

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5229**September Term, 2021****1:21-cv-02181-UNA****Filed On: February 17, 2022**

In re: Priscilla Ann Ellis,

Petitioner

BEFORE: Pillard and Walker, Circuit Judges, and Sentelle, Senior Circuit Judge

ORDER

Upon consideration of the petition for writ of mandamus and the supplements thereto, and the motion for leave to proceed in forma pauperis, it is

ORDERED that the motion for leave to proceed in forma pauperis be granted. It is

FURTHER ORDERED that the petition for writ of mandamus be denied. The district court did not abuse its discretion in transferring petitioner's case to the Middle District of Florida. See McFarlane v. Esquire Magazine, 74 F.3d 1296, 1301 (D.C. Cir. 1996) (district court's decision to transfer a case under 28 U.S.C. § 1406(a) reviewed for abuse of discretion). Petitioner's underlying criminal conviction and sentence were entered in that district, as were the alleged "special administrative measures" of which petitioner complains. The fact that component agencies and senior officers of the Department of Justice are based in the District of Columbia is not, by itself, sufficient to establish venue in the district court here. See Cameron v. Thornburgh, 983 F.2d 253, 256-57 (D.C. Cir. 1993). Insofar as petitioner seeks additional relief in her mandamus petition beyond rescission of the district court's transfer order, she has not demonstrated a clear and indisputable right to such relief. See Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 289 (1988).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/
Manuel J. Castro
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-5229

September Term, 2021

1:21-cv-02181-UNA

Filed On: May 27, 2022

In re: Priscilla Ann Ellis,

Petitioner

BEFORE: Srinivasan, Chief Judge, and Henderson, Rogers, Millett, Pillard, Wilkins, Katsas, Rao, Walker, and Jackson*, Circuit Judges, and Sentelle, Senior Circuit Judge

ORDER

Upon consideration of the petition for rehearing en banc and the supplement thereto, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

* Circuit Judge Jackson did not participate in this matter.

EXHIBIT D2

INITIAL APPEARANCE TRANSCRIPT FROM WACO, TEXAS
8-31-2015
WA-15-MJ-184 (1) JCM Judge Manske

Priscilla Ellis was denied Due Process to have an attorney at a most critical stage in the criminal proceeding a 5.1 Hearing in which Plaintiff had no idea what this was and as to why she was being denied the right to SPEAK to or see her ATTORNEY until AFTER she had seen the Judge

See Page 9 to 12 of 22
BOX 10
Line 10 through 16,

Priscilla ELLIS is telling the Judge that they said that I COULD NOT Call my attorney until after I saw you

The ~~Judge~~ Judge blatantly denied Priscilla Ellis Equal Protections under 42 USC 1981 and Due Process under the 14th Amendment of the United States Constitution as well as Denied Due Process under the 5th Amend and denied the right to an attorney under Sixth Amend after the criminal charges attached.

~~Instead of~~==

Instead of the Judge Manske, a seasoned ~~WHITE~~ Judge telling the bailiff to take Priscilla out to call an attorney and then re-appear before him with her attorney, he went on to perform a 5.1 hearing and sign to extradite Priscilla Ellis for a crime out of her Home state of Texas and Venue that had no jurisdiction and in which she had NEVER traveled to, NEVER WIRED any monies, NEVER received any WIRES, and NEVER in life knew that it existed.

Lines 14 Clearly tells the ~~Judge~~ that they say that I cannot call him until after I speak to you

Line 16, the Judge tells Priscilla Ellis that we will Notify him, this is not how Due Process works, but he knows that most Black women, as Priscilla Ellis did not know this and they took advantage of her knowingly deny her access to her Attorney and Due Process.

Lines 20 and 21 Clearly again states that they did not give me a phone call and would not let me call my attorney although Miranda rights say that you have the right to have your attorney present.

See Line 22, he tells them to allow me to call from the Holding area AFTER he went ahead with the signing of the removal and the initial hearing without allowing me an attorney as I had requested to the FBI Agents and to the Judge as the transcript clearly shows.

They took advantage of a US Army Veteran, successful Business woman with assets and used her as a scapegoat for the crime of others and out of the Venue and Home state of Texas before a White Judge that denied her clear Due Process and whom signed a faulty Search Warrant W15-179M that allowed the Middle District of Florida to remove all of my hard earned funds from all of my Bank accounts the day after arrival in Florida without having a Show Cause hearing or verify or creating a NEXUS to a crime, in which they could not because Ellis was not involved in a crime knowingly and went through her bank statements and matched with the victim list and no one from the state of Florida and less than \$150,000 total for

1. Cusamano
2. Theriot
3. Hart

No one from Florida and all testified in court that Ellis did not contact or solicit funds from them nor had they ever heard of Vicken International Traders LLC and one testified that her Boyfriend was involved in a Trade to obtain a SBLC for Private Placement Trade, which is and was Priscilla Ellis' legal line of Business in Private Placement Trading and Busoiemss Consulting and had been in the Wireless retail and Wholesale Business for well over 25 plus years, prior military and Military Spouse evidenced by Bell County records for over 30 years combined and also in the restaurant and Night Club Industry evidenced by TABC website for the Liquor license for well over 11 plus years.

Was very successful and no reason to be involved in a crime with anyone knowingly.

Box 14 Page 13 to 16 of 22

Ellis and Cortese are tell the Judge that we don't know anyone in Tampa, Florida nor ever been there.

This was out of the region and had he allowed me to contact my attorney we could have had this unlawful indictment Quashed.

This is what being denied Due process gets you when you are a Black person in Prison for crimes that you didn't commit and then entrapped for another crime when you ferociously advocate for your innocence as a victim.

