

APPENDIX A

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-10270

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AKOHOMEN IGHEDOISE,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:15-cr-00320-SDM-MRM-1

Before JORDAN, NEWSOM, and ANDERSON, Circuit Judges.

PER CURIAM:

Thomas A. Burns, appointed counsel for Akohomen Ighedoise in this direct criminal appeal, has moved to withdraw from further representation of the appellant and filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). Our independent review of the record reveals that counsel's assessment of the relative merit of the appeal is correct. Because independent examination of the record reveals no arguable issues of merit, counsel's motion to withdraw is **GRANTED**, and Ighedoise's conviction and sentence are **AFFIRMED**.¹

¹ Ighedoise's motions for appointment of counsel and to proceed in forma pauperis are **DENIED**.

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ON PETITION(S) FOR REHEARING AND PETITION(S) FOR
REHEARING EN BANC

2

Order of the Court

23-10270

Before JORDAN, NEWSOM, and ANDERSON, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 35. The Petition for Panel Rehearing also is DENIED. FRAP 40.

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AKOHOMEN IGHEDOISE,

Defendant.

Case No.: 8:15-CR-320

SENTENCING PROCEEDINGS
BEFORE THE HONORABLE STEVEN D. MERRYDAY

January 18, 2023
9:25 a.m. to 10:40 a.m.

APPEARANCES:

FOR THE PLAINTIFF: PATRICK SCRUGGS, ESQUIRE
Office of the United States Attorney
400 North Tampa Street
Suite 3200
Tampa, Florida 33602

FOR THE DEFENDANT: WESLEY E. TROMBLEY, ESQUIRE
Trombley & Hanes
707 North Franklin Street
Tenth Floor
Tampa, Florida 33602

ALSO PRESENT: AKOHOMEN IGHEDOISE, DEFENDANT

(Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.)

REPORTED BY:
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Official Court Reporter
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P.O. Box 173496, Tampa, Florida 33672

(Call to Order of the Court at 9:25 a.m.)

THE COURT: Good morning. Perhaps counsel will step
forward to the clerk's table, along with the defendant, please.

Good morning. We are together in Case
15-Criminal-320, United States of America vs. Akohomen
Ighedoise.

Who speaks for the United States?

MR. SCRUGGS: Good morning, Your Honor. Patrick
Scruggs for the United States.

THE COURT: Good morning, Mr. Scruggs.

And who speaks for the defense?

MR. TROMBLEY: Good morning, Your Honor. Wes
Trombley for Mr. Ighedoise.

THE COURT: Good morning, Mr. Trombley.

You are Akohomen Ighedoise?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Good morning.

Mr. Ighedoise, on September 13 of 2022, you pleaded
guilty to Count 1 of a superseding indictment. Count 1 charges
you with conspiracy, in particular, a conspiracy to commit mail
and wire fraud, in violation of parts of Sections 1341, 1343,
and 1349 of Title 18 of the United States Code. I earlier
entered an order that accepts your plea of guilty, and that
adjudges you guilty of the conspiracy offense charged in
Count 1. So as of the entry of that order, your guilt was

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1 determined, and it remains this morning to determine your
2 sentence.

3 As I know Mr. Trombley has explained, I will
4 determine your sentence by first determining an advisory
5 sentence in accord with the United States Sentencing
6 Guidelines. And by next inviting both the United States and
7 the defense to direct my attention to any matter, including
8 those at 18 U.S.C. 3553(a), that I should consider in arriving
9 at a final and reasonable sentence in accord with applicable
10 law.

11 I'll begin by asking Mr. Scruggs if he's had an
12 opportunity on behalf of the United States to review and
13 evaluate the presentence report, and if so, whether the United
14 States objects either to the factual content of the presentence
15 report or to the application of the Sentencing Guidelines that
16 is recommended by the United States Probation Office?

17 MR. SCRUGGS: Yes, Your Honor, I have. And the
18 United States has no objections to either the factual portion
19 or the application of the Guidelines.

20 THE COURT: Mr. Trombley, have you and Mr. Ighedoise
21 had an opportunity together to review and evaluate the
22 presentence report?

23 MR. TROMBLEY: Yes, Your Honor.

24 THE COURT: Mr. Ighedoise, have you seen the
25 presentence report and discussed it with your counsel?

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1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: First, Mr. Trombley, is there any
3 objection the factual content of the presentence report?

4 MR. TROMBLEY: No, there's not.

5 THE COURT: Then the factual content is adopted
6 without objection for the purpose of the advisory Guideline
7 range, and, of course, before considering any other applicable
8 factors, is there any objection to the offense level of 33 and
9 a criminal history category I, as recommended by the probation
10 office?

11 MR. TROMBLEY: No, Your Honor. No objection.

12 THE COURT: All right. Then, preliminarily, that is
13 adopted as the advisory Guideline calculation.

14 Mr. Scruggs, is there a motion on behalf of
15 Mr. Ighedoise under 5K1 or otherwise?

16 MR. SCRUGGS: There is not, Your Honor.

17 THE COURT: Okay. In that case, Mr. Trombley, I'll
18 recognize you to advance any matter in mitigation, any matter
19 under 3553, after which I'll recognize Mr. Ighedoise to speak
20 on his own behalf, if he chooses to do so.

21 I note that I did receive your sentencing memorandum
22 and the several attachments. I read the memorandum in which
23 you listed the several certificates. I think about 70 that --
24 maybe that many -- that the defendant has earned during his
25 detention in recent years.

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1 And I read the other material, not all of it with the
2 same precision, but I did review all the material that you
3 provided. That's not to discourage you from making a complete
4 statement, but just to let you and Mr. Ighedoise know that I
5 did review all the material that was available to me.

