

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

* * * * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRAVIS RYAN SKAGGS,

Defendant.

* * * * *

* CRIMINAL NO. 2:19-CR-00006

* NOVEMBER 1, 2019 11:08 A.M.

* GUILTY PLEA

* VOLUME I OF I

*

*

* Before:

* HONORABLE PAMELA M. SARGENT

* UNITED STATES MAGISTRATE JUDGE

* * * * * WESTERN DISTRICT OF VIRGINIA

APPEARANCES:

For the Plaintiff:

SAMUEL CAGLE JUHAN, ESQUIRE
United States Attorney's Office
180 West Main Street, Suite B19
Abingdon, VA 24210

For the Defendant:

ROBERT CAMERON HAGAN, JR., ESQUIRE
Robert C. Hagan, Jr., PLC
P. O. Box 448
Fincastle, VA 24090

ECRO Operator:

ELLA SURBER

Transcriber:

JUDY K. WEBB, RPR
210 Franklin Road, S.W., Room 540
Roanoke, Virginia 24011
(540) 857-5100 Ext. 5333

Proceedings recorded by electronic recording.
Transcript produced by computer.

Appendix D

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1 (Court convened at 11:08 A.M.)

2 THE COURT: Good morning.

3 MR. HAGAN: Good morning.

4 THE COURT: The Court has before it this morning the
5 case of *United States of America versus Travis Ryan Skaggs*.

6 It's Case Number 2:19-CR-6. Mr. Skaggs is defendant Number 20
7 in the case.

8 Mr. Skaggs is before the Court based on he and his
9 counsel's representation that he wishes to enter a guilty plea
10 pursuant to a plea agreement that he's entered into with the
11 government in this case.

12 Mr. Skaggs, if you'll stand with your attorney,
13 Mr. Hagan, so I might address you, sir.

14 Mr. Skaggs, my name is Judge Sargent. I'm the
15 magistrate judge here in Abingdon. You've appeared previously
16 before me in this case.

17 I do need to advise you that because the plea
18 agreement calls for you to enter a plea of guilty to a charge
19 that is a felony charge, you do have the right to have this
20 guilty plea hearing conducted before Judge Jones. Judge Jones
21 is the presiding district court judge in this case.

22 Judge Jones is not available today to conduct the
23 plea hearing, and he did ask that I conduct the plea hearing.
24 But I may do so only if you are willing to waive your right to
25 have this hearing before the district court judge and consent

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1 to the magistrate judge, myself, conducting the plea hearing.

2 Now, Mr. Skaggs, have you had a chance to speak to
3 Mr. Hagan about your right to have this plea hearing before
4 the district court judge?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: And you understand that you do have that
7 right?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Are you willing to waive your right to
10 have this hearing before the district court judge and consent
11 to allow the magistrate judge to accept the plea?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: I have a consent form here, sir, I would
14 like to get you to sign. It has the caption of your case. It
15 states: "The defendant in this case hereby voluntarily
16 consents to have a United States magistrate judge conduct a
17 plea hearing in this case. The defendant has been informed of
18 his right to enter his plea before a United States district
19 judge. The defendant hereby waives his right to enter his
20 plea before a United States district judge, and consents to
21 jurisdiction before the United States magistrate judge for the
22 purpose of entering his plea and conducting a plea hearing."

23 If that's agreeable with you, Mr. Skaggs, if you'll
24 sign on the line indicated for your signature.

25 Mr. Hagan, if you'll do the same.

1 And, Mr. Juhan, if you'll sign indicating the
2 government's agreement.

3 All right. Thank you, Mr. Skaggs.

4 Now, before accepting -- Mr. Juhan, did you have
5 something to bring to the Court's attention?

6 MR. JUHAN: Yes, Your Honor. We just wanted a little
7 bit of guidance from the Court. The defendant needed to
8 initial the last page of the agreement. That was an oversight
9 before. And I have a copy of what was signed by Ms. Busscher,
10 and I just wanted to make sure that that is sufficient, rather
11 than me re-executing the last page of the agreement.

12 THE COURT: I think that would be fine. You know,
13 we -- I'm not going to say we don't keep original agreements
14 here, but everything that we have filed is an electronic copy,
15 so it's a scanned-in copy. So I have no problem, if defense
16 counsel has no problem, with just getting Mr. Skaggs to
17 initial. I see that the copy I have before me right now does
18 not have his initials on page 14, but has his initials on
19 every other page of the agreement.

20 If you want to take care of that now, that's fine.

21 MR. HAGAN: Yes, Your Honor. Thank you.

22 MR. JUHAN: May I approach, Your Honor?

23 THE COURT: We will tender that to the clerk, and
24 that will be filed as an amended plea agreement in the case.

25 MR. JUHAN: Thank you, Your Honor.

1 THE COURT: Now, Mr. Skaggs, before accepting your
2 plea, there are a number of questions that I need to ask you
3 to ensure that it's a valid plea. If at any time you don't
4 hear me, please ask me to repeat myself. I'll be glad to
5 speak up and repeat myself. If at any time you don't
6 understand my question, if you indicate, I'll be glad to try
7 to clarify or explain my question to you. Or if at any time
8 you need to speak with counsel before answering my question,
9 if you ask for a moment, I'll be glad to give you an
10 opportunity to speak with counsel.

