT:** I do.

2 **THE COURT:** Okay. I do have before me,
3 Mr. Greenberg, a notice regarding entry of a plea of guilty,
4 and it includes a consent where you declare your intention to
5 enter a plea of guilty and consent to a magistrate judge
6 conducting these proceedings. Do you remember signing this
7 today, sir?

8 **THE DEFENDANT:** I do.

9 **THE COURT:** And, Mr. Scheller, is this your signature
10 as well?

11 **MR. SCHELLER:** It is, Your Honor.

12 **THE COURT:** Thank you.

13 So, Mr. Greenberg, do you consent to me conducting
14 your change of plea hearing today?

15 **THE DEFENDANT:** I do.

16 **THE COURT:** Okay. The record will so reflect.

17 So now, Mr. Greenberg, what I wanted to do is go over
18 some of the rights that you currently have, and then we'll talk
19 about some of the rights you'd be waiving by changing your
20 plea.

21 The first right is the right to an attorney, and
22 that's going to stay with you regardless of whether or not you
23 change your plea today. So you have the right to have an
24 attorney represent you in all proceedings in this case,
25 including anything that occurs inside the courthouse or outside

1 the courthouse, and you have the right to have an attorney
2 represent you at all times that you're questioned by law
3 enforcement. You have the right to hire or retain an attorney
4 of your choosing, and if you cannot afford an attorney, you
5 have the right to ask the Court to appoint one to represent
6 you. And, again, that right's going to stay with you
7 regardless of whether or not you change your plea. Do you
8 understand that, Mr. Greenberg?

9 **THE DEFENDANT:** I do.

10 **THE COURT:** Okay. So now let's talk about some of
11 the rights that you currently have while you maintain your plea
12 of not guilty.

13 So you have the right to be presumed innocent. You
14 have the right to go to a speedy and public trial before a jury
15 of 12 persons. They would have to unanimously find you guilty
16 in order for you to be convicted. The United States would have
17 to prove your guilt, and that burden is called "beyond a
18 reasonable doubt."

19 You have the right to confront or cross-examine any
20 of the Government's witnesses if you went to trial. You'd have
21 the right to challenge any of the Government's evidence,
22 including the manner in which that evidence was obtained.
23 You'd have the right to present your own witnesses and your own
24 defenses, and if any witnesses refused to appear voluntarily to
25 testify on your behalf, you'd have the right to ask the Court

1 to compel their attendance. And then you'd have the right to
2 remain silent at trial, meaning you could choose whether or not
3 to testify.

4 Do you understand, Mr. Greenberg, that these trial
5 rights are rights that you currently have?

6 **THE DEFENDANT:** I do.

7 **THE COURT:** Any questions for me so far?

8 **THE DEFENDANT:** I have none.

9 **THE COURT:** Okay. So by changing your plea today,
10 Mr. Greenberg, you're going to be waiving these rights. There
11 will be no trial. You will be waiving any defenses you have to
12 the charges; you'll be waiving your right to cross-examine or
13 confront any of the Government's witnesses; you'll be waiving
14 your right to challenge any of the evidence that the Government
15 has, including the manner in which they obtained that evidence;
16 you'll be waiving your right to compel any witnesses to testify
17 on your behalf at trial; and you'd be waiving your right to
18 remain silent. Do you understand, Mr. Greenberg, that you're
19 waiving these rights by changing your plea today?

20 **THE DEFENDANT:** I do.

21 **THE COURT:** Okay. The next proceeding that will
22 happen in your case after today, sir, would be your sentencing
23 hearing.

24 So the next thing I wanted to talk to you about,
25 Mr. Greenberg, is that -- I believe it's the third superseding

1 indictment. You've been charged with various offenses, and
2 they're called "felonies," and by pleading guilty to felonies,
3 there are certain collateral consequences. I just want to make
4 sure you understand that.

5 When you plead guilty to a felony, you're going to
6 lose certain civil rights. You won't be able to vote. You're
7 going to lose your right to hold public office, to serve on a
8 jury, and to own and possess a firearm, and you'll also be
9 prevented from obtaining or maintaining certain occupational
10 licenses. And then, because one of the counts is a sex
11 offense, if you're deemed a sex offender, under law you'll be
12 required to register as a sex offender under both federal law
13 and possibly state law. Do you understand, Mr. Greenberg,
14 these are some of the consequences of pleading guilty to a
15 felony?

16 **THE DEFENDANT:** I do.

17 **THE COURT:** Okay. So then I do -- speaking of the
18 third superseding indictment, Mr. Handberg, do you have a copy
19 of the indictment?

20 **MR. HANDBERG:** I do, Your Honor.

21 **THE COURT:** And, Mr. Scheller, do you have a copy of
22 the indictment?

23 **MR. SCHELLER:** I have one, Your Honor.

24 **THE COURT:** You do not?

25 **MR. SCHELLER:** I said I have one.

1 **THE COURT:** Okay. Thank you.

2 Mr. Greenberg, have you gone over your third
3 superseding indictment with your attorney?

4 **THE DEFENDANT:** I have.

5 **THE COURT:** Has he answered all questions you may
6 have about it?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** Okay. Do you understand your indictment?

9 **THE DEFENDANT:** I do.

10 **THE COURT:** Okay. I'm going to ask Mr. Handberg, the
11 assistant United States attorney, to summarize -- and I believe
12 we're talking about Counts 1, 8, 9, 14, 24, and 26. I'm going
13 to ask that Mr. Handberg summarize those counts briefly and the
14 penalties that -- the maximum penalties you'll be facing, and I
15 just ask that you please pay attention.

16 Go ahead, Mr. Handberg.

17 **MR. HANDBERG:** Thank you, Your Honor. I'm going to
18 do them in the order in which they're in the third superseding
19 indictment.