6 MR. TROMBLEY: Understood, Your Honor. And I don't
7 intend to go through everything. I had hoped that Your Honor
8 would have received the memo, as you did, and thank you for
9 going through that.

10 Just to restate, we did file on January 10th of this
11 year a sentencing memorandum on Mr. Ighedoise's behalf, which
12 we've both been through a good length, at least at two
13 meetings, and we feel comfortable with the arguments obtained
14 within the memorandum. So we will rely mostly on those -- on
15 that filing for the request for variance.

16 And, Judge, that, just very briefly is, as you
17 pointed out, is extraordinary educational and what I've called
18 rehabilitative efforts while incarcerated. I haven't been
19 doing this that long, but I've been doing it long enough, it
20 seems, that he is one of the only -- he is the only defendant
21 where I've seen that, to the extent of certificates and ability
22 to kind of broaden his horizons and expand his mind in
23 education while incarcerated, which I thought was impressive
24 and worthy of note.

25 The second, Your Honor, Mr. Ighedoise spent

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1 approximately six years in this Toronto South Detention Centre,
2 which I knew nothing about until this case.

3 Then we supplied the Court a series of articles,
4 investigative articles and so forth, as well as a investigative
5 report or analysis by the Ontario Department of Health, I
6 believe it was.

7 THE COURT: Yes.

8 MR. TROMBLEY: That set forth a lot of very troubling
9 issues within the Toronto South Detention facility, and we
10 brought that to the Court's attention with the argument that is
11 included in the memorandum that the time he spent there did
12 appear to be convincingly more difficult and harsh than the
13 time he would have spent either in a better run facility in
14 Canada or here in the United States under our laws and our
15 facilities.

16 And, Judge, along those lines, sorry to back up, for
17 his credit for the time while he was incarcerated, his good
18 works, there was a letter from a sergeant at the facility.

19 THE COURT: Yes.

20 MR. TROMBLEY: Which I thought was impressive.
21 Again, I've never seen someone in a prison facility write a
22 letter for an inmate anticipating sentencing.

23 And then third, Your Honor, this is something I,
24 again, have never experienced, kind of this little bit of
25 difficulty determining how to apply credit for the time he has

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1 served in Canadian custody, which appears to be about 74
2 months. Because the extradition paperwork, I think, came much
3 later, and then his federal custody date and arrest over to the
4 United States reflects a much later date, November 17th of
5 2021, when in fact his arrest was October 7th, 2015. So
6 there's a very, very --

7 THE COURT: His arrest in Canada?

8 MR. TROMBLEY: Arrested in Canada, and as I outlined
9 in the memorandum, Your Honor --

10 THE COURT: What triggered that arrest?

11 MR. TROMBLEY: So, Your Honor, my understanding and
12 I've spoken with Mr. Scruggs and also had some correspondence
13 with the agent in this case, that in conjunction with US --
14 with the US agent on this case, they, together, sharing
15 information and facts and information that was used in this
16 case later, used that to effect an arrest in Canada. Arrested
17 him under Canadian purposes or reasons, but then later dropped
18 that case in favor of the US indictment.

19 So there is an acknowledgment, I think, by the
20 government, and Mr. Scruggs certainly can clarify that that
21 arrest was really this case, and that was October 2015.

22 Your Honor, so for those reasons, and kind of that
23 odd amount of time where we're requesting this large variance
24 in Canada, we've asked for a sentence of 34 months, which would
25 be an actual time of incarceration of 108 months. That's all I

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1 have for the Court.

2 Mr. Ighedoise did prepare a statement that I know he
3 would like to read.

4 THE COURT: Let me just say one thing. The
5 assignment of credit is initially within the domain of the
6 Bureau of Prisons. So just so Mr. Ighedoise will know that
7 when he is sentenced and remanded to the custody of the United
8 States Marshal, he'll remain in custody here for a brief time
9 while the Bureau of Prisons designates him to a facility and at
10 that time determines a date of release from that facility and
11 from federal custody. So in determining the date of that
12 release, they will consider the extent to which he is entitled
13 to credit in their view. And then they will adjust the release
14 date that they convey to his designated facility, and it will
15 include credit for that, and he has an internal Bureau of
16 Prisons remedy available to contest that credit determination.

17 During my term on the bench, I've never had an
18 occasion to have someone come back here, which I think you have
19 the right to do, ultimately, because it has to do with the
20 legality of the tail end of your sentence, I've never had
21 anybody come back here and lodge a habeas writ or its
22 equivalent based on that credit determination.

23 How to say this, the Bureau of Prisons is not
24 interested in unduly detaining people at their expense. So,
25 generally, they're -- what I'm saying is, it's a very

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1 straightforward and fair process of determination.

2 MR. TROMBLEY: Understood, Your Honor. This just
3 struck me as one that perhaps was slightly different and
4 concerning for when they may begin the time. We hope --
5 obviously hope that's not the case. To the extent we can make
6 it very clear, either in the PSR or on the record or both,
7 obviously, that's enormously important to Mr. Ighedoise.

8 THE COURT: I think the recommendation of the United
9 States with respect to that credit is probably of some
10 significance as well. Anyway, so you had finished with your
11 presentation.

12 And, Mr. Ighedoise, you do have an opportunity to
13 speak on your own behalf this morning.

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: You're not required to say anything, but
16 if you'd like to say something, this is the time for you to do
17 that. Yes, you may go get your notes if you've made them.

18 THE DEFENDANT: Your Honor, I would like to read
19 something to the Court.

20 Your Honor, first I would like to thank you for the
21 opportunity to address this Court. I would like to say I
22 apologize to the victims of my crime. I was -- I am very sorry
23 for the pain my actions have brought upon all of you and your
24 loved ones. No day passes by that I do not regret what I've
25 done. I was thinking about myself only. Failing to think and

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1 care about others, not taking into consideration the suffering
2 and heartaches my actions were causing the victims, and I
3 became a narcissistic human being.