11 It is very important that you fully understand my
12 questions before you answer them. Do you understand that,
13 sir?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: If you will raise your right hand now,
16 I'm going to have the clerk place you under oath.

17 (Defendant is sworn.)

18 THE COURT: Now, Mr. Skaggs, do you understand that
19 you're under oath now and you have a legal obligation to
20 answer my questions truthfully? Do you understand that?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Do you understand that if you do not
23 answer my questions truthfully, that your answers could be
24 used against you later in another prosecution for perjury or
25 for making false statements?

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1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Would you tell me your full legal name,
3 Mr. Skaggs?

4 THE DEFENDANT: Travis Ryan Skaggs.

5 THE COURT: How old are you, sir?

6 THE DEFENDANT: 31.

7 THE COURT: How far did you go in school?

8 THE DEFENDANT: I graduated high school.

9 THE COURT: After high school, did you have any
10 further education or vocational training?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: How long have you been incarcerated?

13 THE DEFENDANT: Right at two years.

14 THE COURT: I believe that you were actually in state
15 custody before you were transferred into federal custody; is
16 that correct?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Okay. Before you were incarcerated, were
19 you employed?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: When is the last time that you were
22 employed?

23 THE DEFENDANT: I'm not really sure.

24 THE COURT: Okay. Do you read and write the English
25 language?

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1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Have you ever been employed?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: What types of work have you done?

5 THE DEFENDANT: I've done -- I've cut timber, and I
6 worked for Glass Machinery & Excavation.

7 THE COURT: Running heavy equipment?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: When you were cutting timber, were you
10 running heavy equipment?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: Okay. Because some loggers do have some
13 heavy equipment that they operate with.

14 Have you ever been diagnosed with, treated for, or
15 suffered from any type of mental illness?

16 THE DEFENDANT: No, ma'am.

17 THE COURT: Have you ever been diagnosed with,
18 suffered for -- been treated for or suffered from any type of
19 substance abuse or addiction disorder?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Okay. What substance have you either
22 abused or been addicted to?

23 THE DEFENDANT: Just pain, pain medication.

24 THE COURT: Narcotic pain medication?

25 THE DEFENDANT: Yes, ma'am.

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1 THE COURT: Now, when you came into custody more than
2 two years ago, were you abusing or were you addicted to
3 medications at that time?

4 THE DEFENDANT: No, ma'am.

5 THE COURT: Okay. How long ago was it then that you
6 were abusing or addicted to pain medication?

7 THE DEFENDANT: It was around the time my mother
8 passed away, about 2012, 2013.

9 THE COURT: When was the last time that you took or
10 abused any narcotic pain medication?

11 THE DEFENDANT: I can't really -- I can't really
12 answer that truthfully and it be --

13 THE COURT: That's fine.

14 THE DEFENDANT: -- an exact -- you know, an exact
15 date.

16 THE COURT: And I guess I'm not asking you for an
17 exact date. I mean, you said that at the time that you were
18 arrested two years ago, you were not using at that time?

19 THE DEFENDANT: I mean, I have used it, but not -- I
20 didn't really abuse it. But I had used.

21 THE COURT: Okay. All right. Have you received,
22 either by prescription or otherwise, while you've been in
23 custody any narcotic pain medication?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: So it's been at least two years since

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1 you've used any narcotic pain medication?

2 THE DEFENDANT: Yes, ma'am.

3 MR. HAGAN: Your Honor, may I correct for the record?

4 Mr. Skaggs has used methamphetamine. I think he has not
5 considered himself addicted to methamphetamine.

6 THE COURT: Okay. All right. Because the charges in
7 this case do involve the distribution of methamphetamine.

8 You've used that drug in the past?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Did you ever consider yourself to be
11 addicted to that drug?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Have you used any methamphetamine in the
14 two years that you've been incarcerated?

15 THE DEFENDANT: No, ma'am.

16 THE COURT: All right. Now, any drugs, pills,
17 medicines that you've consumed or taken in the last 24 hours?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: Do you take any medications?

20 THE DEFENDANT: Blood pressure medicine.

21 THE COURT: Have you taken that in the last 24 hours?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Any other medications?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Have you consumed any alcoholic beverages

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1 in the past 24 hours?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: Now, do you have any -- other than your
4 blood pressure problem, do you have any other mental or
5 physical health problems currently?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Mr. Hagan, do you have any doubt as to
8 your client's competence to enter a plea at this time?

9 MR. HAGAN: No, Your Honor.

10 THE COURT: Mr. Skaggs, have you received a copy of
11 the indictment, that is, the written charges against you in
12 the case?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Have you had an adequate opportunity to
15 discuss the indictment and your case in general with your
16 attorney?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: May I have the plea agreement that was
19 tendered to you? Thank you.

20 Now, Mr. Skaggs, I'm going to show you the plea
21 agreement that has been tendered to the Court, that you added
22 your signature to a moment ago, okay? I would like for you to
23 look through it just to make sure that that is the agreement
24 that you've entered into with the court, again making sure
25 that these are your initials on each page and your signature

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1 on page 13 of the agreement, please.

2 (Discussion off the record between Mr. Hagan and the
3 defendant.)