20 The first count that Mr. Greenberg is pleading guilty
21 to is Count 1, which is sex trafficking of a child in which he
22 is alleged to have engaged in a commercial sex act, as that
23 term is defined by statute, with a child who was under the age
24 of 18 years of age. In connection with that, there are a
25 number of instrumentalities of interstate commerce that

1 Mr. Greenberg used to facilitate that particular crime, and
2 it's set forth on pages 2 through 5 of the third superseding
3 indictment.

4 The penalties for sex trafficking of a child are as
5 follows: It's punishable by a minimum mandatory term of
6 imprisonment of ten years up to life in prison, a fine of
7 \$250,000, a term of supervised release of not less than
8 five years up to life, a special assessment of \$100, and,
9 additionally, a 5,000-dollar special assessment that can be
10 imposed on any non-indigent defendant convicted of that
11 particular offense. So that's Count 1 of the third superseding
12 indictment.

13 Mr. Greenberg is also charged in Count 8. Counts 8
14 and 9 both relate to his production of false identification
15 documents, in particular, driver's licenses. In Count 8 it's
16 alleged that he produced a fake Puerto Rico driver's license
17 using the identity of an individual, EJCC; and the driver's
18 license had that person's personal information and
19 Mr. Greenberg's photograph, that license being found in
20 Mr. Greenberg's possession on June 23, 2020, during the
21 execution of a federal search warrant. It was found in his
22 wallet.

23 That particular crime is punishable by a maximum
24 sentence of up to 15 years in federal prison, a fine of
25 \$250,000, a term of supervised release of 3 years, and a

1 special assessment of \$100.

2 The other violation that's related to the production
3 of a fake driver's license is in Count 9. In that particular
4 case, Mr. Greenberg is alleged to have taken the personal
5 information of a person by the -- with the initials of RZ and
6 used it to make a fake driver's license knowing that that
7 person, in fact, was a real person. This is a violation of
8 aggravated identity theft. And, again, this particular
9 license, as set forth in the factual basis, was found in
10 Mr. Greenberg's wallet on June 23, 2020, during the execution
11 of the federal search warrant.

12 That particular violation of Title 18, United States
13 Code, Section 1028(a) is punishable by a minimum mandatory term
14 of imprisonment of two years, which shall be consecutive to the
15 sentence for any other count of conviction, a fine of \$250,000,
16 a term of supervised release of one year, and a special
17 assessment of \$100.

18 **THE COURT:** Mr. Handberg, let me stop you right
19 there.

20 Mr. Greenberg, with respect to Counts 1, 8, and 9, do
21 you understand the charges as they were just summarized?

22 **THE DEFENDANT:** I do.

23 **THE COURT:** Do you understand the maximum penalties
24 as they were just summarized?

25 **THE DEFENDANT:** I do.

1 **THE COURT:** Okay. Go ahead, Mr. Handberg.

2 **MR. HANDBERG:** Thank you, Your Honor.

3 The next count is Count 14. It is one of the wire
4 fraud counts that is alleged in the indictment. It relates to
5 Mr. Greenberg's time as the Tax Collector in Seminole County
6 where he is alleged to have used his position to engage in a
7 scheme to defraud his office and Seminole County of funds by
8 use of false and fraudulent pretenses, in particular, using his
9 position to use government funds to purchase cryptocurrency for
10 himself, to mine cryptocurrency for himself, to operate a
11 business out of the Tax Collector's Office for which he
12 benefited, and also to make some credit card charges that
13 benefited himself personally using Tax Collector Office funds.

14 And he's pleading guilty, in particular, to Count 14,
15 which is an interstate wire transfer of \$200,000 from an
16 account at the Tax Collector's Office at Florida Capital Bank
17 in the Middle District of Florida to a bank account at
18 Entity A, at Silvergate Bank, located outside of Florida on or
19 about December 20, 2018. As further set out in the factual
20 basis, this particular transaction was used by Mr. Greenberg to
21 then purchase cryptocurrency for himself in a personal
22 capacity.

23 And that's alleged to be a violation of Title 18,
24 United States Code, Section 1343, which is the wire fraud
25 statute, which is punishable by a maximum sentence of up to

1 20 years in federal prison; a fine of \$250,000 or twice the
2 gross gain caused by the offense or twice the gross loss caused
3 by the offense, whichever is greater; a term of supervised
4 release of 3 years; and a special assessment of \$100.

5 The next count in the indictment Mr. Greenberg is
6 pleading guilty to is the stalking count in Count 24. What
7 this count alleges is that Mr. Greenberg engaged in a course of
8 conduct to cause substantial emotional distress to someone who
9 had -- was running against him in an election. This person
10 worked at a school, and Mr. Greenberg did a number of things.
11 He created some fake letters that falsely accused that
12 individual of engaging in sexual misconduct at the school where
13 he worked, and Mr. Greenberg also created a Twitter account to
14 make some postings that falsely represented that person was a
15 segregationist in favor of white supremacy and then also used a
16 Facebook account that Mr. Greenberg set up to try to give
17 further publicity to the false allegations about the sexual
18 misconduct by the particular individual, all of which was false
19 and untrue, as Mr. Greenberg knew.

20 And that's alleged to be a violation of Title 18,
21 United States Code, Section 2261(a) (2) and 2261(b) (5). That
22 violation -- the stalking violation carries a maximum sentence
23 of five years' imprisonment, a fine of \$250,000, a term of
24 supervised release of three years, and a special assessment of
25 \$100.

1 The final count that Mr. Greenberg is pleading guilty
2 to is Count 26. This relates to a conspiracy to submit false
3 claims to the Small Business Administration to steal government
4 property, to engage in wire fraud, and to bribe a public
5 official, in particular, an employee at the Small Business
6 Administration. This is alleged to have occurred slightly
7 before and then after the time that Mr. Greenberg was on
8 pretrial release in this case, and it is alleged that he used
9 false and fraudulent pretenses about some businesses associated
10 with him. Those false and fraudulent presentences inflated the
11 amount of revenues those companies had and falsely represented
12 that they were impacted by COVID when, in fact, the two
13 businesses actually had been administratively dissolved and
14 were not in operation. So this is alleged to be a violation of
15 the conspiracy statute, Section 371 of Title 18. There's a
16 number of overt acts that are also alleged.