4 Since my incarceration, I've taken a lot of time to
5 reflect and understand the gravity of my offense and I'm very
6 ashamed of the person I became. I take full responsibility for
7 my actions, and I'm truly sorry.

8 I also realize that my involvement in the criminal
9 justice system has been a source of pain and embarrassment to
10 my family, and they have expressed their complete repugnance by
11 refusing to have anything to do with me going forward. There's
12 not enough apologies I can offer that will be at wording for
13 all that I have done, and I do not offer any excuse or defense
14 of any kind to minimize my responsibilities for the offenses to
15 which I have pled guilty for.

16 During this several-plus years of my incarceration in
17 Canada, I cannot help but think every day how my very selfish
18 and destructive ways have negatively impacted the life of my
19 daughter, who has to grow up without a father.

20 I know my actions have caused irreparable harm and
21 loss to the victims of my offense and to my family. But I
22 promise this Court from this day forward, I will continuously
23 find ways to fix all that I have done, and I wish there are
24 other means available to me that I wish I could show to this
25 Court how very regretful I am.

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1 Your Honor, I know you must be familiar with this
2 kind of voice in your courtroom. And most times, it probably
3 does not amount to anything, but throughout the several-plus
4 years of my incarceration, all I have done is to find ways to
5 positively apply myself seeking out avenues where I can make
6 amends.

7 In conclusion, Your Honor, I accept whatever sentence
8 you would impose on me, but I pray for mercy, and I ask this
9 Court to be lenient as possible, taking into consideration my
10 remorsefulness and my effort to better myself, please and
11 thank you.

12 THE COURT: All right. Thank you. Just an aside,
13 which has nothing to do with what you just said, it says in the
14 presentence report, I just wanted to check, your primary
15 language is what?

16 THE DEFENDANT: Pidgin English, but I'm also fluent
17 in regular English.

18 THE COURT: Well, English is the national language of
19 Nigeria. It's the official language of Nigeria.

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Nigeria is, of course, remarkable because
22 it has several hundred distinct dialects that are identifiable.
23 Some of them, like Hausa and Igbo, and those are more dominant.
24 Sometimes the generic phrase Nigeria pidgin is mentioned by
25 English speakers. Is that a term that you recognize, Nigerian

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1 pidgin?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Is that what you would call your second
4 language?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Okay. I'd like to amend -- I noticed
7 this in the PSR. And with all due respect, it doesn't make
8 sense the way it is. So in Paragraph 100, that should say the
9 defendant's primary language is Nigerian pidgin. Pidgin is a
10 term like Creole or dialect or vernacular that describes the
11 state of a spoken or almost surely a spoken language.

12 And the other term is patois, p-a-t-o-i-s, that you
13 see occasionally. But you need some word in front of pidgin
14 for it to make sense. That should be Nigerian pidgin which
15 isn't certainly a widespread phenomenon in Nigerian, the
16 official language of which is English.

17 I thought so. Thank you.

18 Mr. Scruggs, what says the United States, should I
19 say in closing, with respect to a reasonable sentence? And I
20 think that Mr. Trombley draws a fair question is what to make
21 of this 108 months, I think it was, that he spent in Canada.
22 You don't think of Canada as a place that houses -- or that
23 supports particularly onerous prison facilities. Then, again,
24 you don't like to think of the United States as that. Recent
25 events suggests that there are some -- confirms that there are

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1 some facilities in the United States, even maintained by the
2 United States that are substandard, to say the least.

3 So what do you say with respect to a reasonable
4 sentence here?

5 MR. SCRUGGS: Thank you, Your Honor. I'll -- let me
6 address, if I can, the second question first about the credit.
7 I agree with what Mr. Trombley said, which is that
8 Mr. Ighedoise was arrested in, I believe, October of 2015 on
9 the Canadian charges.

10 THE COURT: Yes.

11 MR. SCRUGGS: Those are distinct charges.

12 THE COURT: Yes.

13 MR. SCRUGGS: In terms of a legal analysis, they're
14 separate sovereigns. We did not bring that prosecution. It
15 wasn't centered principally on our evidence. The Canadians had
16 collected their own evidence.

17 THE COURT: Of events in Canada?

18 MR. SCRUGGS: That was in Canada.

19 THE COURT: Excuse me, the evidence that the Canadian
20 authorities had collected was evidence of events in -- that
21 occurred in Canada?

22 MR. SCRUGGS: Correct. Mostly events in Canada.
23 There was an international impact as well, but --

24 THE COURT: My recollection is there was only one
25 isolated event in the evidence in this case that occurred in

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1 Canada. That was something that originated in the northwest
2 and oozed over into Canada. Is that correct?

3 MR. SCRUGGS: I believe that's right, Your Honor.

4 Although the Canadians did identify, I believe, certain
5 Canadian victims. I want to say these were these romance-scam,
6 elderly victims from Canada. But I can't --

7 THE COURT: Oozed, by the way, is a technical legal
8 term.

9 MR. SCRUGGS: Yes, Your Honor. But, ultimately, I
10 can't say with a straight face to the Court that
11 Mr. Ighedoise's arrest at that time was not brought about
12 because of the United States' investigation.

13 In other words, we, along with the Toronto police
14 service and the FBI here, coordinated a joint takedown where we
15 arrested a number of people in the United States, including
16 Ms. Ellis, Mr. Cortese, and then we were able to arrest
17 Mr. Ighedoise. And we understood at the time that the
18 Canadians were effectively pursuing this charge to get him in
19 custody or to have some sort of release conditions if he was
20 released in Canada in anticipation of him being extradited to
21 the United States. Again, I think in all candor and being an
22 officer of the Court, Your Honor, I think it's fair to say that
23 the Canadians acted really at our request to push those
24 charges. Even though they had a separate case and separate
25 evidence, that was really at the United States' request, and it

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1 was in furtherance of our ultimate extradition.