4 THE COURT: All right. Now, Mr. Skaggs, is this the
5 agreement that you've entered into with the government?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Are these your initials on each page of
8 the agreement?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And is this your signature on page 13 of
11 the agreement?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Did you read the agreement in its
14 entirety or have it read to you in its entirety before you
15 initialed and signed the agreement?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Do you believe that you had an adequate
18 opportunity to read it and to discuss the agreement with your
19 attorney before you signed it?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Did you initial each page and sign page
22 13, indicating that you are in agreement with the terms
23 contained in the plea agreement?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Are you satisfied with your attorney's

1 representation in this case?

2 THE DEFENDANT: Yes, ma'am.

3 (Sound of phone ringing.)

4 THE COURT: Do you have any complaint with regard to
5 your attorney's representation?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Just a moment while Mr. Hagan gets his
8 device turned off.

9 MR. HAGAN: I apologize, Your Honor.

10 THE COURT: That's all right, Mr. Hagan. We're not
11 going to take you to the floor or anything over it, so take
12 your time.

13 MR. HAGAN: Well, I doubly appreciate that.

14 THE COURT: Yeah. Well, the marshals always perk up
15 when a device goes off in the courtroom. But we're okay. All
16 right.

17 MR. HAGAN: It's off now.

18 THE COURT: Okay. Thank you.

19 Now, I think I had asked you if you had any complaint
20 with Mr. Hagan's representation in the case?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: All right. If you'll have a seat there
23 at counsel table, I'm going to ask Mr. Juhan if he will
24 summarize the terms of the plea agreement. I would like for
25 you to listen carefully, Mr. Skaggs, because I'll have further

1 questions for you when he finishes.

2 Mr. Juhan.

3 MR. JUHAN: Thank you, Your Honor. Under the plea
4 agreement, the defendant agrees to plead guilty to Counts One
5 and Counts Thirty-seven of the indictment. Count One charges
6 him with conspiring to distribute and possessing with the
7 intent to distribute 500 grams or more of a mixture or
8 substance containing a detectable amount of methamphetamine.

9 He understands that if the Court determines he has a
10 prior conviction for a serious drug felony or a serious
11 violent felony, he will face a mandatory minimum sentence of
12 imprisonment of a term of 15 years and a maximum sentence of
13 life imprisonment. He would be subject to a maximum fine of
14 \$20 million and a supervised release term of at least ten
15 years.

16 But if he does not have at least one prior conviction
17 for a serious drug felony or serious violent felony, he will
18 face a mandatory minimum sentence of a term of imprisonment of
19 ten years, and, in such case, will face a maximum fine of
20 \$10 million and a term of supervised release of at least five
21 years.

22 Count Thirty-seven charges him with possessing with
23 the intent to distribute and distributing a mixture or
24 substance containing methamphetamine. He understands that if
25 the Court determines he has a prior conviction for a felony

1 drug offense, he will face a maximum sentence of imprisonment
2 for a term of 30 years, and will be subject to a maximum fine
3 of \$2 million, a term of imprisonment of at least six years.

4 He understands if the Court determines he does not
5 have a prior conviction for a felony drug offense, he will
6 face a maximum sentence of imprisonment for a term of 20
7 years, and in such case be subject to a maximum fine of
8 \$1 million, and a term of supervised release of three years --
9 of at least --

10 THE COURT: May I stop you just there one moment,
11 Mr. Juhan?

12 MR. JUHAN: Yes.

13 THE COURT: You said on Count Thirty-seven if he had
14 a prior felony drug conviction.

15 MR. JUHAN: Yes.

16 THE COURT: I think you misspoke. I think you meant
17 to say that he would have a period of supervised release of at
18 least six years. But I think you said that he would have a
19 period of incarceration of up to 30 years and a mandatory
20 minimum period of incarceration of six years.

21 MR. JUHAN: So want to make sure I'm understanding.
22 So I think it's a maximum sentence of imprisonment of a term
23 of 30 years, and will be subject to a maximum fine of
24 \$2 million, and a term of supervised release of at least six
25 years.

1 THE COURT: Yes.

2 MR. JUHAN: Thank you.

3 THE COURT: I think you said incarceration of at
4 least six years, and I wanted to make sure that there was no
5 mandatory minimum incarceration on that charge.

6 MR. JUHAN: Correct. Thank you, Your Honor.

7 THE COURT: Thank you. All right.

8 MR. JUHAN: The defendant understands he would also
9 be subject to potential restitution and other financial
10 obligations as set forth in the middle of page 2 of his
11 agreement.

12 He is pleading guilty because he's in fact guilty and
13 he believes it's in his best interest to do so and not because
14 of any threats or promises. There's been no promise made as
15 to what the final disposition of this matter will be.

16 On pages 2 to 3, he waives certain constitutional
17 rights upon pleading guilty, and gives them up voluntarily,
18 that are listed in paragraphs 2(A) through (L).

19 He understands that if he complies with his
20 obligations under the agreement any other counts against him
21 will be dismissed. Although, I believe One and Thirty-seven,
22 my review of the indictment this morning, I think those are
23 the only counts against him.

24 As far as sentencing provisions go, he understands
25 that the determination of what his sentence should be within

1 the confines of the applicable statutory maximums and minimums
2 are in the sole discretion of the Court, subject to its
3 consideration of the sentencing guidelines and the factors in
4 18 U.S.C. 3553(a).