17 Because Mr. Greenberg committed this crime while he
18 was on pretrial release, he is subject to enhanced penalties.
19 Normally, the penalty would be 5 years in federal prison, but
20 because he was on pretrial release, it's increased to a maximum
21 sentence of 15 years' imprisonment; a fine of \$250,000 or twice
22 the gross gain caused by the offense or twice the gross loss
23 caused by the offense, whichever is greater; a term of
24 supervised release of 3 years, and a special assessment of
25 \$100.

1 Now, Mr. Greenberg, for some of the counts to which
2 he is pleading, is also going to be subject to mandatory
3 restitution as set forth on pages 7 and 8 of his plea
4 agreement. He will be paying restitution to the minor victim
5 in Count 1 in an amount determined by the Court and the
6 probation office. He'll be making restitution for the victim
7 in Count 8 and Count 9 in amounts as determined by the Court
8 and the probation office for those offenses. He will also be
9 ordered to pay restitution to Seminole County and Seminole
10 County Tax Collector's Office for the wire fraud scheme charged
11 in Count -- Count 14 in an amount to be determined by the Court
12 and the probation office. He'll be ordered to pay restitution
13 to the school employee, who was the victim of the stalking
14 count, Count 24. And then he'll also be ordered to pay
15 restitution to the Small Business Administration for the
16 offense charged in Count 26 in an amount to be determined by
17 the Court and the probation office.

18 And then, finally, he's also going to be subject to
19 forfeiture for some of the assets and property that he obtained
20 during the course of his scheme, and on pages 13 through 17 of
21 his plea agreement, there's the forfeiture section, which
22 includes that some of the assets he's going to be forfeited are
23 \$654,799.95 in proceeds that he admits he obtained as a result
24 of the commissions of the offense to which he's pleading
25 guilty. And that plea agreement further breaks that down

1 between the wire fraud count and then the conspiracy count in
2 Count 26.

3 And then, finally, Your Honor's already covered the
4 sexual offender registration and notification requirement.

5 So those are the penalties I think he's subject to.

6 **THE COURT:** Thank you, Mr. Handberg.

7 Mr. Greenberg, with respect to Counts 14, 24, and 26,
8 do you understand the counts as they were just summarized?

9 **THE DEFENDANT:** I do.

10 **THE COURT:** Do you understand the maximum penalties
11 you're facing with respect to those three counts as they were
12 just summarized?

13 **THE DEFENDANT:** I do.

14 **THE COURT:** Do you understand your restitution
15 provision as it was just summarized?

16 **THE DEFENDANT:** I do.

17 **THE COURT:** Do you understand your forfeiture
18 provision as it was just summarized?

19 **THE DEFENDANT:** I do.

20 **THE COURT:** Okay. So now what I wanted to talk to
21 you about is the sentencing guidelines, Mr. Greenberg. Have
22 you spoken to your attorney about the United States Sentencing
23 Guidelines and how they may apply to your case?

24 **THE DEFENDANT:** I have.

25 **THE COURT:** Has he answered all questions you may

1 have about that?

2 **THE DEFENDANT:** Yes, he has.

3 **THE COURT:** Okay. So I'm not going to go over them
4 in great detail, or we'd be here all day, but there are just a
5 couple of points I wanted to highlight for you. The first is
6 that as Judge Presnell determines an appropriate sentence in
7 your case, he'll look at the United States Sentencing
8 Guidelines, and what they do is they come up with a chart.
9 They look at your criminal history, and they look at the
10 offenses, and they're put into categories, and it comes up with
11 a sentencing range, a low end and a high end.

12 But in addition to looking at the guidelines,
13 Judge Presnell will have the benefit of an additional document,
14 and that's called a "presentence investigation report." That's
15 prepared by the United States Probation Office. They'll talk
16 with you. They'll talk with your attorneys. They'll talk with
17 the United States Attorney's Office and with various other
18 people, and they'll prepare a report that's going to include
19 information such as your personal history, personal
20 characteristics, your criminal history, if any. It'll talk
21 about the nature and circumstances of the various offenses and
22 come up with a recommendation to Judge Presnell of a guideline
23 range as well. So Judge Presnell will have that.

24 You'll have an opportunity to review that report
25 prior to your sentencing hearing. You and your attorney can

1 object, file any objections you may have to anything in that
2 report that you disagree with. And then, of course, at your
3 sentencing hearing, both you and your attorney, Mr. Scheller,
4 will have an opportunity to speak to Judge Presnell directly.

5 Do you understand everything I've said so far,
6 Mr. Greenberg?

7 **THE DEFENDANT:** I do.

8 **THE COURT:** Okay. So then what I want to make sure
9 you definitely understand is that the guidelines are just that.
10 They're guidelines. They're advisory, meaning Judge Presnell
11 does not have to accept any of these recommendations or
12 guidelines. He can fashion a sentence that he determines is
13 appropriate of his own choosing. And, in particular, if
14 Judge Presnell were to impose a sentence that's higher than
15 what you think you're going to get or Mr. Scheller thinks
16 you're going to get or even the United States Attorney's Office
17 thinks you're going to get, that will not be a basis for you to
18 withdraw your plea of guilty. Do you understand that,
19 Mr. Greenberg?

20 **THE DEFENDANT:** I do.

21 **THE COURT:** Okay. Then the other thing I wanted to
22 just point out is, in addition to getting all that information,
23 Judge Presnell himself is going to look at those same factors.
24 He's going to look at your personal history, your criminal
25 history, the nature and circumstances of -- surrounding the

1 various offenses. He'll also look at the need to impose a
2 sentence that reflects the seriousness of the offenses. So
3 those are all some of the factors that Judge Presnell will look
4 at.