2 For reasons beyond our control, meaning the United
3 States Attorney's Office's control, the extradition process
4 took several months just to get the paperwork completed.
5 Canada, to my surprise, is a very, I think, onerous -- it's a
6 very -- there's a lot of due process that's afforded to
7 defendants in Canada. So it took some time to get that package
8 completed.

9 Ultimately, from the documentation I received from
10 the Bureau of Prisons, and from the Office of International
11 Affairs at the Department of Justice, which I sent to
12 Mr. Trombley, they do not right now appear to give
13 Mr. Ighedoise credit from before when the ex --

14 THE COURT: Too many pronouns. Hold on just one
15 second. Who is "they"?

16 MR. SCRUGGS: I'm sorry. The Canadians -- not the
17 Canadians. The Department of Justice, based on their
18 calculation, starts the calculation at the filing of the
19 extradition paperwork in Canada. So for the year, about 18
20 months or so before that, he was -- Mr. Ighedoise was in
21 custody, but there was no extradition paperwork filed, so as of
22 now, it doesn't appear that he is guaranteed to receive credit
23 for that time. We do not have the -- the United States does
24 not --

25 THE COURT: "That time" being the 18 months or so

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1 before when he was -- when he was in detention, but before the
2 filing of the extradition?

3 MR. SCRUGGS: Correct, Your Honor. The United States
4 does not have an objection to noting that in the judgment and
5 for Mr. Ighedoise to receive credit for that. He's served that
6 time, we believe effectively under our process or our
7 investigation, so we're not opposed to him getting credit for
8 that. I don't know what the best mechanism of doing that, if
9 it's noted in the judgment, if that is sufficient for BOP. But
10 as you noted previously, Your Honor, this may be an issue where
11 we just have to see how BOP calculates it, and if there's an
12 error, then the parties can pursue some sort of correction or
13 remedy after that.

14 THE COURT: I think that's right. But I think it's
15 also right that where there's a colorable basis to credit him
16 with something, they tend to do it. So I expect that that will
17 come out well for him.

18 What they won't do, and which I think maybe
19 Mr. Trombley was gently suggesting, was that a day-for-day
20 credit might not be quite equal to the conditions that he --
21 and they won't do that. They'll make a one-to-one deduction,
22 but they're not going to say, well, this was unusually harsh
23 and therefore we're going to give him 120 months or 130 months
24 credit for 108 months served. I've never -- I say they won't
25 do that; I've never known them to do that.

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1 MR. SCRUGGS: Yes, Your Honor. I agree. I think
 2 that's right. And I can't speak to the conditions. I was
 3 surprised. I'm not contesting them. But I was frankly
 4 surprised to see what Mr. Trombley pointed out about the
 5 conditions in Canada, because I think the general assumption is
 6 that the Canadians, in some respects, have a different
 7 incarceration system than the United States, and perhaps they
 8 have more resources for that. And so I was surprised to see
 9 the documentation of the conditions in Toronto. So the United
 10 States isn't disputing that. I just have nothing to add to
 11 that beyond what Mr. Trombley has already pointed out.

12 In terms of a reasonable sentence, though, Your
 13 Honor, I think it's fair just to note sort of the two sides of
 14 the balance here. On the one hand, we have Mr. Ighedoise, who
 15 I think in some respects, and I don't say this in a derogatory
 16 term, but I think it's fitting, he was sort of the bogeyman of
 17 this case for many years.

18 Part of that was because he wasn't here. He was the
 19 last defendant who was extradited. Part of that was because
 20 Mr. Ighedoise was the one member, the actual member of this
 21 transnational organized crime group, the Black Axe group. He
 22 was, from what we understand, the Ihaza, I-h-a-z-a, or
 23 treasurer of this North American chapter in Toronto. So he had
 24 a fairly significant position within this group.

25 Mr. Amadi, who is his codefendant, was, I think, more

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1 intimately involved in the money laundering and some of the
 2 fraud activity, but Mr. Ighedoise was the tie to the criminal
 3 organization that was orchestrating all of this. He was the
 4 affiliated, full-fledged member of that group.

5 Having said that, Your Honor, in terms of our
 6 evidence of what Mr. Ighedoise's involvement is, we didn't get
 7 as much of a -- I think a complete picture of exactly what his
 8 role was in this investigation. We know he worked with Amadi.
 9 We know he helped coordinate where the money was going to,
 10 helped coordinate some of the fraud.

11 But we don't have as many communications from
 12 Mr. Ighedoise that we did for -- as we did for Mr. Amadi. We
 13 don't have a sense, I think, of the full scope of his
 14 activities. And that's in a way to his benefit. He has this
 15 title. He was certainly part of the Black Axe. He was a
 16 significant player in this scheme, and I think it's appropriate
 17 to hold him accountable for that.

18 But he did ultimately come to the United States. He
 19 agreed to cooperate and plead guilty relatively quickly. He
 20 did not --

21 THE COURT: Stop just a second. He agreed to plead
 22 guilty. You say he agreed to cooperate?

23 MR. SCRUGGS: Not cooperate. He agreed to -- well, I
 24 suppose he's been cooperative in a sense, but he hasn't
 25 specifically agreed to --

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1 THE COURT: Well, he gets credit for that with the
2 acceptance points.

3 MR. SCRUGGS: Yes, Your Honor.

4 THE COURT: You didn't mean cooperation in the 5K1.
5 You didn't mean substantial assistance.

6 MR. SCRUGGS: Correct, Your Honor. In this case,
7 it's so old now.

8 THE COURT: Because that's why one of the defendants
9 has such a low sentence compared to some others is because of
10 his -- I think he got a total of -- maybe the United States
11 wound up asking for a total of seven levels for Naji, if I
12 remember correctly.