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF TEXAS
3 WACO DIVISION
4 3 UNITED STATES OF AMERICA) Docket No. WA 15-MJ-184(1) JCM
5)
6 4 vs.) Waco, Texas
7)
8 5 PRISCILLA ANN ELLIS) August 31, 2015
9)

10 6
11 TRANSCRIPT OF INITIAL APPEARANCE
12 BEFORE THE HONORABLE JEFFREY C. MANSKE
13

14 8
15 APPEARANCES:

16 10 For the United States: (No Appearance)
17
18 11

19 12
20 13 For the Defendant: (No Appearance)
21
22 14
23 15
24 16
25 17
26 18
27 19
28 20
29 21
30 22
31 23
32 24
33 25

34 16 Transcriber: Ms. Lily Iva Reznik, CRR, RMR
35 501 West 5th Street, Suite 4153
36 Austin, Texas 78701
37 (512) 391-8792
38
39
40
41
42
43
44
45
46
47

48 25 Proceedings reported by digital sound recording,
transcript produced by computer aided-transcription.

LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

11:55:46 1 THE COURT: Thank you.

11:55:47 2 Ms. Ellis.

11:55:50 3 DEFENDANT ELLIS: Priscilla Ann Ellis. I have a
11:56:00 4 doctorate.

11:56:15 5 THE COURT: How old are you?

11:56:15 6 DEFENDANT ELLIS: Fifty years old.

11:56:27 7 THE COURT: Mr. Cortese.

11:56:30 8 DEFENDANT CORTESE: I'm Perry Don Cortese.

11:56:55 9 THE COURT: Cortese. All right.

11:56:57 10 DEFENDANT CORTESE: I'm 52 years old.

11:56:59 11 THE COURT: How far'd you go in school?

11:57:17 12 DEFENDANT CORTESE: I have a doctorate in
11:57:19 13 jurisprudence.

11:57:19 14 THE COURT: Do either of you folks suffer from --
11:57:21 15 any of you folks suffer from any physical or mental
11:57:23 16 condition that might affect your ability to understand why
11:57:25 17 you're here in court today? Mr. Caufield?

11:57:38 18 DEFENDANT CAUFIELD: No, sir.

11:57:39 19 THE COURT: Ms. Ellis?

11:57:41 20 DEFENDANT ELLIS: No. I don't agree with why I'm
11:57:46 21 here, sir. But.

11:57:54 22 THE COURT: All right. I understand that.

11:57:58 23 Mr. Cortese?

11:58:00 24 DEFENDANT CORTESE: No.

11:58:01 25 THE COURT: Any of you currently under the

LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

11:51:45 1 (Proceedings commence at 2:05 p.m.)

11:51:50 2 THE CLERK: Case No. W-99-CR-17, The United
11:52:15 3 States of America vs. Michael Wayne Caufield; Case No.
11:52:35 4 W-15-184-M, Reference 8:15-CR-320, The United States of
11:53:20 5 America vs. Priscilla Ann Ellis, Defendant No. 1, and
11:53:57 6 Perry Don Cortese, Defendant No. 2, for an initial
11:54:04 7 appearance.

11:54:43 8 Raise your right hands, please.

11:54:44 9 Do you, and each of you, solemnly swear the
11:54:44 10 statements which you may give in the cases now before the
11:54:44 11 Court shall be the truth, the whole truth, and nothing but
11:54:57 12 the truth, so help you God?

11:54:57 13 (Affirmative responses given.)

11:55:06 14 THE COURT: All right. Good afternoon, everyone.
11:55:08 15 Beginning first with Mr. Caufield, I would like
11:55:14 16 for each of you to state your full name, first, middle and
11:55:17 17 last, for the record, then tell me how old you are and,
11:55:19 18 finally, how far you went in school.

11:55:21 19 Mr. Caufield.

11:55:24 20 DEFENDANT CAUFIELD: Michael Wayne Caufield.

11:55:39 21 THE COURT: How old are you?

11:55:41 22 DEFENDANT CAUFIELD: Forty-three and I have a
11:55:43 23 GED.

11:55:43 24 THE COURT: What was the last grade you attended?

11:55:45 25 DEFENDANT CAUFIELD: Eleventh.

LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

11:58:02 1 influence of any drug, alcohol, or medication that might
11:58:04 2 affect your ability to understand why you're here in
11:58:06 3 court? Mr. Caufield?

11:58:08 4 DEFENDANT CAUFIELD: No, sir.

11:58:16 5 THE COURT: Ms. Ellis?

11:58:18 6 DEFENDANT ELLIS: No. I'm on medicine, but that
11:58:28 7 doesn't --

11:58:28 8 THE COURT: But it does not have any effect on
11:58:34 9 your ability to comprehend?

11:58:36 10 DEFENDANT ELLIS: No, sir. It's (Indiscernible).

11:58:41 11 THE COURT: All right. Mr. Cortese?

11:58:48 12 DEFENDANT CORTESE: No.

11:58:54 13 THE COURT: Folks, this proceeding is called an
11:58:56 14 initial appearance. It's called that just because it's
11:58:59 15 your first time to appear in court before me on these
11:59:02 16 charges. Purpose of this hearing is for me to advise you
11:59:08 17 of your constitutional and statutory rights, go over with
11:59:16 18 you what you're charged with, explain to you the range of
11:59:20 19 punishment you're facing, and to let you know when and
11:59:22 20 what your next court appearance will be.

11:59:24 21 I do need to advise each of you that you do have
11:59:27 22 the right to remain silent. You're not required to speak
11:59:30 23 to anybody from law enforcement about the charges pending
11:59:32 24 against you. If you start to speak to anybody from law
11:59:36 25 enforcement about these charges, you can stop at any time.

LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

11:59:39 1 You simply do not have to talk to them if you don't want
 11:59:41 2 to.
 11:59:42 3 The reason I tell you this is, if you do speak to
 11:59:44 4 anyone from law enforcement about these charges, anything
 11:59:48 5 that you tell them can and probably will be used against
 11:59:50 6 you in a future proceeding. Additionally, anything you
 11:59:53 7 say in open court about the charges could also be used
 11:59:56 8 against you in a future proceeding.
 11:59:58 9 Mr. Caufield, do you understand your right to
 12:00:00 10 remain silent?
 12:00:01 11 DEFENDANT CAUFIELD: Yes, sir.
 12:00:05 12 THE COURT: Ms. Ellis?
 12:00:06 13 DEFENDANT ELLIS: Yes, sir.
 12:00:07 14 THE COURT: Mr. Cortese?
 12:00:08 15 DEFENDANT CORTESE: I do.
 12:00:11 16 THE COURT: Mr. Caufield, you're charged with
 12:00:14 17 violating the terms and conditions of your supervised
 12:00:43 18 release. There are four violations against you. Any one
 12:00:47 19 of the four violations is found to be true, your term of
 12:00:49 20 supervised release could be revoked, and you could go back
 12:00:52 21 to jail for up to five years.
 12:00:55 22 Violation one is that on or about March 6 of
 12:00:59 23 2015, you used and possessed cocaine, and that you
 12:01:02 24 submitted a urine sample which tested positive for that
 12:01:16 25 substance;

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:01:16 1 Violation two, that on or about July 2 of 2015,
 12:01:24 2 you possessed marihuana, and that you were discovered by
 12:01:26 3 the Waco, Texas Police Department in possession of
 12:01:29 4 marihuana in a drug-free zone;
 12:01:31 5 Violation three, on or about July 2 of 2015, you
 12:01:34 6 possessed cocaine, and that you were discovered by the
 12:01:35 7 Waco PD in possession of cocaine in a drug-free zone;
 12:01:39 8 And finally, violation four, that you violated
 12:01:42 9 standard condition No. 14, and that you failed to notify
 12:01:46 10 the probation officer within 72 hours of being arrested or
 12:01:49 11 questions by a law enforcement officer on July 2 of 2015.
 12:01:52 12 Do you understand what it is you're alleged to
 12:01:55 13 have done as well as the range of punishment?
 12:01:56 14 DEFENDANT CAUFIELD: Yes, sir.
 12:01:57 15 THE COURT: Any questions about those things?
 12:01:59 16 DEFENDANT CAUFIELD: No, sir.
 12:02:00 17 THE COURT: Did you receive a copy of the
 12:02:02 18 petition naming you?
 12:02:02 19 DEFENDANT CAUFIELD: Yes, sir.
 12:02:03 20 THE COURT: All right. Ms. Ellis, and, Mr. ✓
 12:02:07 21 Cortese, you're charged with a violation of two different
 12:02:10 22 statutes. In Count 1, a violation of Title 18, United
 12:02:14 23 States Code, Section 1349. That particular offense
 12:02:23 24 carries a 20-year maximum term of imprisonment, a \$500,000
 12:02:29 25 maximum fine, and a three-year term of supervised release

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:02:33 1 as well as a \$100 mandatory special assessment, which goes
 12:02:38 2 to the Crime Victims Fund.
 12:02:40 3 Count 1, the one I just named the statute of, is
 12:02:44 4 wire fraud conspiracy and it is described in the
 12:02:47 5 indictment.
 12:02:49 6 In Count 2, you're charged with a violation of
 12:02:51 7 Title 18, United States Code, Section 1956, international
 12:02:56 8 money-laundering conspiracy. That carries a 20-year
 12:03:00 9 maximum term of imprisonment, a \$500,000 maximum fine, a
 12:03:05 10 three-year term of supervised release, and a \$100
 12:03:08 11 mandatory special assessment.
 12:03:10 12 Have each of you received a copy of the
 12:03:14 13 indictment naming you? Ms. Ellis?
 12:03:17 14 DEFENDANT ELLIS: Yes, but --
 12:03:18 15 THE COURT: That's this document here.
 12:03:20 16 DEFENDANT ELLIS: I see the indictment, but, sir, ✓
 12:03:23 17 this has nothing to do with me.
 12:03:25 18 THE COURT: I understand that. But did you
 12:03:26 19 receive a copy --
 12:03:27 20 DEFENDANT ELLIS: Yes, sir.
 12:03:27 21 THE COURT: -- of it? All right. And I
 12:03:29 22 understand you may disagree with what's contained in
 12:03:33 23 there, and you certainly will have the right to plead not
 12:03:37 24 guilty, but do you understand what it is the government is
 12:03:40 25 at least claiming that you've done, whether it was you or

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:03:43 1 not who did it --
 12:03:44 2 DEFENDANT ELLIS: Oh, I under --
 12:03:45 3 THE COURT: -- do you understand what's set forth
 12:03:47 4 on the paper?
 12:03:47 5 DEFENDANT ELLIS: Oh, I understand what they're ✓
 12:03:49 6 saying, but this is all lies.
 12:03:50 7 THE COURT: All right. That's fair enough. And
 12:03:52 8 you are certainly entitled to maintain that position. My
 12:03:56 9 job at this point is just to make certain that you
 12:03:58 10 understand what it is the government is charging you with
 12:04:01 11 and the range of punishment as well as your other rights.
 12:04:04 12 Mr. Cortese, do you understand the charges and
 12:04:06 13 the range of punishment?
 12:04:07 14 DEFENDANT CORTESE: I do.
 12:04:08 15 THE COURT: Mr. Caufield, you're entitled to a
 12:04:11 16 hearing with respect to these charges. The government
 12:04:14 17 will have the burden of proving the charges against you to
 12:04:16 18 be true by what's called a preponderance of the evidence.
 12:04:19 19 That just means more likely true than not in order for a
 12:04:24 20 violation to be found.
 12:04:25 21 Mr. Cortese, and, Ms. Ellis, you're entitled to a ✓
 12:04:27 22 trial by jury. The government has the burden of proving
 12:04:31 23 each of you guilty beyond a reasonable doubt. None of you
 12:04:34 24 would ever have to prove your own innocence. At your
 12:04:37 25 hearing and your trial, your attorneys would have the

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:04:40 1 right to cross-examine or ask questions, if you will, of
 12:04:43 2 any witnesses that the government calls to testify against
 12:04:45 3 you. Also at trial, in your hearing, you'd have the right
 12:04:49 4 to testify in your own behalf. On the other hand, you'd
 12:04:52 5 also have the right to remain silent, and the fact that
 12:04:54 6 you chose to remain silent couldn't be used against you in
 12:04:57 7 determining whether or not you're guilty, or in the case
 12:05:00 8 of Mr. Caufield, whether or not the charges are true.