5 The other thing I wanted to mention is you may have
6 heard -- in various state criminal systems, there's something
7 called "parole" where, if you get sentenced to a term of
8 imprisonment, you get out early on parole. The federal system
9 does not have parole. So if you were sentenced to a term of
10 imprisonment, you will be getting out early on parole. Do you
11 understand that, Mr. Greenberg?

12 **THE DEFENDANT:** I do.

13 **THE COURT:** Okay. Any questions for me so far?

14 **THE DEFENDANT:** I don't have any.

15 **THE COURT:** Okay. So now I wanted to talk to you
16 about your plea agreement.

17 Mr. Handberg, do you have the original?

18 **MR. HANDBERG:** I do, Your Honor.

19 **THE COURT:** All right. Will you do me a favor and
20 then --

21 And, Mr. Scheller, do you have a copy?

22 **MR. SCHELLER:** I do -- excuse me. I do, Your Honor.

23 **THE COURT:** Okay. And is that a fully executed copy?

24 **MR. SCHELLER:** It is.

25 **THE COURT:** Okay.

1 **MR. SCHELLER:** It is the one filed with the Court on
2 Friday.

3 **THE COURT:** Okay. Perfect.

4 So, Mr. Handberg, would you please go to page 20- --
5 I think it's -- yeah, 24, and can you confirm your signature,
6 Ms. Harrington's signature, and Ms. Thomas's signature.

7 **MR. HANDBERG:** Yes. And I signed on behalf of
8 Ms. Thomas.

9 **THE COURT:** Okay. And, Mr. Scheller, will you please
10 confirm for me that's your signature on page 24.

11 **MR. SCHELLER:** It is, Your Honor.

12 **THE COURT:** And, Mr. Greenberg, is that your
13 signature on page 24?

14 **THE DEFENDANT:** It is.

15 **THE COURT:** And now I want you to take a minute --
16 and it's going to take a few minutes because it's a big
17 document. Would you please go through all 86 pages and confirm
18 those are your initials on every single page.

19 **THE DEFENDANT:** Yes, they are.

20 **THE COURT:** Thank you, Mr. Greenberg.

21 Have you read your entire plea agreement, all 86
22 pages?

23 **THE DEFENDANT:** I have.

24 **THE COURT:** Have you had an opportunity to talk to
25 Mr. Scheller about your plea agreement?

1 **THE DEFENDANT:** Yes, I have.

2 **THE COURT:** Has he answered any questions you may
3 have about it?

4 **THE DEFENDANT:** Yes, he has.

5 **THE COURT:** Do you understand your plea agreement?

6 **THE DEFENDANT:** I do.

7 **THE COURT:** Okay. Other than what's in the plea
8 agreement, Mr. Handberg, are there any offers floating around
9 out there that I should be aware of?

10 **MR. HANDBERG:** No, Your Honor. This was the only
11 offer.

12 **THE COURT:** Thank you, Mr. Handberg.
13 Mr. Scheller, is that your understanding as well?

14 **MR. SCHELLER:** Yes, that's correct.

15 **THE COURT:** Thank you.

16 So, Mr. Greenberg, I'm going to go over a few
17 provisions from here. I'm not going to go over every single
18 provision, but I just want to make sure you understand that by
19 signing the plea agreement and initialing every page and our
20 discussion here today, you're agreeing to abide by your plea
21 agreement -- every single page, every single paragraph, every
22 single word. Do you understand that, sir?

23 **THE DEFENDANT:** I do.

24 **THE COURT:** And do you agree to abide by your plea
25 agreement?

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

2 **THE COURT:** Okay. So what I'm going to do -- and
3 I'll tell you the pages I'm going over so you can follow along
4 with me if you want. The first provision I'm going to go over
5 with you, sir, is -- well, let me just make one thing for the
6 record.

7 Mr. Handberg, I just want to make sure. I don't know
8 if I said this yet. I know we're talking about Counts 1, 8, 9,
9 14, 24, and 26, in the third superseding indictment. It's my
10 understanding that at the sentencing hearing, the United States
11 will move to dismiss all other counts including in the previous
12 versions of the indictments.

13 **MR. HANDBERG:** That's correct.

14 **THE COURT:** Okay. Thank you.

15 And, Mr. Scheller, that's your understanding as well?

16 **MR. SCHELLER:** It is.

17 **THE COURT:** Okay. So what I'm going to do,
18 Mr. Greenberg, is let's start on page 8 of your plea agreement,
19 and it's paragraph 9, and it's entitled "Guideline Sentence."
20 And what it's saying here, Mr. Greenberg, is that at the
21 sentencing hearing, the United States is going to recommend
22 that you be sentenced within the guidelines range and that --
23 the main thing I want to point out to you is that you
24 understand that that recommendation is just that.
25 Judge Presnell does not have to accept that recommendation, and

1 if Judge Presnell does not accept that recommendation, that
2 will not be a basis for you to withdraw your plea of guilty.
3 Do you understand that, Mr. Greenberg?

4 **THE DEFENDANT:** I do.

5 **THE COURT:** Okay. Then, on the very next page --
6 it's page 9, paragraph 10, acceptance of responsibility -- what
7 it's saying here, Mr. Greenberg, is that at the sentencing
8 hearing, assuming there is no new negative information
9 discovered about you, the United States is going to recommend
10 to Judge Presnell a three-level downward adjustment in your --
11 in your range for acceptance of responsibility. But, again,
12 what I want to make sure you understand is that's just a
13 recommendation. Judge Presnell does not have to accept it, and
14 if he does not accept it, that will not be a basis for you to
15 withdraw your plea of guilty. Do you understand that,
16 Mr. Greenberg?

17 **THE DEFENDANT:** I do.