13 MR. SCRUGGS: Yes, Your Honor.

14 THE COURT: Or his sentence would have been much
15 worse.

16 MR. SCRUGGS: That's correct. It's probably -- I
17 think it's fair to say he was our most significant cooperating
18 witness in the case, as well as our venue tie to Tampa, because
19 he was doing the activity here for the group.

20 THE COURT: There were some other factors in that
21 reduction that we don't need to repeat here this morning. And
22 just in addition to those -- those what amounted to seven
23 formal levels.

24 MR. SCRUGGS: Yes, Your Honor. Mr. Ighedoise didn't
25 have really an opportunity to cooperate much or provide

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1 information, because by the time he got here, the investigation
2 was really over. There weren't any more targets that we were
3 pursuing in the United States. So he didn't really have an
4 opportunity.

5 But he, I think, has shown remorse. He has not put
6 the government to its burden of proof at trial, and that's a
7 significant factor here. As I think the Court is aware, we had
8 some, I think, very convincing victims who testified, not only
9 in this trial, in the trial of Ms. Ellis and Mr. Cortese and
10 Ms. Johnson, which was before Your Honor. Those are the
11 codefendants here.

12 But there was the separate trial of Okechukwu Amadi
13 who is Ikechukwu Amadi's brother. He was also money launderer
14 working with Ikechukwu Amadi in the United States to help move
15 the funds. And we had a number of victims testify in that
16 trial as well, some different victims from Ellis, et al. trial.
17 And I think, hands down, these victims, it was devastating for
18 most of them. Some of them were fine. Some of them recovered.
19 But the vast majority of the victims suffered quite a bit.

20 And on the one hand, you can look at that and say,
21 well, Mr. Ighedoise should be punished appropriately for the
22 scale of the crime and the effect it had on the victims, and I
23 don't deny that. But at the same time, we were faced -- the
24 United States was faced with a dilemma of if we do not offer a
25 plea agreement, if we do not resolve this case, we're going to

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1 have to bring those victims back for a trial.

2 And I can tell you, I still speak to these victims
3 after seven years, some of them still contact me about the
4 restitution process, which, unfortunately, has been delayed by
5 the codefendants' appeals in this case. And I -- they don't
6 want to testify, Your Honor. That's the bottom line.

7 THE COURT: I understand.

8 MR. SCRUGGS: They don't want to come back. I don't
9 want to put them through that. I did not want to put them
10 through that.

11 THE COURT: I understand.

12 MR. SCRUGGS: Again, some of them have testified
13 twice in federal court, and these are people, as Your Honor
14 knows, some of the romance victims in particular never told
15 their families, or until they were subpoenaed, had not told
16 them. They kept it as a secret. It was a big shame for a lot
17 of them. And one of the victims passed away since the trial,
18 Ms. Sparks, who testified in the Ellis case. So we didn't want
19 to bring the victims back if we didn't have to.

20 To that extent, Your Honor, the government does
21 appreciate we could resolve this case by plea agreement so we
22 didn't have to relive that and have the victims relive it in
23 court and bring them here.

24 And Mr. Trombley was timely with reaching out to
25 resolve the case before we got to any advanced preparations or

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1 discussion about a trial. The United States recognizes that.

2 So I think balancing it, the equation, Your Honor, if
3 you look at Mr. Ikechukwu Amadi, who received a slightly longer
4 sentence than what the government would be recommending here,
5 which is the low end of 135 months, Mr. Ighedoise and Ikechukwu
6 were similarly situated, I think, in terms of their
7 culpability. Our evidence indicates, however, that Ike Amadi
8 had, I think, more of a hands-on role in managing these money
9 mules who were opening the bank accounts, in terms of
10 coordinating the fraud. We have just much more extensive
11 evidence of Mr. Amadi's involvement.

12 And although Mr. Ighedoise has the title of treasurer
13 and he was part of the Black Axe, I don't know that we can say
14 with confidence exactly what his role was throughout the
15 conspiracy. We know he was giving direction to Ike Amadi, but
16 he doesn't seem to have been as directly involved in a lot of
17 the activity.

18 I think it's appropriate if Mr. Ighedoise receive
19 something of a lesser sentence than what Mr. Amadi receive, Ike
20 Amadi, and taking into account the conditions of his
21 incarceration in Canada and the decision to -- to plead guilty
22 and resolve his case short of trial.

23 THE COURT: When you say Ike Amadi, you mean
24 Okechukwu?

25 MR. SCRUGGS: Ikechukwu Amadi.

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1 THE COURT: Ah, yeah. All right. Anything further
2 from the United States?

3 MR. SCRUGGS: No, thank you, Your Honor.

4 THE COURT: Any reason not to proceed with sentence?

5 MR. SCRUGGS: No, Your Honor.

6 THE COURT: Mr. Trombley, anything further from the
7 defense?

8 MR. TROMBLEY: Nothing further, other than certainly
9 take no issue with the facts. He has lived this, as Your Honor
10 has lived this case much longer than I have.

11 THE COURT: Yes, sir.

12 MR. TROMBLEY: The only -- again, I know you've
13 explained the position with BOP is if the Department of
14 Justice, we have documents that's giving him credit for 2017
15 rather than 2015, there is still that concern there from our
16 end. I don't know if there's any more we can do to clarify it.
17 And I don't know if the other defendants in their -- the DOJ
18 reflection for the credit of their time was accurate, and
19 that's the date that probation and BOP used. But if there is
20 kind of that missing link, it's unique to his case, that does
21 cause me still some concern. I don't know what we can do about
22 it today.