5 He understands he will have various opportunities to
6 litigate those issues at sentencing, including a review of the
7 presentence report, and make objections, file motions in
8 support of -- or filings in support of the desired sentence,
9 cross-examine witnesses, present evidence, bring witnesses of
10 his own, if he wishes to do so, and argue to the Court what
11 the appropriate sentence would be within the confines of this
12 agreement.

13 He understands, at the bottom of page 3, that if the
14 sentence is more severe than he expects, he will have no right
15 to withdraw his plea. And he realizes, after talking with his
16 attorney, there's a substantial likelihood that he will be
17 incarcerated; in fact, there's a mandatory minimum on one of
18 the counts.

19 At the beginning of page 4, he understands that the
20 United States will file an information pursuant to Title 21
21 U.S.C. 851 subjecting him to possible increased penalties for
22 prior felony drug convictions as set forth in Section A of
23 this agreement. And he agrees and stipulates that he was
24 convicted of the following felony drug offense, which the
25 United States believes is a qualifying offense, and that

1 offense is selling/distribute a Schedule III substance in Wise
2 County, Virginia, with an offense date of November 21st, 2014,
3 and a conviction date of July 27th, 2015.

4 THE COURT: And the parties are reserving for
5 argument at sentencing whether or not that's a qualifying
6 offense, correct?

7 MR. JUHAN: I understand, based on the carve-out in
8 the -- there's an appellate carve-out as to the right to
9 appeal that issue, so I believe that that would be consistent.

10 Do you, Mr. --

11 MR. HAGAN: Yes, that is the anticipation. We will
12 contest whether or not this is a serious drug felony.

13 THE COURT: Mr. Skaggs is not contesting that he has
14 the conviction. The only issue for sentencing would be the
15 judge would have to decide whether that's a qualifying
16 conviction or not?

17 MR. HAGAN: Correct, Your Honor.

18 THE COURT: Okay. Thank you.

19 MR. JUHAN: Regarding the sentencing guidelines, the
20 parties agree that the 2018 edition should apply and the
21 parties -- or the defendant stipulates the following
22 guidelines section applies, and that's 2D1.1 regarding an
23 offense level of 32 that corresponds to 150 grams to less than
24 500 grams of ice methamphetamine. The United States also
25 stipulates that that should apply.

1 The parties understand that other guideline sections
2 may be applicable to the case, and the United States and the
3 defendant will be free to argue whether those should or should
4 not apply to the extent the arguments are not inconsistent
5 with the stipulations, recommendations, or terms of this plea
6 agreement.

7 The defendant agrees to accept responsibility for his
8 conduct, and if he does so, he can receive up to a three-level
9 reduction on his offense level. But he stipulates that if he
10 fails to accept responsibility -- this is on the top of page
11 5 -- or fails to comply with any provision of his agreement,
12 then he should not receive credit for acceptance of
13 responsibility, and that the U.S. government would object to
14 him receiving such credit until he has testified truthfully at
15 his sentencing hearing, if called upon to do so.

16 The United States retains all its rights to make a
17 substantial assistance motion but is under no obligation to do
18 so.

19 Beginning on the bottom of page 5 and continuing on
20 the next pages, the defendant has certain monetary
21 obligations, including special assessments, fines, and
22 restitution. And there's, among them, a \$100 per felony count
23 of conviction special assessment. Those obligations are
24 continued on page 6 and 7 of the agreement.

25 On page 7, the defendant also has a duty to make

1 certain financial disclosures, and also has an understanding
2 of certain collection matters that are listed on page 7, on to
3 page 8.

4 Also on page 8, the defendant understands that his
5 attorney may be present with him during any contact by any
6 government personnel, but by signing this agreement, he has
7 expressly waived the presence of counsel during that contact
8 and agrees that government personnel can contact him without
9 the prior approval of his attorney. But at any time during
10 those contacts with the government, he may request the
11 presence of his attorney, and the contact will be suspended
12 until either his attorney arrives or indicates that the
13 contact could continue.

14 Regarding appeal, the defendant, knowing that he has
15 a right of direct appeal of his sentence under 18 U.S.C.
16 3742(a) and the grounds listed therein, he expressly waives
17 his right to appeal his sentence on those grounds or any other
18 ground, except that he reserves his right to appeal an adverse
19 ruling to Section B2 of this plea agreement regarding an 851
20 enhancement that the Court has also mentioned earlier.

21 In addition, he waives his right to appeal as to any
22 and all other issues in this matter, and agrees not to file a
23 notice of appeal. And he's knowingly and voluntarily waiving
24 the right to file an appeal. And by signing the agreement, he
25 is explicitly and irrevocably directing his attorney not to

1 file one. Notwithstanding any language in the agreement to
2 the contrary, he is not waiving his right to appeal or to have
3 his attorney file a notice of appeal as to any issue which
4 can't be waived by law.

5 He understands that the U.S. agrees -- reserves its
6 rights to appeal. And he understands that if he files any
7 court document, except for appeal based on an issue that can't
8 be waived by law, or a collateral attack based on ineffective
9 assistance of counsel, or that's is expressly carved out in
10 this agreement, that he -- that if any such filing seeks to
11 disturb in any way an order imposed in this case, then that
12 will constitute a failure by him to comply with this
13 agreement.

14 On page 9, he also waives his right to collaterally
15 attack in any future proceeding any order issued in this
16 matter unless such attack is based on ineffective assistance
17 of counsel. And he agrees he won't file any documents seeking
18 to disturb any such order unless it's based on ineffective
19 assistance of counsel.