18 **THE COURT:** Okay. Then, on the bottom of page 9 --
19 and it goes over to page 11 -- there is a substantial
20 assistance cooperation provision, and what it's saying here is
21 that if any cooperation is completed prior to sentencing, the
22 United States will consider whether it qualifies as substantial
23 assistance to ask Judge Presnell for an additional reduction in
24 your sentence at the sentencing hearing. If the cooperation is
25 completed after your sentencing hearing, the United States

1 agrees to consider whether or not your cooperation qualifies
2 for a post-judgment motion to reduce your sentence. But I want
3 to make sure you understand that the determination of whether
4 or not any cooperation you make qualifies as substantial
5 assistance -- that decision rests entirely with the
6 United States. They have full discretion, and if they choose
7 not to file a motion, that will not be a basis for you to
8 withdraw your plea of guilty. Do you understand that,
9 Mr. Greenberg?

10 **THE DEFENDANT:** I do.

11 **THE COURT:** Okay. And then the next provision I
12 wanted to go over just very briefly with you is on page 13,
13 paragraph 14, and that's the forfeiture provision. It goes
14 over to page 17. I just want to make sure you've read your
15 forfeiture provision and you understand it, sir.

16 **THE DEFENDANT:** I have.

17 **THE COURT:** Okay. And you understand it, sir?

18 **THE DEFENDANT:** I do.

19 **THE COURT:** Okay. Then, if you go to page 17,
20 paragraph 15, it's the sex offender registration and
21 notification. I just want to make sure you understand that you
22 will have to register and keep your registration current in --
23 in the location of your residence, your employment, and, if you
24 go to school, at your location of any school. And you
25 understand that if you don't comply with those obligations, you

1 could be subjecting yourself to further prosecution. Do you
2 understand that, Mr. Greenberg?

3 **THE DEFENDANT:** I do.

4 **THE COURT:** Okay. Then there is a restitution
5 provision that we have gone over briefly already. Do you
6 understand your restitution provision, Mr. Greenberg?

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

8 **THE COURT:** Okay. Then the next thing I wanted to go
9 over with you is on page 20, paragraph 6, sentencing
10 recommendations. And what it's saying here is that you've
11 executed this plea agreement and you've agreed to be a party to
12 it. The United States Attorney's Office has executed this plea
13 agreement, but Judge Presnell and the Court have not. So I
14 know I'm being repetitive, but any of these recommendations,
15 particularly with respect to a sentence you should receive,
16 Judge Presnell does not have to accept any of those
17 recommendations, and if he does not accept those
18 recommendations, that will not be a basis for you to withdraw
19 your plea of guilty. Do you understand that, sir?

20 **THE DEFENDANT:** I do.

21 **THE COURT:** Okay. Then the next provision is on the
22 next page, page 21, paragraph 7. It's your waiver of right to
23 appeal sentence, and what it's saying here, Mr. Greenberg, in
24 sum is that by entering into this plea agreement and going
25 through this hearing today, you're waiving your right to appeal

1 your sentence except for four narrow bases, and those are if
2 Judge Presnell imposes a sentence that exceeds the guideline
3 range, you can appeal; if Judge Presnell imposes a sentence
4 that exceeds the statutory maximum, you can file an appeal; if
5 Judge Presnell imposes a sentence that violates the Eighth
6 Amendment to the United States Constitution, you can appeal; or
7 if the United States files an appeal, then you may also appeal.
8 But other than those four narrow bases, you're otherwise
9 waiving your right to appeal your sentence. Do you understand
10 that, Mr. Greenberg?

11 **THE DEFENDANT:** I do.

12 **THE COURT:** Okay. Mr. Handberg, are there any other
13 provisions of the plea agreement before we get to the factual
14 basis that you would like me to go over with Mr. Greenberg?

15 **MR. HANDBERG:** No, Your Honor.

16 **THE COURT:** Mr. Scheller, are there any other
17 provisions of the plea agreement you'd like me to go over with
18 your client?

19 **MR. SCHELLER:** No.

20 **THE COURT:** Okay. Thank you.

21 So what we've done so far, Mr. Greenberg, is we've
22 gone over the rights that you have, the rights that you'll be
23 giving up if you change your plea today, the consequences of
24 pleading guilty to a felony. We've talked about the charges
25 that you may be pleading guilty to and the maximum penalties

1 that you may be facing, talked about the sentencing guidelines
2 and how they may apply, and we've talked about your plea
3 agreement. Any questions for me about anything we've gone over
4 so far, sir?

5 **THE DEFENDANT:** No.

6 **THE COURT:** Okay. Do you understand everything we've
7 gone over so far?

8 **THE DEFENDANT:** I do.

9 **THE COURT:** All right. Then, Mr. Greenberg, I'm
10 going to ask you directly, with respect to Count 1, how do you
11 plead?

12 **THE DEFENDANT:** Guilty.

13 **THE COURT:** As to Count 8, how do you plead?

14 **THE DEFENDANT:** Guilty.

15 **THE COURT:** As to Count 9, how do you plead?

16 **THE DEFENDANT:** Guilty.

17 **THE COURT:** As to Count 14, how do you plead?

18 **THE DEFENDANT:** Guilty.

19 **THE COURT:** As to Count 24, how do you plead?

20 **THE DEFENDANT:** Guilty.

21 **THE COURT:** As to Count 26, how do you plead?

22 **THE DEFENDANT:** Guilty.

23 **THE COURT:** And just for the record, those are all
24 the counts from the third superseding indictment.

25 Okay. So, Mr. Greenberg, in order for me to accept

1 your plea and make that report and recommendation to
2 Judge Presnell that he accept your plea, I need to find that
3 there's a sufficient factual basis to support your plea. So
4 what we're going to do now is we're going to look at the back
5 of your plea agreement, and it starts on page -- well, there's
6 a factual basis attached. I think it starts on page 28, and
7 what I'm going to do is I'm going to go one count at a time.

8 And, Mr. Scheller, just for your purposes, what I
9 plan on doing is going through the pages for each count and
10 then do the personalization of elements for that count, and
11 then we'll go to the next one so that we don't get too
12 confused.

13 Any objection to me doing that, Mr. Handberg?

14 **MR. HANDBERG:** No, Your Honor.

15 **THE COURT:** Okay. So some of my pages are upside
16 down, so just give me one second.