12:05:02 9 You have the right to be represented by an
 12:05:06 10 attorney of your own choosing. You can't afford one, one
 12:05:09 11 will be appointed for you. You also have the right to
 12:05:12 12 talk to your lawyer before any questioning by law
 12:05:15 13 enforcement. You also have the right to have your lawyer
 12:05:18 14 with you during any questioning by law enforcement.

12:05:21 15 I see that all of you have completed financial
 12:05:24 16 affidavits; that tells me you'd like the Court to appoint
 12:05:27 17 an attorney for you. That form that you've completed is
 12:05:29 18 subject to the penalties of perjury. So if you haven't
 12:05:32 19 been truthful in completing that form, you can also be
 12:05:34 20 prosecuted for that offense, which carries jail time and a
 12:05:38 21 fine, as well.

12:05:39 22 Mr. Caufield, were you truthful in completing
 12:05:41 23 your financial affidavit?

12:05:42 24 DEFENDANT CAUFIELD: Yes, sir.

12:05:43 25 THE COURT: Thank you.

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:05:44 1 Ms. Ellis?

12:05:45 2 DEFENDANT ELLIS: Yes. I didn't ask for an
 12:05:47 3 appointed attorney. ✓

12:05:49 4 THE COURT: Well, you signed the form, the
 12:05:51 5 financial affidavit, indicating that you submitted this in
 12:05:57 6 support of a request for a court-appointed attorney.

12:05:59 7 DEFENDANT ELLIS: Oh, no, not for a
 12:06:01 8 court-appointed attorney. I wrote down there in the
 12:06:02 9 notes that I wanted the Court to call attorney Russ Hunt.
 12:06:05 10 I did not say I wanted a court-appointed attorney, sir. ✓

12:06:09 11 THE COURT: All right. Well, I don't see that in
 12:06:11 12 notes on this particular form, but have you retained Mr.
 12:06:14 13 Hunt?

12:06:15 14 DEFENDANT ELLIS: No. I need to call him. They
 12:06:17 15 said I couldn't call him until I talked to you. ✓

12:06:21 16 THE COURT: All right. We will notify him --

12:06:21 17 DEFENDANT ELLIS: Yes. I think. ✓

12:06:24 18 THE COURT: -- that you have requested that he
 12:06:26 19 contact you.

12:06:27 20 DEFENDANT ELLIS: Yeah. They didn't give me a
 12:06:29 21 phone call. They said I needed to talk to you first. ✓

12:06:32 22 THE COURT: All right. Will you let her call Mr.
 12:06:34 23 Hunt's office from the holding area?

12:06:39 24 SPEAKER: (Indiscernible).

12:06:39 25 DEFENDANT ELLIS: Oh, to my -- he made a call --

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:06:43 1 the FBI made a call to my daughter, but they told me that
 12:06:45 2 I couldn't get my free phone call until I talked to the
 12:06:48 3 judge. ✓

12:06:48 4 THE COURT: All right. Will you just let her
 12:06:49 5 make a phone call to Mr. Hunt's office?

12:06:51 6 SPEAKER: (Indiscernible).

12:06:51 7 THE COURT: All right. Thank you.

12:06:52 8 DEFENDANT ELLIS: Trust me, I'm not trying to say
 12:06:55 9 that you guys weren't -- you've been very professional.

12:06:56 10 THE COURT: It's all good.

12:06:56 11 All right. Mr. Cortese, did you want a
 12:06:58 12 court-appointed attorney or not? *Didn't say it*

12:06:59 13 DEFENDANT CORTESE: Well, I -- at this time, I
 12:06:59 14 don't have funds to -- for this kind of a thing, this type
 12:07:06 15 of allegation.

12:07:06 16 THE COURT: So I will forward your financial
 12:07:08 17 affidavit to Florida where you -- yes?

12:07:14 18 DEFENDANT CORTESE: Oh, I didn't mean to
 12:07:16 19 interrupt you.

12:07:16 20 THE COURT: No. That's all right. No problem.

12:07:18 21 DEFENDANT CORTESE: I apologize. I can't see --
 12:07:18 22 I've got to read through these glasses, but I can't see
 12:07:18 23 you through these glasses.

12:07:18 24 THE COURT: Ah, I understand completely.

12:07:23 25 DEFENDANT CORTESE: Will you set us a bond at

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:07:27 1 this time for this case? This is a --

12:07:27 2 THE COURT: Well, this case is pending out of the
 12:07:30 3 Middle District of Florida, Tampa Division, and the United
 12:07:32 4 States is moving to detain you without bond in this case
 12:07:36 5 currently. As such, I have been asked by the government
 12:07:41 6 and have signed orders of removal, ordering the United
 12:07:45 7 States Marshals to transfer you all within ten days to the
 12:07:49 8 Middle District of Florida, Tampa Division, where you'll
 12:07:52 9 be appointed an attorney then; and then, at that time, if
 12:07:56 10 there are not any other holds on you, you'll have a
 12:07:59 11 hearing to determine if you can be released on bond from
 12:08:01 12 there.