23 THE COURT: Any reason not to proceed to sentence?

24 MR. TROMBLEY: No, Your Honor.

25 THE COURT: Mr. Ighedoise, in imposing a sentence in

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1 the district court, a judge must consider a number of factors,
2 including, for example, the policies and Guidelines of the
3 United States Sentencing Commission, the advisory Guideline
4 range, which was determined earlier, the applicable statutory
5 penalties. I believe the applicable statutory penalty here is
6 a maximum of 20 years, 240 months.

7 I consider the written and oral submissions of
8 counsel, including, of course, the sentencing memorandum and
9 exhibits that Mr. Trombley filed on your behalf. And I
10 consider your statement on your own behalf in allocution, as
11 the lawyers say, and also the factors at 18 U.S.C. 3553(a).
12 Generally, none of us address them all, but we address the ones
13 we think are most salient in a particular case, as your counsel
14 did ably in his sentencing memorandum on your behalf. And I
15 will discuss those in a bit.

16 People tend to phrase these things differently, and I
17 can't quote the statute, but, generally, the first statutory
18 factor is the nature and characteristics of the offense. And
19 this was -- although, unfortunately, not a perfectly singular
20 offense, it was in the upper echelon of the category of
21 offenses, which it is rightly described. It was unusual in its
22 diversity in the sense that there were a number of different
23 concepts, fraudulent concepts that were deployed in a number of
24 different ways. They're described very ably, I thought, in the
25 presentence report. It's difficult to summarize so much

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1 evidence in so many cases with reasonable brevity. But the
2 probation officer made a heroic effort.

3 But unlike you, Mr. Ighedoise, I had an opportunity
4 to sit right here in this courtroom and listen to some of your
5 victims and some of your lieutenants, some operatives in this
6 organization, some with leadership roles, and some, the
7 ultimate end-of-the-line operatives, doing the dirty work,
8 actually walking into the bank and opening the accounts that
9 would be used to funnel money and things like that.

10 And I'll have to say that I'm a crusty, old veteran
11 of trials. I've seen people testify about their broken dreams
12 and their broken lives and their broken hearts. But even that,
13 some of these stories were painful to hear. Watching the jury
14 respond in shock, occasionally, in -- with the obvious emotion
15 controlled, witnesses crying on the witness stand, humiliated,
16 embarrassed, broke, couple of street-level drug addicts that
17 had been hired for little or nothing to open bank accounts as
18 if they had any money to put in them and such. It was sad. It
19 was pathetic. It was painful.

20 And as professionals, as much as, I suppose, an
21 emergency room physician can't afford to scream in horror at
22 some of the things that are brought before them in the
23 emergency room, because they have work to do and need to do
24 well and need to do it under control, still, they see them,
25 they see the agony, and they see the blood, and they see the

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1 people go flatline and die in front of them.

2 So in that same sense that an emergency room
3 physician needs to maintain their balance, it's necessary for
4 prosecutors and judges and defense lawyers to do the same, but
5 we still see and experience the pain and suffering that's been
6 caused by the crimes that are tried in our courts. And we can
7 reasonably conclude that something definitive needs to be done
8 in response to those egregious harms if the opportunity in the
9 law permits.

10 And I think it's a fair statement to say that any
11 reasonable person who observed the consequences of the schemes
12 that you and your colleagues deployed would come precisely to
13 that conclusion. People, for one reason another -- one reason
14 or another who were vulnerable, having some person whose
15 expertise is spotting vulnerability and exploiting it for their
16 own gain, well, that's a cold-blooded business. It's a
17 calculated business. It's probably not emotional. I don't
18 have any reason to think that you hated any of those people
19 that were the victims of these scams. Their agony is just,
20 what do we say these days, collateral damage, to enrich you and
21 your friends.

22 You know, if I had a jury sitting right there in that
23 box right now, make it as big a jury as you want, make it a
24 hundred, make it a thousand, make it the members of Congress
25 that enacted this law, and we put the facts of this case to

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1 them, say just go back there in that room and deliberate a
2 while and come back and tell me what the sentence should be.
3 Do you have any doubt what the sentence would be that they
4 would arrive at? I don't think any of us does.

5 They would probably think that I should, with a
6 certain amount of detachment, assess these facts, call them
7 exactly as they are, no more and no less, and design a
8 proportionate sentence, which is what I'll do, to the best of
9 my ability, without undue -- without any sense of vengeance, ←
10 because that has no place in the law, but also without any lack
11 of determination or like to see to it that these types of scams
12 are deterred, if possible, suppressed where possible, and
13 rightly punished where possible, because there's the tears and
14 heartbreak and misery all over between every two lines in this
15 presentence report. It just oozes out to those of us who know
16 the facts. Again, oozing being a technical term.

17 And I want to say something else to you,
18 Mr. Gheddoise. I've been doing this a good, long time, and
19 I've sentenced a lot of cases that involved using the term in
20 its broadest, most generic sense, fraud, some of it generated
21 by organized crime, some of it generated by a couple people who
22 think they have a bright idea, sometimes economically proves
23 successful for a while. I assume there are ones that prove
24 successful and I don't know about them. But I know about a lot
25 that prove successful for a while, if success means that the

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caught
himself
about to
admit bias

1 inventors and propounders of the scheme made money.

2 So I've had a lot of people stand in front of me who
3 have committed fraud. And I think it's fair to say people who
4 have committed large-scale fraud are fraudsters. Most of them
5 smart, like you. Most of them -- many of them able to make
6 persuasive statements.

7 But because they are who they are, and because
8 they've done what they've done, and because things have worked
9 for them the way they have worked for them, it's difficult to
10 believe a thing they say.