17 Okay. So on Count 1, Mr. Greenberg, the factual
18 basis starts on page 28, and it goes over to page 32. Have you
19 read those pages, Mr. Greenberg?

20 **THE DEFENDANT:** Yes, I have.

21 **THE COURT:** Do you understand them?

22 **THE DEFENDANT:** I do.

23 **THE COURT:** Do you admit that the facts listed on
24 page 28 to 32 -- do you admit those are the facts as to
25 Count 1?

1 **THE DEFENDANT:** I do.

2 **THE COURT:** Do you admit that these are the facts of
3 what you actually did?

4 **THE DEFENDANT:** I do.

5 **THE COURT:** Mr. Scheller, any objection or
6 corrections to any of the facts on pages 28 to 32?

7 **MR. SCHELLER:** No, Your Honor.

8 **THE COURT:** Okay. Mr. Handberg, are there -- before
9 I get to the personalization of elements, are there any other
10 questions with respect to the factual basis as to Count 1 you'd
11 like me to ask Mr. Greenberg?

12 **MR. HANDBERG:** No, Your Honor.

13 **THE COURT:** Okay. So what I'm going to do now --
14 it's on page 25. We have what's called a "personalization of
15 elements," Mr. Greenberg, and what's done there is for each
16 count, it's broken down the essential elements into yes-or-no
17 questions. So I'm going to ask you those as to Count 1.

18 So on Count 1, Mr. Greenberg, did you knowingly
19 recruit, entice, harbor, transport, provide, obtain, advertise,
20 maintain, patronize, or solicit by any means the individual
21 identified in the indictment? Yes or no?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** Did you do so having had a reasonable
24 opportunity to observe the individual identified in the
25 indictment or knowing or in reckless disregard of the fact that

1 the person had not attained the age of 18 years and would be
2 caused to engage in a commercial sex act? Yes or no?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** Was the individual identified in the
5 indictment a person who had attained the age of 14 years but
6 had not attained the age of 18 years? Yes or no?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** Were your acts in or affecting interstate
9 or foreign commerce? Yes or no?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Okay. Now we're going to go to Counts 8
12 and 9. The factual basis for those counts is set forth on
13 pages 32 through -- well, let's just go with Count -- 32
14 through 38.

15 Is that correct, Mr. Handberg?

16 **MR. HANDBERG:** It is, Your Honor.

17 **THE COURT:** Thank you, sir.

18 So on pages 32 through 38, Mr. Greenberg, we have the
19 factual basis for Counts 8 and 9. Have you read those pages,
20 sir?

21 **THE DEFENDANT:** I have.

22 **THE COURT:** Do you understand those pages?

23 **THE DEFENDANT:** I do.

24 **THE COURT:** Do you admit that the facts as laid out
25 on pages 32 through 38 are the facts of Counts 8 and 9?

1 **THE DEFENDANT:** Yes.

2 **THE COURT:** Do you admit that those are the facts of
3 what you actually did?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Any objection to the facts as laid out on
6 pages 32 through 39, Mr. Scheller?

7 **MR. SCHELLER:** No, Your Honor.

8 **THE COURT:** Okay. Any other questions you would like
9 me to ask Mr. Greenberg -- excuse me. To 38.

10 Any other questions, Mr. Handberg, you would like me
11 to ask Mr. Greenberg as to those facts?

12 **MR. HANDBERG:** No, Your Honor.

13 **THE COURT:** Thank you.

14 So now we're going to go back and do the
15 personalization of elements again, Mr. Greenberg, on Count 8,
16 and we'll do 8 and 9 one right after the other.

17 On Count 8, Mr. Greenberg, did you knowingly produce
18 an identification document, authentication feature, or false
19 identification document? Yes or no?

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** Did you do so without lawful authority?
22 Yes or no?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** Was the production of the identification
25 document, authentication feature, or false identification

1 document in or affecting interstate or foreign commerce, or was
2 the identification document or false identification document
3 transported in the mail in the course of production? Yes or
4 no?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** And on Count 9 did you knowingly --
7 Mr. Greenberg, did you knowingly transfer, possess, or use
8 another person's means of identification? Yes or no?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Did you do so without lawful authority?
11 Yes or no?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Did you do so during and in relation to a
14 felony violation of 18 U.S.C., Section 1028(a)(1)? Yes or no?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Did you know that the means of
17 identification belonged to an actual person? Yes or no?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** Okay. So now we're going to go on to
20 Count 14, and the factual basis starts at the bottom of
21 page 38, and it goes over to -- okay. It goes from page 38 to
22 the top of page 70.

23 So, Mr. Greenberg, let me ask you the same questions
24 again. Have you read the factual basis as to Count 14 that
25 goes from page 38 to page 70?

1 **THE DEFENDANT:** I have.

2 **THE COURT:** Do you understand the factual basis on
3 those pages?

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

5 **THE COURT:** Have you had an opportunity to ask
6 Mr. Scheller any questions you may have about those pages?

7 **THE DEFENDANT:** Yes, I have.

8 **THE COURT:** Okay. Do you admit that the facts as
9 laid out on pages 38 to 70 are the facts of your case?

10 **THE DEFENDANT:** I do.

11 **THE COURT:** Do you admit that these are the facts of
12 what you actually did?

13 **THE DEFENDANT:** I do.

14 **THE COURT:** Any objections to the facts as laid out
15 on pages 38 to 70, Mr. Scheller?

16 **MR. SCHELLER:** There are not, Your Honor.

17 **THE COURT:** Mr. Handberg, any other questions you
18 would like me to ask Mr. Greenberg with respect to the factual
19 basis?

20 **MR. HANDBERG:** No, Your Honor.

21 I would like to point out that Mr. Scheller -- so
22 after Mr. Greenberg had initialed the plea agreement, there
23 were two places in the plea agreement -- on page 68 is the
24 first of these -- where I realized I had made a typographical
25 error, which has been interlineated with the correct term put

1 in. And so in this case on page 68, it says, "After Greenberg
2 was indicted, the auditors attempted to find any of the
3 cryptocurrency machines" -- I had originally written "funds."
4 So that was a typo on my part, so we corrected that.