12:08:03 13 DEFENDANT CORTESE: I'm not familiar with -- and
 12:08:05 14 I apologize.

12:08:05 15 THE COURT: No. That's all right. There's --

12:08:07 16 DEFENDANT CORTESE: I'm not familiar with the
 12:08:11 17 process of federal courts.

12:08:11 18 THE COURT: It's different. In state court,
 12:08:13 19 you'd show up, you'd appear before a judge, a bond would
 12:08:16 20 be set, you'd call the bail bondsman, post it, off you go.
 12:08:19 21 It's a little different in federal court. The government
 12:08:22 22 is entitled to an automatic continuance in certain cases.
 12:08:29 23 This one certainly complies with that.

12:08:31 24 Yes, sir. Your question?

12:08:34 25 DEFENDANT ELLIS: Oh -- ✓

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:08:34 1 DEFENDANT CORTESE: I was -- I mean, I'm -- my
12:08:34 2 family's been from here for over a hundred years, I --
12:08:34 3 from Temple, Texas. I -- I'm not a flight risk of any
12:08:34 4 kind.

12:08:35 5 THE COURT: Unfortunately --

12:08:35 6 DEFENDANT CORTESE: The amount of time that it
12:08:35 7 takes to -- to go to -- I mean, this hearing could be a
12:08:35 8 number of days. I could literally be out -- completely
12:08:46 9 out of work at that point in time.

12:08:46 10 THE COURT: I understand that. Unfortunately,
12:09:01 11 these -- if these charges arise -- arose out of the Waco
12:09:05 12 Division, I could address that. They arise out of the
12:09:07 13 Tampa Division. That's where this indictment -- it's
12:09:11 14 controlled by that jurisdiction down there. It's possible
12:09:16 15 that Mr. Hunt might be able to do something on behalf of
12:09:19 16 Ms. Ellis. If you get an attorney here, they can contact
12:09:23 17 the U.S. Attorney's Office down there, the Pretrial
12:09:27 18 Services Office down there, and see if they could work
12:09:28 19 something out. I don't know what they can or can't do.

12:09:31 20 DEFENDANT CORTESE: Can I get a phone call out to
12:09:33 21 someone? Because I haven't been --

12:09:33 22 THE COURT: Yeah. I'll let you make a phone call
12:09:35 23 out to someone, if you like, and --

12:09:37 24 DEFENDANT CORTESE: I mean, I can call my -- if I
25 can call my office and get them to try to get somebody --

LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

1 try to get a hold of somebody. Because I don't have any
2 phone numbers. I don't have any ability to call anybody
3 without any phone numbers.

4 I don't -- I mean, this arises out of Tampa. I
5 have no contact with Tampa. I'm not aware that Ms. Ellis
6 has any contact. I -- I'll let you talk to Ms. Ellis
12:10:02 7 (Indiscernible).

12:10:02 8 DEFENDANT ELLIS: He's my business attorney.
12:10:05 9 I've never done any business with anyone out of Tampa.
12:10:08 10 Nothing.

12:10:09 11 DEFENDANT CORTESE: I'm not sure how they can --
12:10:10 12 how this --

12:10:10 13 THE COURT: All I can do is read the indictment
12:10:13 14 itself and explain it to you. I know no more about this
12:10:18 15 case than you do.

12:10:20 16 DEFENDANT ELLIS: Well, sir --

12:10:21 17 DEFENDANT CORTESE: I don't know -- I don't even
12:10:22 18 know who this Muhammad Naji is. I don't know who that is.

12:10:24 19 DEFENDANT ELLIS: No. That's the guy that called
12:10:26 20 wanting you to represent him is all I know.

12:10:27 21 DEFENDANT CORTESE: Well, that's --

12:10:27 22 THE COURT: I would recommend that you not make
12:10:30 23 any comments as to who he is or who he's --

12:10:30 24 DEFENDANT ELLIS: Okay --

12:10:32 25 THE COURT: -- who he's not, and that you not

LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:10:33 1 make any statement in open court --

12:10:35 2 DEFENDANT ELLIS: Okay. Well, can I be
12:10:36 3 transported --

12:10:36 4 THE COURT: -- until you've talked to your
12:10:38 5 attorney.

12:10:38 6 DEFENDANT ELLIS: Can I be transported to the VA
12:10:41 7 hospital then? I don't care if I stay in cuffs. I mean,
12:10:44 8 I just had surgery. I --

12:10:46 9 THE COURT: Let the nurse at the Jack Harwell
12:10:48 10 Unit know, if that's where she's going, that she's had
12:10:51 11 surgery and that she needs to be evaluated to see if she
12:10:55 12 needs to be medically treated.

12:10:58 13 DEFENDANT CAUFIELD: Excuse me, your Honor.

12:10:58 14 THE COURT: Yes, sir.

12:10:59 15 DEFENDANT CAUFIELD: I don't -- I don't own any
12:10:59 16 property --

12:10:59 17 THE COURT: For the record, Mr. Caufield.

12:11:02 18 DEFENDANT CAUFIELD: Yes. I don't own any
12:11:03 19 property, or business, or nothing like that. But I have
12:11:07 20 had a job, but I didn't see no slot for that, within the
12:11:11 21 last year.

12:11:12 22 THE COURT: Well --

12:11:17 23 DEFENDANT CAUFIELD: I didn't -- you know,
12:11:17 24 just --

12:11:17 25 THE COURT: You didn't -- you don't --

LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:11:17 1 DEFENDANT ELLIS: And how --

12:11:19 2 THE COURT: You're saying you didn't get any
12:11:20 3 benefit out of having a job? Is that what you're saying?
12:11:23 4 Or -- oh, you mean on your financial affidavit.

12:11:26 5 DEFENDANT CAUFIELD: Yes.