20 He understands that if he files any such court
21 document, except for an appeal based on an issue not waived in
22 this agreement or one that can't be waived by law or is based
23 on ineffective assistance of counsel, that if he filed such a
24 motion or such a filing or court document seeking to disturb
25 in any way any order imposed in this case, that that will also

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1 constitute a failure to comply with the agreement.

2 On page 9, he also has certain understandings,
3 including certain waivers regarding access to information and
4 witness fees.

5 He agrees to abandonment of seized items.

6 He understands, on page 9 and 10, that if he were not
7 a U.S. citizen, he would be subject to deportation.

8 He also understands that he may be denied federal
9 benefits as a result of his conviction.

10 On page 10, he understands that any statements he
11 makes, including in this plea agreement, or any admission of
12 guilt during or in preparation for any guilty plea hearing,
13 sentencing hearing, or other hearing, any statements he
14 make -- he would make or has made to law enforcement agents in
15 any setting, including a proffer, can be used against him in
16 this and other proceeding, and that he also would waive any
17 right he might have under the Constitution, any statute, rule,
18 or other source of law to have those statements or evidence
19 derived from those statements suppressed or excluded from
20 being admitted into evidence. And, in fact, he stipulates
21 that such statements can be admitted into evidence.

22 He understands, on page 10 and 11, that he has
23 certain additional obligations, specifically agreements not to
24 commit certain acts that are enumerated in bullet points
25 listed on page 10 or 11.

1 He understands that the United States has, at its
2 election -- can pursue certain remedies if he fails to comply
3 with any provision of this agreement. That includes declaring
4 the agreements void, refusing to dismiss any charges,
5 reinstating dismissed charges, filing new charges, withdrawing
6 a substantial assistance motion that was made, refusing to
7 abide by any provision, stipulation, or recommendation in this
8 agreement, or take any other action provided by this agreement
9 or by statute, regulation, or rule.

10 In addition, he agrees that if for any reason this
11 conviction is said aside or if he fails to comply with an
12 obligation under the agreement, the government may file, by
13 indictment or information, any charge against him which were
14 filed or could have been filed concerning the matters involved
15 in the instant investigation. And he waives his right under
16 Rule 7 of the Rules of Criminal Procedure to be proceeded
17 against by an indictment, and consents to the filing of an
18 information against him concerning those charges.

19 He also waives any statute of limitations defense as
20 to any such charges. And he also understands that those
21 remedies available to the government are cumulative and not
22 mutually exclusive.

23 There's a limitation on this agreement, on page 11
24 and 12 -- I'm sorry, just page 11 -- just page 11, that,
25 essentially, it binds only the United States Attorney's Office

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1 for the Western District of Virginia and not any federal,
2 state, or local body, entity, or prosecutor's office.

3 He understands that he has signed the agreement, and
4 that by signing it, it's an effective offer that he has made to
5 the United States.

6 He agrees he's had effective representation, and if
7 he thinks he hasn't, he will let the Court know no later than
8 sentencing.

9 If he has information about government misconduct, he
10 agrees to let it be known to the Court and to the U.S.
11 Attorney's Office in writing as soon as possible, but no later
12 than sentencing.

13 He understands there will be a presentence report
14 that's conducted.

15 He understands any calculation of the guidelines by
16 the U.S. Attorney's Office or his attorney is speculative and
17 not binding on the Court or the probation office, and that
18 there have been no guarantees made by anyone regarding the
19 effect of the guidelines on his case.

20 He understands that he will be free to allocute and
21 the prosecution will be free to allocute at sentencing, and
22 that the United States retains its rights to inform the
23 probation officer and the Court of all relevant facts that
24 would be relevant to sentencing.

25 He stipulates there's a sufficient factual basis to

1 support each and every material factual allegation contained
2 in the indictment to which he is pleading guilty. He
3 understands that this agreement doesn't apply to any charges
4 or crimes that are not addressed in this agreement, and if he
5 should testify falsely in this or a related proceeding, he
6 could be prosecuted for perjury or false statements.

7 He understands his attorney can argue in favor of
8 mitigation in his behalf as long as it's not inconsistent with
9 this agreement, and that this writing sets forth the entire
10 understanding between himself and the U.S. Attorney's Office,
11 and that there are no other agreements except for what is
12 expressly in this agreement.

13 Finally, he has consulted with his attorney and
14 understands his rights. He has read this plea agreement
15 carefully; he has voluntarily agreed to it. He is not being
16 coerced, threatened, or promised anything other than the terms
17 of the agreement described above.

18 In exchange for his plea, and being aware of all the
19 possible consequences of his pleas, he has independently
20 decided to enter his plea of his own free will, and affirms
21 such by his signature on the agreement.

22 Your Honor, that's a summary of the agreement.

23 THE COURT: Thank you.

24 Mr. Skaggs, if you would stand again with your
25 counsel.

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1 Mr. Skaggs, are those the terms of the plea agreement
2 as you understand them?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Did Mr. Juhani add anything that you were
5 not aware was contained in the plea agreement?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Did he leave out any pertinent or
8 important parts that you believe need to be brought to the
9 Court's attention?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: Has anyone made any other promises to
12 you, other than those contained in the plea agreement, to
13 cause you to want to plead guilty in the case?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Has anyone in any way attempted to force
16 you or threaten you to plead guilty?