5 **THE COURT:** Okay.

6 **MR. HANDBERG:** And I checked with Mr. Scheller on
7 Friday and got his authorization to make that change. So I
8 would just like to note that for the record.

9 **THE COURT:** Thank you, Mr. Handberg.

10 Mr. Scheller, is that your understanding as well?

11 **MR. SCHELLER:** Yes. The defense agreed to that
12 change.

13 **THE COURT:** Okay. Thank you very much.

14 So with respect to Count 14, Mr. Greenberg, I'm going
15 to ask you those questions again, and that's on page 26, the
16 personalization of elements. So, Mr. Greenberg, did you
17 knowingly devise or participate in a scheme to defraud or to
18 obtain money or property by using false pretenses,
19 representations, or promises? Yes or no?

20 **THE DEFENDANT:** Yes.

21 **THE COURT:** Were the false pretences,
22 representations, or promises about a material fact? Yes or no?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** Did you act with the intent to defraud?
25 Yes or no?

1 **THE DEFENDANT:** Yes.

2 **THE COURT:** Did you transmit or cause to be
3 transmitted by wire some communication of interstate commerce
4 to help carry out the scheme? Yes or no?

5 **THE DEFENDANT:** Yes.

6 **THE COURT:** Okay. Now on to Count 24. The factual
7 basis for Count 24 is set forth on page 70 through 74.
8 Mr. Greenberg, have you read the factual basis that's set forth
9 on pages 70 through 74 as to Count 24?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Do you understand your factual basis on
12 those pages?

13 **THE DEFENDANT:** I do.

14 **THE COURT:** Okay. Do you admit that these are the
15 facts as to Count 24?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Do you admit that these are the facts of
18 what you actually did?

19 **THE DEFENDANT:** I do.

20 **THE COURT:** Mr. Scheller, any objection to the facts
21 as laid out on pages 70 through 74?

22 **MR. SCHELLER:** There are no objections, Your Honor.

23 **THE COURT:** Thank you.

24 Mr. Handberg, any other questions you would like me
25 to ask Mr. Greenberg as to those facts?

1 **MR. HANDBERG:** No, Your Honor.

2 **THE COURT:** Okay. So back to the personalization of
3 elements, Mr. Greenberg -- and this is on page 27 if you want
4 to follow along. Mr. Greenberg, did you use the mail, any
5 interactive computer service or electronic communication
6 service or electronic communication system of interstate
7 commerce, or any other facility of interstate or foreign
8 commerce to engage in a course of conduct? Yes or no?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Did the course of conduct cause, attempt
11 to cause, or reasonably be expected to cause substantial
12 emotional distress to a person? Yes or no?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** Did you act knowingly and with the intent
15 to injure, harass, or intimidate another person? Yes or no?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** Okay. So then the last count to go over,
18 Mr. Greenberg, the factual basis starts on page 74, and it goes
19 over to page 86, I believe, and those are the facts as they
20 pertain to Count 26. Have you read those facts on pages 74 to
21 86, Mr. Greenberg?

22 **THE DEFENDANT:** Yes, I have.

23 **THE COURT:** Do you understand those pages, sir?

24 **THE DEFENDANT:** I do.

25 **THE COURT:** Do you admit that these are the facts as

1 they pertain to Count 26?

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

3 **THE COURT:** Do you admit that these are the facts of
4 what you actually did?

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

6 **THE COURT:** Mr. Scheller, any objection to the facts
7 as laid out on pages 74 to 86?

8 **MR. SCHELLER:** No, Your Honor.

9 **THE COURT:** Mr. Handberg, any other questions you'd
10 like me to ask Mr. Greenberg as it pertains to the facts on
11 Count 26?

12 **MR. HANDBERG:** No, Your Honor. I would just point
13 out that this is a place where we made a correction on
14 Friday -- Mr. Scheller and I did -- on page 78, at which point
15 we scratched out "Greenberg's" and added "the recruiting
16 conspirator's." In that particular context, it was actually
17 talking about how the recruiter conspirator had their own false
18 applications for these EIDL loans. EIDL is E-I-D-L loans.

19 **THE COURT:** Mr. Scheller, is that your understanding
20 as well?

21 **MR. SCHELLER:** That is correct.

22 **THE COURT:** Okay. Thank you.

23 So, Mr. Greenberg, for the last time, on Count 26 I'm
24 going to ask you the personalization of elements. Again, those
25 are on page 27.

1 So, Mr. Greenberg, did two or more persons in some
2 way agree to try to accomplish a shared and unlawful plan? Yes
3 or no?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Did you know the unlawful purpose of the
6 plan and willfully join in it? Yes or no?

7 **THE DEFENDANT:** Yes.

8 **THE COURT:** During the conspiracy, did one of the
9 conspirators knowingly engage in or at least -- in at least one
10 overt act as described in the indictment? Yes or no?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** Was the overt act committed at or about
13 the time alleged and with the purpose of carrying out or
14 accomplishing some object of the conspiracy? Yes or no?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Did you commit the offense while on
17 release pursuant to an order in United States v. Joel Micah
18 Greenberg, Case No. 6:20-cr-97-GAP-LRH, in the United States
19 District Court for the Middle District of Florida, which order
20 notified you of the potential effect of committing an offense
21 while on pretrial release? Yes or no?

22 **THE DEFENDANT:** Yes.

23 **THE COURT:** Is the United States satisfied with the
24 colloquy with regards to the factual basis as to all counts?

25 **MR. HANDBERG:** Yes, Your Honor.

1 **THE COURT:** Mr. Scheller, is the defense satisfied?

2 **MR. SCHELLER:** Yes.

3 **THE COURT:** Okay. So, Mr. Greenberg, we're almost
4 done. I just have a few more questions for you.

