

# APPENDIX

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION  
HONORABLE JOHN F. WALTER, U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	<b><u>CERTIFIED TRANSCRIPT</u></b>
	)	
vs.	)	
	)	Case No.
LUIS FRANCISCO MURILLO MORFIN,	)	2:18-cr-00206-JFW-5
	)	
Defendant.	)	
	)	<b>Day 2</b>

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REPORTER'S TRANSCRIPT OF  
COURT TRIAL  
WEDNESDAY, OCTOBER 31, 2018  
8:31 A.M.  
LOS ANGELES, CALIFORNIA

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**DEBBIE HINO-SPAAN, CSR 7953, CRR**  
FEDERAL OFFICIAL COURT REPORTER  
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1 probability that it was criminally derived property.

2 Finally, the defendant -- defense counsel stated that  
3 there was no reason for defendant to know -- or there was no  
4 reason for defendant to know that Roman Perez was involved in  
01:31PM 5 criminal activity. But I would just point out that his mother  
6 immediately, when Roman Perez asked her to open a bank account,  
7 she knew that it was something illegal, and she didn't want  
8 that money in her account. That indicates that there was, in  
9 fact, some reason in the family to believe that Roman Perez was  
01:31PM 10 involved in illegal activity.

11 Unless the Court has any questions, the government  
12 submits.

13 THE COURT: All right. No, I have no additional  
14 questions.

01:31PM 15 **(Court's ruling.)**

16 THE COURT: All right. First, the Court finds that  
17 the defendant in his post-arrest statements and in his proffer  
18 admitted on more than one occasion that he knew that the money  
19 was the proceeds of a criminal offense. For example, he  
01:31PM 20 indicated that he knew the money was illegal because of the  
21 amount. And he also indicated that he knew that Perez Sanchez  
22 was involved in human trafficking. The Court finds that his --  
23 defendant's trial testimony where he attempts to avoid the  
24 consequences of his admissions is simply not credible.

01:32PM 25 In addition, I find that the defendant was aware of a high

1 probability that the money in the Wells Fargo account was a  
2 result of a criminal offense and that the defendant had  
3 deliberately avoided learning the truth, therefore,  
4 establishing that he acted knowingly.

01:32PM 5 So as a result, the Court finds that the government has  
6 proved beyond a reasonable doubt that the defendant is guilty  
7 of the charge alleged in Count Ten of the Indictment.

8 All right. We will need a date for sentencing.

9 Before we do that, what's the government going to do with  
01:32PM 10 respect to the Allegation No. 2 with respect to the forfeiture?

11 MS. DEGTYAREVA: Yes, Your Honor. The government  
12 submits on the evidence that was presented at trial with regard  
13 to the forfeiture allegation, and we would be happy to submit  
14 additional briefing if the Court would like.

01:33PM 15 THE COURT: Well, are you seeking forfeiture of  
16 property, substitute property, or a money judgment?

17 MS. DEGTYAREVA: Your Honor, we are seeking a money  
18 judgment.

19 THE COURT: That's not what's alleged in Count Two,  
01:33PM 20 is it? Well, I'll set a -- you can file further briefing with  
21 respect to the forfeiture allegation. You could file that by  
22 the end of this week because I still don't have a good  
23 understanding that the government understands what it is that  
24 it is doing with respect to the forfeiture allegation. And  
01:33PM 25 it's Allegation No. 2; correct?

818 Fed.Appx. 759 (Mem)

This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 9th Cir. Rule 36-3. United States Court of Appeals, Ninth Circuit.

UNITED STATES of  
America, Plaintiff-Appellee,

v.

**Luis** Francisco **MURILLO**  
MORFIN, aka **Luis I. Murillo**  
Morfin, Defendant-Appellant.

No. 19-50076

|  
Submitted August 14, 2020 \* Pasadena, California

|  
FILED August 26, 2020

**Attorneys and Law Firms**

**L. Ashley Aull**, Assistant U.S. Attorney, **Victoria A. Degtyareva**, Esquire, Attorney, **A. Carley Palmer**, Assistant U.S. Attorney, DOJ - Office of the U.S. Attorney, Los Angeles, CA, for Plaintiff-Appellee

**Todd William Burns**, Attorney, Burns & Cohan, Attorneys at Law, San Diego, CA, for Defendant-Appellant

Appeal from the United States District Court for the Central District of California, **John F. Walter**, District Judge, Presiding, D.C. No. 2:18-cr-00206-JFW-5

Before: **WARDLAW** and **CLIFTON**, Circuit Judges, and **CHOE-GROVES**, \*\* Judge.

MEMORANDUM \*\*\*

**Luis** Francisco **Murillo** Morfin appeals his conviction for conspiracy to commit money laundering in violation of 18 U.S.C. §§ 1956(h) and 1957. We affirm.

The only disputed fact at trial was whether Murillo had known that the money he had withdrawn from a bank account and given to his stepfather was “criminally derived property.” 18 U.S.C. § 1957. After a bench trial, the district court found that he had.

“There is sufficient evidence to support a conviction if, ‘viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’” *United States v. Sullivan*, 522 F.3d 967, 974 (9th Cir. 2008) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979) (emphasis in original)). Sufficient evidence supported Murillo's conviction. Among other things, he admitted several times to law \*760 enforcement that he thought the money was derived from illegal activity; he told a false story to the bank teller about why he needed the money when he withdrew the funds; he testified that he had been instructed to open the account at this specific bank because it would “ask the least questions;” and he testified that he thought his stepfather's family was involved in human trafficking. The court's finding that Murillo knew that the money was proceeds of a criminal offense was supported by ample evidence.

Because we sustain the district court's finding of actual knowledge, we need not reach Murillo's remaining arguments as to deliberate ignorance, venue, and insufficient evidence of conspiracy.

**AFFIRMED.**

**All Citations**

818 Fed.Appx. 759 (Mem)

**Footnotes**

\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

\*\* The Honorable Jennifer Choe-Groves, Judge for the United States Court of International Trade, sitting by designation.

\*\*\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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