17 THE DEFENDANT: No, ma'am.

18 THE COURT: Now, under the terms of the plea
19 agreement, do you specifically understand that you are
20 agreeing or stipulating that you have a conviction from Wise
21 County, Virginia, of an offense date of November the 21st,
22 2014, with a conviction date of July 27th, 2015, for
23 sell/distribute of a Schedule III controlled substance? Do
24 you understand you're stipulating to that?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: I understand that the parties are not
2 agreeing that that is a qualifying offense under Title 21,
3 United States Code, Sections 841 and 851. They are leaving
4 that issue for the district judge to decide.

5 But you understand that the government is going to
6 argue that that is a qualifying offense? Do you understand
7 that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you understand that your counsel is
10 free to argue that it is not? Do you understand that?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you further understand that you're
13 also stipulating that sentencing guideline -- that the 2018
14 edition of the United States Sentencing Guidelines Manual
15 applies, and that, in particular, Section 2D1.1 applies, for a
16 base offense level of 32, and that you're stipulating that at
17 least 150 grams of methamphetamine, or, actually, of crystal
18 methamphetamine, or ice, but less than 500 grams, that that
19 guideline section is applicable to your conduct in this case?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: Do you further understand that, under the
22 terms of the plea agreement, that you are waiving your right
23 to appeal your conviction and sentence, with the exception
24 that you are reserving the right to argue whether or not the
25 Wise County conviction is a qualifying offense? Do you

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1 understand that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Do you also understand that you're
4 waiving your right to collaterally attack your conviction and
5 sentence on all other grounds that you may legally waive? Do
6 you understand that?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: All right. Now, do you understand that
9 if the Court accepts your guilty plea to these charges and
10 your plea is accepted and you're found guilty, that these are
11 felony charges, and that that conviction will deprive you of
12 certain valuable civil rights, such as the right to vote, the
13 right to serve on a jury, the right to hold public office, or
14 the right to possess a firearm? Do you understand that?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Do you further understand that, since you
17 are pleading guilty to drug offenses, if your plea is accepted
18 and you're found guilty of these offenses, that this will make
19 you ineligible for certain federal benefits, including certain
20 social security and/or food stamp benefits? Do you understand
21 that?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: The plea agreement calls for you to plead
24 guilty to the two charges contained against you in the
25 indictment. In particular, it calls for you to plead guilty

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1 to the charge contained against you in Count One of the
2 indictment.

3 Count One of the indictment charged you with
4 violating Title 21, United States Code, Sections 846 and
5 841(b)(1)(A), and that is a charge of conspiracy to distribute
6 and possess with intent to distribute 500 grams or more of a
7 mixture or substance containing a detectable amount of
8 methamphetamine.

9 Count Thirty-seven of the indictment charged you with
10 violating Title 21, United States Code, Sections 841(a)(1) and
11 841(b)(1)(C), and that is a charge of possession with intent
12 to distribute and/or distribution of methamphetamine.

13 Now, do you understand that if the Court accepts your
14 guilty plea and finds you guilty of Count One of the
15 indictment, that it carries a possible mandatory minimum
16 sentence of up to 15 years and a possible maximum sentence of
17 incarceration of up to life, as well as an up to \$20 million
18 fine?

19 If the Court should decide that the Wise County
20 conviction is not a prior qualifying conviction, you would,
21 however, face at least a mandatory minimum sentence of ten
22 years imprisonment, again, a maximum of up to life
23 imprisonment, and an up to \$10 million fine. In both cases,
24 you would receive also a term of supervised release; it would
25 be of at least five years. And there's a mandatory special

1 assessment on each count of \$100.

2 With regard to Count Thirty-seven of the indictment,
3 if the Court accepts your plea and finds you guilty of that
4 offense, and the Court decides that you do have a prior
5 qualifying drug conviction, you are looking at a maximum
6 sentence of up to 30 years imprisonment and a fine of up to
7 \$2 million.

8 If the Court determines that you do not have a prior
9 qualifying conviction, you're looking at a maximum term of
10 imprisonment of up to 20 years and a fine of up to \$1 million.
11 Again, there would be a period of supervised release imposed,
12 and there would be a mandatory special assessment of \$100.

13 Now, do you understand the maximum penalties that may
14 be imposed in your case?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Do you understand the mandatory minimum
17 penalties that may be imposed in your case?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: I want to make sure that you understand,
20 Mr. Skaggs, that even if the Court agrees with your arguments
21 and finds that you do not have a prior qualifying offense,
22 that you are looking at at least a maximum term -- a mandatory
23 minimum term of imprisonment of at least ten years. Do you
24 understand that?

25 THE DEFENDANT: Yes, ma'am.

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1 THE COURT: I want to talk to you just a moment about
2 the supervised release. Supervised release is a term of
3 supervision that's imposed in addition to any period of
4 incarceration that you serve. It does not in any way reduce
5 any term of incarceration. Should there be a violation of any
6 of your conditions of supervised release, your term of
7 supervision could be revoked and you could be incarcerated
8 again for a further term of imprisonment. Do you understand
9 that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Do you also understand that it's likely,
12 after that further term of imprisonment, that there would be
13 an additional term of supervised release imposed?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Did the plea agreement call for
16 Mr. Skaggs to forfeit any property? I don't think it listed
17 any, did it, Mr. Juhan?