12:11:26 6 DEFENDANT ELLIS: (Indiscernible).

12:11:26 7 THE COURT: All right. It says -- where'd you
12:11:32 8 previously work?

12:11:33 9 DEFENDANT CAUFIELD: At Barsh Construction.

12:11:35 10 THE COURT: Spell it.

12:11:36 11 DEFENDANT CAUFIELD: B-A-R-S-H, Construction.
12:11:40 12 DEFENDANT ELLIS: (Indiscernible).

12:11:40 13 THE COURT: All right. I'm writing on there in
12:11:42 14 my own handwriting, previously worked at Barsh
12:11:47 15 Construction. From what time period?

12:11:54 16 DEFENDANT CAUFIELD: Roughly two-and-a-half
12:12:03 17 years.

12:12:03 18 THE COURT: Making?

12:12:05 19 DEFENDANT CAUFIELD: \$10 an hour.

12:12:06 20 THE COURT: All right. Well, you do qualify
12:12:07 21 for --

12:12:07 22 DEFENDANT ELLIS: (Indiscernible).

12:12:10 23 THE COURT: -- a court-appointed attorney. I've
12:12:11 24 made that note and I've initialed it. So they'll know
12:12:15 25 it's my writing as opposed to yours. You won't get in

LILY I. REZNIK, OFFICIAL COURT REPORTER
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:12:17 1 trouble for that.

12:12:17 2 DEFENDANT CAUFIELD: All right.

12:12:18 3 THE COURT: No worries. All right? All right.

12:12:20 4 Do you understand your rights, Mr. Caufield?

12:12:21 5 DEFENDANT CAUFIELD: Yes, sir.

12:12:22 6 THE COURT: All right. Sam Martinez will be

12:12:26 7 appointed to represent you. Your final revocation hearing

12:12:38 8 will be September 9th at 1:00 before Judge Walter Smith,

12:12:43 9 who sentenced you previously.

12:12:45 10 All right. Ms. Ellis, do you understand your

12:12:46 11 rights?

12:12:47 12 DEFENDANT ELLIS: Your Honor, I understand, but I

12:12:53 13 don't understand.

12:12:53 14 THE COURT: I understand that. I'm imagining

12:12:55 15 that today is incredibly overwhelming for you both and

12:13:01 16 your processing and dealing with everything. All I can do

12:13:04 17 is let you know that you're going to be taken to the jail

12:13:08 18 at this point, you'll be processed. There's not a bond

12:13:12 19 currently set. You'll both have the opportunity to make

12:13:15 20 phone calls from the marshal's holding cell before you'll

12:13:19 21 be transferred.

12:13:21 22 Mr. Siegel, you've confirmed that Tampa is

12:13:24 23 wanting both of these individuals detained; is that

12:13:27 24 correct?

12:13:28 25 PRETRIAL OFFICER: Yes, your Honor. They want

LILY I. REZNIK, OFFICIAL COURT REPORTER

U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:13:28 1 them back.

12:13:28 2 THE COURT: All right.

12:13:30 3 DEFENDANT ELLIS: Well, I've never been there.

12:13:32 4 Is there a way that you can --

12:13:33 5 THE COURT: You don't have to have been there.

12:13:40 6 DEFENDANT ELLIS: No. I'm saying I've never had

12:13:47 7 any business dealings there whatsoever. Can we wait until

12:13:48 8 my attorney calls them before you decide, your Honor,

12:13:52 9 whether or not you'll give us a bond?

12:13:54 10 THE COURT: I'm not the one making the decision

12:13:57 11 whether or not to give you a bond. It's folks -- it's

12:14:00 12 judges and prosecutors in Tampa.

12:14:02 13 DEFENDANT ELLIS: I mean, I have a daughter. I

12:14:03 14 have a daughter --

12:14:03 15 THE COURT: And you'll be able to talk to Mr.

12:14:05 16 Hunt. Mr. Hunt can run the traps for you and figure out,

12:14:10 17 and he can get you a good advocate on the ground, being

12:14:15 18 your eyes and ears for you. That's the best you can do.

12:14:18 19 DEFENDANT ELLIS: I have a daughter, your Honor.

12:14:26 20 I mean, I don't know -- I don't have family here. One

12:14:29 21 sister that's military. I don't know what to do.

12:14:33 22 THE COURT: I think your idea of calling Mr.

12:14:35 23 Hunt's a good one. All right?

12:14:42 24 Mr. Cortese, do you understand your rights?

12:14:44 25 DEFENDANT CORTESE: Yes, sir.

LILY I. REZNIK, OFFICIAL COURT REPORTER

U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:14:45 1 THE COURT: Do you have any questions for me?

12:14:46 2 DEFENDANT CORTESE: No, sir.

12:14:47 3 THE COURT: All right. Good luck to you folks.

12:14:49 4 DEFENDANT ELLIS: Oh, can I ask you one thing?

12:14:55 5 THE COURT: Yes, ma'am.

12:14:56 6 DEFENDANT ELLIS: When will we see you again,

12:14:58 7 your Honor?

12:14:58 8 THE COURT: You won't see me again. You'll be

12:14:59 9 going into custody and you'll be transferred. They'll put

12:15:05 10 you on a plane. You'll fly out of Oklahoma City, I think

12:15:08 11 it is, and be transferred to Tampa.

12:15:12 12 DEFENDANT ELLIS: Okay. So once --

12:15:14 13 THE COURT: They have ten days to get you from

12:15:16 14 today to your next hearing.

12:15:19 15 DEFENDANT ELLIS: Once we're -- okay. Once we're

12:15:23 16 done in Tampa, I mean, how do we get home? My daughter is

12:15:29 17 here.