5 By the way, I do find that there's a sufficient
6 factual basis based on my discussion with you to support your
7 plea of guilty as to Counts 1, 8, 9, 14, 24, and 26 in the
8 third superseding indictment.

9 So, Mr. Greenberg, are you pleading guilty today
10 freely and voluntarily and because you believe it is in your
11 best interest to do so?

12 **THE DEFENDANT:** I am.

13 **THE COURT:** Are you pleading guilty because you are
14 guilty?

15 **THE DEFENDANT:** I am.

16 **THE COURT:** Okay. Has anyone threatened you, forced
17 you, or coerced you in any way to get you to plead guilty
18 today?

19 **THE DEFENDANT:** No.

20 **THE COURT:** Okay. Has anyone made any promises to
21 you other than what's in your plea agreement to get you to
22 plead guilty today?

23 **THE DEFENDANT:** No.

24 **THE COURT:** Okay. You're represented by your
25 attorney, Mr. Scheller. Have you discussed your case fully

1 with him?

2 **THE DEFENDANT:** I have.

3 **THE COURT:** Have you had enough time to talk with
4 Mr. Scheller, and are you satisfied with the way he has
5 represented you so far?

6 **THE DEFENDANT:** I am.

7 **THE COURT:** Okay. Has anyone coached you or
8 suggested you answer anything untruthfully today?

9 **THE DEFENDANT:** No.

10 **THE COURT:** Have you told the truth here today, sir?

11 **THE DEFENDANT:** I have.

12 **THE COURT:** Okay. Is the United States satisfied
13 with the plea colloquy?

14 **MR. HANDBERG:** Yes, Your Honor.

15 I would just like to point out two things. One is
16 with respect to the plea agreement. This is the entirety of
17 the agreement. There are no sealed addendums or anything that
18 has been filed under seal. This is the entire agreement.

19 You did cover, I think, this, but just to make sure,
20 in terms of his rights, in addition to the right against
21 compelled self-incrimination and the right to remain silent, he
22 also at trial would have the right to testify, so I think we
23 might want to just briefly cover that with him so he knows that
24 he would have that ability if he went to trial.

25 **THE COURT:** Sure, Mr. Handberg.

1 So, Mr. Scheller, it's your understanding there's
2 nothing under seal that we need to address in any way, shape,
3 or form?

4 **MR. SCHELLER:** That's correct, Your Honor.

5 Also, I just want to put on the record this plea
6 agreement represents the culmination of all plea negotiations
7 and plea offers in this case. It's embodied in this agreement.

8 **THE COURT:** Thank you very much, Mr. Scheller.

9 So, Mr. Greenberg, I think I went over this, but just
10 to be safe, I want to make sure you understand that by pleading
11 today, you're giving up your right to remain silent in terms of
12 if you didn't plead guilty, you could go to trial and you could
13 choose whether or not to testify at trial. You could remain
14 silent, or you could take the stand. But by pleading guilty
15 today, you've waived that right as well. Do you understand
16 that, sir?

17 **THE DEFENDANT:** I do.

18 **THE COURT:** Okay. Anything else, Mr. Handberg, you
19 would like me to go over with Mr. Greenberg?

20 **MR. HANDBERG:** No, I don't think so. I think we
21 covered the elements when you did the personalization, so I
22 think we're covered.

23 **THE COURT:** All right. Mr. Scheller, is there
24 anything else you'd like me to go over with your client?

25 **MR. SCHELLER:** No, Your Honor.

1 **THE COURT:** All right. So, Mr. Greenberg, like I
2 said at the beginning of this hearing, I'm going to issue
3 what's called a "report" to Judge Presnell recommending that he
4 accept your plea of guilty to these six counts in the third
5 superseding indictment. I'm going to make my report in
6 writing, but I'm going to go ahead and say my findings right
7 now just in case you hear anything that sounds weird and you
8 want to discuss it with me now. But I want to make clear
9 you're going to have 14 days to file any objections to my
10 report if you so choose. Do you understand that,
11 Mr. Greenberg?

12 **THE DEFENDANT:** I do.

13 **THE COURT:** Okay. So I find that you, Joel Micah
14 Greenberg, are now alert and intelligent, that you understand
15 the nature of the charges against you and the possible
16 penalties, and that you appreciate the consequences of pleading
17 guilty. I also find that the facts that the United States is
18 prepared to prove and which by your guilty plea you admit,
19 based on the factual basis attached to the plea agreement to
20 which there has been no objection, and my discussion here today
21 with you, sir, do state all of the essential elements of the
22 offenses to which you have pleaded guilty. I further find that
23 your decision to plead guilty is freely, voluntarily,
24 knowingly, and intelligently made and that you have had the
25 advice and counsel of a competent attorney with whom you say

1 you are satisfied.

2 Do you agree with my findings, Mr. Greenberg?

3 **THE DEFENDANT:** I do.

4 **THE COURT:** Okay. Like I said, again, you'll have
5 14 days to file any written objections if you so choose. The
6 next proceeding in your case, Mr. Greenberg, will be your
7 sentencing hearing. I don't have a date for that, but
8 Judge Presnell will issue a notice of hearing in due course.
9 It's usually about 75 days from today, so that gives Probation
10 time to do their presentence report.

11 Is there anything else that we need to take up today
12 on behalf of the United States?

13 **MR. HANDBERG:** No, Your Honor. Thank you.

14 **THE COURT:** Mr. Scheller, anything else we need to
15 take up on behalf of Mr. Greenberg?

16 **MR. SCHELLER:** No.

17 **THE COURT:** Okay. I do know that Mr. Greenberg is in
18 custody, so I'll remand him back to the custody of the
19 United States Marshals. And, with that, we will be in recess.

20 **MR. SCHELLER:** Thank you, Your Honor.

21 (Proceedings concluded at 10:47 A.M.)
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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript of the record of proceedings in the above-titled matter.

Heather Suarez
Heather Suarez, RPR, FCRR
U.S. Official Court Reporter

05/17/2021
Date

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