18 MR. JUHAN: I don't . . . (pause)

19 THE COURT: Usually if there's specific property
20 taken from this specific defendant, it would list it.

21 MR. JUHAN: There is none in this case, Your Honor.

22 THE COURT: Okay. Thank you.

23 Now, Mr. Skaggs, do you believe that you understand
24 all the possible consequences of your plea?

25 THE DEFENDANT: Yes, ma'am.

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1 THE COURT: Your case is covered by the sentencing
2 guidelines. Have you and Mr. Hagan talked about the
3 sentencing guidelines and their effect on any sentence that
4 may be imposed in this case?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you understand that what normally
7 occurs is the judge must select a sentence from within the
8 guideline range, and that the guideline range will not be
9 determined until after a presentence report has been completed
10 and a sentencing hearing held?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you understand that, after your
13 guideline range has been determined, that the judge has the
14 authority in some circumstances to depart from the guidelines
15 and to impose a sentence that is more severe or is less severe
16 than the sentence called for by the guidelines?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Do you further understand that the
19 sentencing guidelines are no longer mandatory, and after
20 considering the guidelines and the factors listed in Title 18,
21 United States Code, Section 3553(a), that the judge may
22 sentence outside of the guidelines and up to the statutory
23 maximum sentences?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you understand that under some

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1 circumstances the government may have a right to appeal any
2 sentence that the Court imposes in the case?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you understand that you specifically
5 waived your right to appeal with regard to any sentence that's
6 imposed, with the exception of whether or not your prior
7 conviction should qualify as a qualifying prior conviction?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you understand that parole has been
10 abolished and that if you are sentenced to a term of
11 imprisonment, you will serve your full term of imprisonment
12 less any credit the government -- excuse me, the Bureau of
13 Prisons should give you for good time or for good behavior?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Do you understand that you're also not
16 eligible for probation because the offenses to which you are
17 pleading guilty carry maximum sentences of 25 years or more?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Do you understand that any sentence that
20 may be imposed in the case may be different from any estimate
21 your attorney has given you, any estimate the U.S. Attorney's
22 Office has given you, or even any estimate the United States
23 Probation Office may have prepared for you?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you understand that if the Court does

1 not accept any sentencing recommendations by the government as
2 set forth in the plea agreement, that you would still be bound
3 by your plea and you would have no right to withdraw your plea
4 on that basis?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: I would like for you to listen carefully
7 as I go over a number of rights that you are waiving or giving
8 up by pleading guilty.

9 You, of course, have the right to plead not guilty to
10 the charges contained against you in the indictment. You have
11 a right to persist in that plea and you have a right to go to
12 trial -- to trial, to be tried by a jury on each of those
13 charges.

14 At the trial, you would be presumed innocent and the
15 government would have to prove your guilt beyond a reasonable
16 doubt.

17 You would have the right to the assistance of your
18 counsel at trial. You would have the right to see, hear, and
19 to have your counsel cross-examine any of the government's
20 witnesses. You would have the right to call witnesses to
21 testify in your behalf. And if those witnesses would not
22 voluntarily appear, you would have the right to have the Court
23 compel them to appear by the issuance of witness subpoenas.

24 You would have the right to testify if you chose to
25 do so; however, you also have the absolute right not to

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1 testify, and the fact that you did not testify or the fact
2 that you did not put on any evidence could not be used against
3 you.

4 Now, Mr. Skaggs, do you understand that you have
5 these rights?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Do you further understand by entering a
8 plea of guilty to the charges contained in the indictment
9 against you that you're waiving your right to trial and all of
10 these rights that are associated with your right to trial?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Now, just a moment ago I advised you
13 again of the charges you face. You have been charged with
14 violating Title 21, United States Code, Sections 846 and
15 841(b)(1)(A), which is a charge of conspiracy to distribute
16 and possessing with intent to distribute 500 grams or more of
17 a mixture or substance containing a detectable amount of
18 methamphetamine.

19 You also have been charged with violating Title 21,
20 United States Code, Sections 841(a)(1) and 841(b)(1)(C), which
21 is a charge of possession with intent to distribute and/or
22 distribution of a mixture or substance containing
23 methamphetamine.

24 Are you pleading guilty to these charges because you
25 are in fact guilty of these charges?

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1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: If you'll have a seat there at counsel
3 table again. I am going to ask the government to proffer the
4 evidence that it would show if the case went to trial. I have
5 to make sure there is an independent basis in fact to support
6 the acceptance of your pleas.

7 Mr. Juhan.

8 MR. JUHAN: Thank you, Your Honor.

9 If called to do so at trial, the government would
10 prove the following facts through admissible evidence:
11 Between July 1st, 2016, and May 1st, 2019, the defendant,
12 Travis Skaggs, and others, knowingly and intentionally
13 conspired to distribute throughout Lee and Wise County,
14 Virginia, 500 grams or more of a mixture or substance
15 containing methamphetamine.

16 The evidence would show that, during the relevant
17 time period, Mr. Skaggs purchased significant quantities of
18 methamphetamine from lead codefendant, Travis Pennington, as
19 well as codefendants Carl Davis and Susan Mullins, and that
20 Mr. Skaggs then sold methamphetamine to residents of Lee and
21 Wise County, Virginia, including sales to Allison Bates and
22 Lew Hickman.