12:15:29 18 THE COURT: Well, I don't know whether or not

12:15:31 19 you're going to be able to get home. The judge there in

12:15:34 20 Tampa has to release you on bond in order for you to get

12:15:39 21 home, otherwise, you stay in jail in Tampa. They'll make

12:15:43 22 an assessment as to whether or not you're a risk of

12:15:45 23 nonappearance or a danger to the community, and that could

12:15:48 24 be an economic danger to the community. It doesn't just

12:15:51 25 have to be someone who's violent.

LILY I. REZNIK, OFFICIAL COURT REPORTER

U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:15:54 1 DEFENDANT ELLIS: Oh, no. I never been -- I

12:15:56 2 mean --

12:15:56 3 THE COURT: I understand --

12:15:57 4 DEFENDANT ELLIS: The record here in Waco

12:15:59 5 District --

12:15:59 6 THE COURT: I understand --

12:16:00 7 DEFENDANT ELLIS: -- would show if there's an

12:16:01 8 appearance, I'm going to show up. I don't --

12:16:03 9 THE COURT: I get you.

12:16:03 10 DEFENDANT ELLIS: I just need to be out with my

12:16:05 11 daughter. She has no one but me.

12:16:07 12 THE COURT: As I mentioned, I recommend that you

12:16:09 13 call Mr. Hunt. See what he can do for you.

12:16:17 14 DEFENDANT ELLIS: Okay. Will he be able to

12:16:19 15 communicate with you today or with the other judge, your

12:16:25 16 Honor? I mean --

12:16:25 17 THE COURT: I don't know what he can or cannot

12:16:27 18 do. I mean, he could have to talk with the people in

12:16:28 19 Tampa, and I'm sure he would have to get some money first.

12:16:32 20 DEFENDANT ELLIS: Oh.

12:16:33 21 THE COURT: I also do need to advise -- I mean,

12:16:37 22 you can't just ask for me to point someone. You would

12:16:40 23 have to hire him. You're going to be appointed an

12:16:43 24 attorney once you get to Florida. There are also -- the

12:16:48 25 government is also seeking, if you'll notice in the

LILY I. REZNIK, OFFICIAL COURT REPORTER

U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

12:16:51 1 affidavit, to forfeit certain real property owned by -- I
 12:17:05 2 don't know if it's each of you or --
 12:17:07 3 DEFENDANT ELLIS: No. That property is owned by
 12:17:09 4 my daughter, and that property was paid off with insurance
 12:17:11 5 proceeds years before. And everything that I have is
 12:17:16 6 what's maintained and got while I was in the military or
 12:17:18 7 with businesses.
 12:17:19 8 THE COURT: Well, again, anything you say in open
 12:17:23 9 court can be used against you. There are law enforcement
 12:17:28 10 agents in the courtroom.
 12:17:39 11 DEFENDANT ELLIS: Oh, it's all true, sir.
 12:17:40 12 THE COURT: Anything you say --
 12:17:45 13 DEFENDANT ELLIS: Everything I'm telling you is
 12:17:47 14 all true.
 12:17:48 15 THE COURT: All right. I'm just telling you, you
 12:17:50 16 do have the right to remain silent. It's best to take
 12:17:52 17 advantage of that.
 12:17:53 18 DEFENDANT ELLIS: Okay.
 12:17:54 19 THE COURT: All right. Good luck to you.
 12:18:00 20 (Proceedings conclude at 2:24 p.m.)

21
22
23
24
25

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

REPORTER'S CERTIFICATE

I, LILY I. REZNIK, DO HEREBY CERTIFY THAT THE FOREGOING
 WAS TRANSCRIBED FROM AN ELECTRONIC RECORDING MADE AT THE
 TIME OF THE AFORESAID PROCEEDINGS AND IS A CORRECT
 TRANSCRIPT, TO THE BEST OF MY ABILITY, MADE FROM THE
 PROCEEDINGS IN THE ABOVE-ENTITLED MATTER, AND THAT THE
 TRANSCRIPT FEES AND FORMAT COMPLY WITH THOSE PRESCRIBED BY
 THE COURT AND JUDICIAL CONFERENCE OF THE UNITED STATES.

Lily I. Reznik
 /s/ Lily I. Reznik January 31, 2021
 LILY I. REZNIK, CRR, RMR DATE
 Official Court Reporter
 United States District Court
 Austin Division
 501 W. 5th Street, Suite 4153
 Austin, Texas 78701
 (512) 391-8792
 SOT Certification No. 4481
 Expires: 1-31-23

19
20
21
22
23
24
25

LILY I. REZNIK, OFFICIAL COURT REPORTER
 U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)

VAU.S. Department
of Veterans AffairsOLIN E. TEAGUE VET CENTER
1901 VETERANS MEMORIAL DRIVE
TEMPLE TX 76504

Page 1 of 2

Appendix B

Notary Page attached

20204583 000553 MM
PRISCILLA A ELLIS
PO BOX 27137
FMC CARSWELL ADMIN UNIT
FORT WORTH TX 7612711th Circuit NO:~~21-11762-J~~

USDC - 8:19-CV-03169-Sdm-TGu

2nd USDC NO: 8:16-cr-00502-JSM-A&P

D.O.B: 12-6-1964
SS#: 303-78-4951
Place of Birth: Schlater,
MississippiParents: Gladyle Johnson
Samuel Flowers

Attached is your new
Veterans Health Identification Card.

The card features the VA logo, the U.S. Department of Veterans Affairs name, and a photo of the member. It includes the following information:

- Member ID: 1207791721
- Plan ID (80840): 7346 243 588
- Member: PRISCILLA A ELLIS
- Card Expires: 11/13/2024
- VA HEALTHCARE ENROLLEE SERVICE CONNECTED

A signature, "Priscilla A. Ellis", is written across the bottom of the card.

This card is only for use as a means of identification when reporting for your appointment at VA medical facilities. Please bring this card each time you have a VA appointment so we may ease your appointment check-in process.