11 I know that some of them probably are telling me the
12 truth. I'm certain that many of them aren't. I have no
13 100-percent reliable way to tell one from the other, but I will
14 tell you this. I am much more suspicious of a statement from a
15 polished fraudster, as any experienced jurist would be, as any
16 experienced law enforcement officer or investigator would be,
17 as any experienced defense lawyer would be, more suspicious of
18 a polished and savvy fraudster who understands human emotions
19 and vulnerabilities enough to exploit them successfully time
20 after time after time.

21 Again, without making any finding with respect to
22 this, I will say that I have seen -- although I've seen
23 examples of every, I think, form of conduct after arrest, I
24 would say there's a discernible tendency for defendants who are
25 crafty to understand exactly what they should do during their

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1 incarceration to prepare not for a life, but for sentencing.

2 Again, I can't tell -- I know there are some who -- I
3 know there are legitimate examples of persons who experienced
4 remorse and a sort of self-actuated rehabilitation, and I know
5 there are people who are seemingly incorrigible fraudsters and
6 manipulators. Again, I -- even though I know there are
7 examples of both, I don't have any ironclad way to tell the
8 difference between one and the other.

9 And basing that decision on using the term, again, in
10 its sort of generalized sense, personality, is dangerous,
11 especially with fraudsters, because they're very persuasive
12 generally. It's how they came to be -- how they came to be
13 successful. They've been recruiting cohorts and targeting
14 victims.

15 So I consider, as I was saying, the nature and
16 characteristics of the offense and the nature and
17 characteristics of the offender, I'll just say summarily that
18 having a difficult childhood, upbringing, environment, as a
19 youth, is certainly not uncommon among offenders. While it can
20 be said that many offenders have difficult backgrounds and were
21 handed a difficult lot in life, by far, the most people who
22 were handed difficult lot in life are not offenders.

23 And establishing an element of causation between a
24 circumstance and a crime is not an easy thing to do at all.
25 For instance, just to take an obvious example, how many people

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1 who are both criminals and drug addicts, certainly abusers,
2 sometimes it's difficult to know whether the stress and strain
3 of a criminal life created a need to medicate the stress with
4 the drugs, or whether these drugs clouded the judgment and
5 created a need for money and induced crime. It's certainly a
6 very tight relationship. I'm sure there are, again, cases of
7 one, cases of the other, often very difficult to tell which is
8 standing before you.

9 And difficult to know, even that, how much difference
10 it makes how an offender got to be an offender, if that
11 offender is an offender and if released into the community is
12 likely to offend.

13 Victims tend not to care about the details of why
14 someone broke their life, broke their heart, stole their money,
15 ended their dreams, for instance, devastated their child. They
16 tend not to care. Probably if I had 535 members of Congress
17 sitting right there, none of them will care either. They want
18 society to be placid, lawful, and safe. And lest anybody needs
19 to be told, we're not doing a very good job of accomplishing
20 that.

21 So, yes, I have considered the nature and
22 characteristics of the offense, and I've read carefully your
23 background that is before me in the writings and in the
24 statements made this morning on your behalf.

25 I also consider other matters, including the

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1 imposition of a judgment that enhances respect for the law.
 2 Just a word about that. It means -- that concept probably
 3 means different things to different people. But one of the
 4 things I think it rightly means is that the sentence should not
 5 be so great as to be viewed as unnecessarily punitive without
 6 reason, nor should it be, as I said a few minutes ago, so
 7 lenient or indulgent as to suggest that the severity of the
 8 crime has not been recognized, that the injury to the victims
 9 has not been recognized, or that society is not sincere in
 10 enforcing its prohibitions.

11 I also consider protection for the community. I
 12 think it -- strike the I think part. Manifestly protection for
 13 the community is a principal consideration in every criminal
 14 case. That is especially so if the offense of conviction in a
 15 particular case is one that randomly targeted the community,
 16 and in this case and in related cases, did so broadly
 17 throughout the United States, and I think we know in Canada.

18 I also consider deterrence. That is a statutory
 19 factor. There are always arguments about deterrence, whether
 20 it is an effective aspect of sentencing. If so, to what
 21 extent, and if so, in which categories of cases, assuming that
 22 perhaps it is more effective. Deterrence is a more effective
 23 component of sentencing in some categories of cases than
 24 others.

25 I think it's fair to say that one area in which

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1 deterrence might have a greater effect is where people plan,
 2 where people assess the means by which they will proceed, place
 3 that they will proceed, targets that they will approach, the
 4 type of personnel they need to recruit in order to effect their
 5 means, and in which it is possible to calculate a probable
 6 range of monetary return so that a reasonable person, such as
 7 yourself, who's literate and can assess risk and reward, and,
 8 of course, probability of apprehension, which is important,
 9 might decide, yes, given X, risk of apprehension, and Y,
 10 vulnerability to incarceration, and, Z, reward, that equation
 11 works for me and I'll commit the crime.

12 Well, you know, you can change that equation by
 13 changing one of those variables. And, of course, that
 14 incarceration variable is changeable right here, right now in a
 15 way that will make this equation not work for others.

16 I also consider the unwarranted -- the avoidance of
 17 unwarranted disparity, as the lawyers tend to say. It's a
 18 fancy way of expressing the common-sense notion that people
 19 have committed about the same offense, have about the same
 20 criminal background, have caused about the same damage, should
 21 get about the same sentence. Yeah, I've simplified it a bit
 22 and generalized it a little bit too much, but that's
 23 essentially what it means.

24 One need not look too far, whether it's the
 25 Sentencing Commission's aggregated data or elsewhere in this

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1 case and in related cases to see that the range of sentences
2 that we are talking about here is not excessive. I actually
3 had occasion to review all the sentences and all the related
4 cases before coming here this morning, and I think the judges
5 in the Middle District of Florida have together sentenced these
6 cases in an admirably consistent and moderate manner.