23 For example, the evidence would show that, during the
24 winter of 2018, Mr. Skaggs was purchasing approximately 1 to
25 2 ounces of methamphetamine per day from Carl Davis, through

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1 Susan Mullins, and then distributing the methamphetamine he
2 purchased. The evidence would show that Mr. Skaggs had
3 knowledge of the overall objectives and scope of the charged
4 conspiracy and knowingly and voluntarily participated in it.

5 Additionally, the evidence would show that on or
6 about September 13th, 2018, Mr. Skaggs knowingly and
7 intentionally possessed with the intent to distribute
8 approximately 19.2 grams of methamphetamine, a Schedule II
9 controlled substance. Mr. Skaggs was found in possession of
10 the methamphetamine at Southwest Virginia Regional Jail, which
11 is in the Western District of Virginia, and the evidence would
12 show that 1.9 grams is considered a distribution amount of
13 methamphetamine in jail.

14 These are not all the facts the government could
15 prove, but they satisfy the elements of the offenses to which
16 the defendant is pleading guilty.

17 Thank you, Your Honor.

18 THE COURT: Step back just a moment, Mr. Juhani.

19 MR. JUHAN: Yes.

20 THE COURT: You said that there was a date in which
21 Mr. Skaggs was found in custody -- found in possession of
22 methamphetamine at the jail?

23 MR. JUHAN: Yes. That is -- that is the facts that
24 I've been --

25 THE COURT: Was that on the date of his arrest in

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1 these charges?

2 MR. HAGAN: Your Honor, may I?

3 THE COURT: You may, if you know, Mr. Hagan.

4 MR. HAGAN: Yes. Mr. Skaggs was arrested in Lee
5 County, taken to Scott County, and the drugs were found upon
6 his intake into the jail.

7 THE COURT: Okay. That's what I was just asking.

8 MR. HAGAN: Yeah.

9 THE COURT: I was asking if it was alleged that drugs
10 were found upon him on his intake on his original arrest. I
11 know many of these defendants came into custody originally on
12 some state charges and were transferred to our custody in lieu
13 of the state prosecution. But I was trying to understand if
14 it was upon his intake or if it was actually alleged that that
15 was part of the conspiracy, because I did not understand that
16 that was alleged as part of the conspiracy.

17 So it was upon his intake that he was found in
18 possession?

19 MR. JUHAN: Yes, Your Honor.

20 THE COURT: Okay. Thank you.

21 MR. JUHAN: Thank you, Your Honor.

22 THE COURT: Mr. Skaggs, if you'll stand one last
23 time, please.

24 Mr. Skaggs, you've heard the facts that the
25 government says that it could prove if the case went to trial.

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1 Do you have any dispute with those facts?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: And let me ask you at this time how you
4 wish to plead to the charges contained in Counts One and
5 Thirty-seven of the indictment against you, guilty or not
6 guilty?

7 THE DEFENDANT: Guilty.

8 THE COURT: Anything further, gentlemen, in deciding
9 whether or not to accept the plea?

10 MR. JUHAN: No, Your Honor.

11 MR. HAGAN: No, Your Honor.

12 THE COURT: Mr. Skaggs, based on what I've heard here
13 today, I am going to accept your pleas of guilty to these two
14 charges. I find you're fully competent and capable of
15 entering an informed plea, that you're doing so knowingly and
16 voluntarily, and that there's an independent basis in fact to
17 support each of the essential elements of the charges against
18 you. Therefore, I'm going to accept your pleas, and I'm going
19 to recommend that the Court finds you guilty of the offenses.

20 I also, since there is no charge that is to be
21 dismissed pursuant to this plea agreement, I'm also going to
22 accept the plea agreement.

23 Now, as I mentioned earlier, a written presentence
24 report will be prepared to assist Judge Jones. This case goes
25 back before Judge Jones for sentencing. A written presentence

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1 report will be prepared by the probation office to assist him
2 in sentencing.

3 After the report is prepared, your attorney will
4 receive a copy of it, and he will come and go over that
5 information with you. And you'll have a right to file any
6 objections you have to the information contained in the
7 report.

8 I just remind counsel, the way the presentence
9 reports are distributed now is they're filed on the docket.
10 You can then download those. And, of course, any written
11 objections to the presentence report must be made within 14
12 days after receiving the report by filing them back on the
13 docket.

14 Now, before I took the bench, counsel consulted with
15 the clerk and have agreed on a trial date -- excuse me, a
16 sentencing date and time for Mr. Skaggs of February the 4th at
17 2:30 p.m.

18 Now, Mr. Skaggs, do you have any questions of the
19 Court today?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: Counsel, do you know of anything further
22 we need to take up in Mr. Skaggs' case?

23 MR. JUHAN: No, Your Honor.

24 MR. HAGAN: No, Your Honor.

25 THE COURT: Mr. Skaggs, I will remand you back to the

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1 custody of the Marshals Service, sir, and you'll come back
2 before the court in February for your sentencing.

3 If there's nothing further, then the Court will stand
4 in adjournment. Thank you.

5 (Court adjourned at 11:55 a.m.)

6

7 CERTIFICATE

8 I, Judy K. Webb, certify that the foregoing is a
9 correct transcript, to the best of my ability, from
10 the electronic recording of the proceedings in the
11 above-entitled matter.

12

13 /s/ Judy K. Webb

Date: 8/5/2020

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