This card cannot be used as a credit card or an insurance card, and it does not authorize or pay for care at non-VA facilities.

If you have questions regarding VA healthcare benefits, please call 1877-222-VETS (8387). You may also access health care information on the web at www.myhealth.va.gov.

Appendix C

3

I N D E X

PAGE

TESTIMONY OF MUHAMMAD NAJI

Cross-Examination by Mr. Maddux:	9
Cross-Examination by Ms. Ellis:	57
Cross-Examination by Mr. O'Brien:	62
Redirect Examination by Mr. Scruggs:	71
Recross-Examination by Mr. Maddux:	77

TESTIMONY OF DANA JEWESAK

Direct Examination by Mr. Gerard:	85
Cross-Examination by Ms. Ellis:	96
Cross-Examination by Mr. Maddux:	98
Cross-Examination by Mr. O'Brien:	105

TESTIMONY OF STACY MERRITT

Direct Examination by Mr. Scruggs:	106
Cross-Examination by Ms. Ellis:	154
Cross-Examination by Mr. Maddux:	156
Redirect Examination by Mr. Scruggs:	170

TESTIMONY OF DEVEN WILLIAMS

Direct Examination by Mr. Scruggs:	172
------------------------------------	-----

CERTIFICATE OF COURT REPORTER:

274

* * * * *

E X H I B I T S

GOVERNMENT
EXHIBIT NO.IDENTIFIEDPAGE
RECEIVED

32	232	214
42	215	214
43		214
44	217	214
45		214
46	218	214
47		214
48	219	214

(Continued)

1 **UNITED STATES DISTRICT COURT**
2 **MIDDLE DISTRICT OF FLORIDA**
3 **TAMPA DIVISION**

4 **UNITED STATES OF AMERICA,**

5 Plaintiff,

6 vs.

CASE NO. 8:15-cr-320-T-23TGW
October 17, 2016
Tampa, Florida
9:07 a.m. - 5:00 p.m.

7 PRISCILLA ANN ELLIS,
8 PERRY DON CORTESE,
9 KENIETTA RAYSHAWN JOHNSON,

10 Defendants.
11 _____/

12 **TRANSCRIPT OF TRIAL**
13 **VOLUME 9**

14 BEFORE THE HONORABLE STEVEN D. MERRYDAY
15 UNITED STATES DISTRICT JUDGE

16
17
18
19
20
21
22
23
24 Proceedings reported and transcribed by
25 computer-aided stenography.

APPEARANCES:

For the Government: PATRICK SCRUGGS, ESQ.
ERIC GERARD, ESQ.
Assistant U.S. Attorneys
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
813/274-6000

For the Defendant, PRISCILLA ANN ELLIS, PRO SE
Priscilla Ann Ellis:

BJORN ERIK BRUNVAND, ESQ.
Bjorn E. Brunvand, PA
615 Turner Street
Clearwater, Florida 33756
727/446-7505

For the Defendant, MICHAEL P. MADDUX, ESQ.
Perry Don Cortese: Michael P. Maddux, PA
2102 West Cleveland Street
Tampa, Florida 33606
813/253-3363

KENNETH SIEGEL, ESQ.
14502 North Dale Mabry
Tampa, Florida 33618
813/962-6676

For the Defendant, MARK J. O'BRIEN, ESQ.
Kenietta Rayshawn Johnson: O'Brien Hatfield, PA
511 West Bay Street, Suite 330
Tampa, Florida 33606-3533
813/228-6989

Court Reporter: Howard W. Jones, RPR, FCRR
801 N. Florida Avenue, Suite 15A
Tampa, Florida 33602
813/301-5024

* * * * *

1 you permission to send money to Vicken International Traders
2 without knowledge of you purchasing equipment or --

3 MR. SCRUGGS: Objection, Your Honor, argument,
4 form of the question.

5 MS. ELLIS: I'll rephrase it, Your Honor.

6 THE COURT: Overruled.

7 MS. ELLIS: Does that mean she can answer it, Your
8 Honor?

9 THE COURT: If you'll finish it.

10 MR. SCRUGGS: Okay.

11 BY MS. ELLIS:

12 Q Without the knowledge of you ordering equipment from or
13 for some type of business consulting fee?

14 A Can you re-ask the question, please?

15 Q Sure. Did I myself, as the CEO of Vicken International
16 Traders, LLC, give you permission to send money to my
17 account without the knowledge of you ordering equipment or
18 for some type of business consulting fee?

19 A I have never met or spoken to you until this very
20 moment, ma'am.

21 Q Thank you. Would it surprise you to know if Mark
22 Hopkins and Jacob Beamer are the same people?

23 A I wouldn't know that, because I apparently have never
24 met the real Mr. Hopkins.

25 Q If you had known what you know now, would you have

1 agreed with Mark Hopkins to become a victim?

2 A Absolutely never.

3 MS. ELLIS: Thank you.

4 THE COURT: Mr. Maddux, have you cross-examination
5 for this witness?

6 MR. MADDUX: Yes, Your Honor.

7 THE COURT: You're recognized for that.

8 CROSS-EXAMINATION

9 BY MR. MADDUX:

10 Q Good afternoon, ma'am.

11 A Good afternoon.

12 Q To be clear, you've never met Perry Cortese, correct?

13 A I have never met Mr. Cortese.

14 Q And as you sit here today, you realize that you made a
15 lot of mistakes being in a relationship through the internet
16 with Mr. Hopkins, correct?

17 A Yes, I have, sir.

18 Q And one of the mistakes that you made is that you even
19 maintained a conversation with him, right?

20 A Correct.

21 Q And the conversation that you did have with him quickly
22 turned to you funneling money through his -- through your
23 accounts, correct?

24 A Eventually, correct.

25 Q And along the way Mr. Cortese was somebody whose name