7 Some of these sentences are lengthy. One is
8 tantamount to a life sentence. One might or might not prove to
9 be a life sentence. Several others are lengthy. The person
10 who provided the earliest, most useful substantial assistance
11 to the United States has a sentence, which if that fact were
12 not known, would appear to be disparate. But when the sentence
13 is adjusted for a decision that the United States Congress and
14 the Sentencing Commission made, which is to reward, as a matter
15 of United States policy, substantial assistance, that sentence
16 fits perfectly in line with the others. Just adjust those
17 factors out, and it all works.

18 So, actually, not that it's my place to do this, but
19 I was pleased with the results from a sentencing standpoint
20 of -- in the matter of consistency and balance.

21 I should note that I did not ask if there were any
22 victims present in the courtroom. I believe that the answer to
23 that is self-evidently no. So I did not exercise in that -- I
24 didn't make that invitation. But if I'm wrong about that and I
25 think that's not possible, if there's any person in the

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1 courtroom who is a victim and wants to be heard, I'll -- if
2 you'll make your presence known, I'll give you that opportunity
3 now.

4 There's no response to that, so I just want to make
5 sure I dotted that I and crossed that T, as the case were.

6 So anyway, Mr. Ighedoise, I've considered all of
7 that, which is not an easy thing to do, nor is it an exact
8 thing to do. I want to, in sentencing you, recognize the
9 matters that have been brought to my attention. But on the
10 other hand, I don't want to forget other matters that have --
11 that I mentioned. There are people who are not here who
12 deserve to be thought of as we do what we do.

13 So I have, pursuant to 18 -- well, to the Sentencing
14 Reform Act of 1984, to the extent applicable, after the United
15 States v. Booker and pursuant to 18 U.S.C. 3553, determined
16 that Akohomen Ighedoise be committed to the Bureau of Prisons
17 for 210 months. I have varied upwards slightly because of the
18 reasons I have stated earlier. The rampant injury caused by
19 this series of crimes, the startling breadth and reach of the
20 crime, and the other factors that I discussed and need not
21 limit but summarized them now.

22 I am confident that that sentence is not greater than
23 necessary to establish -- to advance the statutory purpose of
24 sentencing and in context of this offense is altogether
25 reasonable. I have no objection, and I think justice would be

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1 served, given the sentence that I have announced, that
2 Mr. Ighedoise receive full credit from the time of his initial
3 detention in Canada on related charges. And if I'm correct,
4 Mr. Trombley, that would be 108 months.

5 MR. TROMBLEY: Your Honor, I don't think that's
6 correct. I -- the date is October 7th, 2015.

7 THE COURT: All right.

8 MR. TROMBLEY: I'm not sure what --

9 THE COURT: Anyway, the full measure, including the
10 18 months that we discussed. I have no objection to his
11 receiving credit for that. And my expectation is that he will
12 receive credit for that as I calculated this sentence.

13 Upon release, the defendant must serve a three-year
14 term of supervision in which he must comply with the standard
15 conditions adopted in the Court -- by the Court in the Middle
16 District of Florida and as well the following special
17 conditions:

18 First, he must not incur new credit charges, open
19 lines of credit, or obligating himself for a major purchase
20 without advanced approval by the probation officer.

21 Second, he must provide the probation officer access
22 to any requested financial information.

23 And, third, if he's deported, and I think that is a
24 near eventuality, he must not reenter the United States without
25 the express permission of the United States.

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1 And just so you will not be surprised, Mr. Ighedoise,
2 in the United States courts, people who violate the terms of
3 supervision, it's not ignored. It's not considered trivial.
4 They often are brought back into court and are subject to being
5 returned to incarceration for a term, sometimes amounting to
6 years.

7 As a qualifying felon, the defendant must cooperate
8 in the collection of his DNA as directed by the probation
9 officer.

10 Madam officer, has that been accomplished?

11 THE PROBATION OFFICER: I have not verified, Your
12 Honor, but --

13 THE COURT: With all due respect, you are directed to
14 confirm that that DNA has been taken, and if not, to take it
15 yourself. I suggest you take it yourself anyway, but let's
16 make sure that gets done. That's particularly important, as
17 you know, in cases involving persons from outside the United
18 States.

19 Mandatory drug testing requirements of the Violent
20 Crime Control Act are suspended.

21 The defendant must pay restitution in the amount of
22 \$4,389,340.97 to the victims as provided -- as delineated by
23 the government, by the United States. This restitution is
24 payable to the clerk of the United States District Court for
25 the Middle District of Florida for distribution to the victims.

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1 Restitution shall be paid jointly and severally with
2 codefendants, Ikechukwu -- that's Amadi, isn't it?

3 MR. SCRUGGS: Yes, sir.

4 THE COURT: Derek Amadi?

5 MR. SCRUGGS: Yes.

6 THE COURT: Priscilla Ann Ellis, ⁴⁸⁰ Perry Don Cortese, ³⁰⁰
7 Stacey Merritt, and Kenietta Rayshawn Johnson.

8 Further restitution is jointly and severally payable
9 with coconspirators Muhammad Naji in Case 15-Criminal-126. Let
10 me restate that. In Case Number 8:15-Criminal-126 in the
11 Middle District of Florida. Dana Marie Jewesak in Case Number
12 8:16-Criminal-149 in the Middle District of Florida, Michele
13 Ann Scalley in Case 8:16-Criminal-259 in the Middle District of
14 Florida, Tampa Division. All these are Tampa Division cases.
15 Dean Morgan in Case 8:17-Criminal-254 in the Middle District of
16 Florida, Frederick Miscoe in Case 8:18-Criminal-13 in the
17 Middle District of Florida, and Okechukwu Desmond Amadi in case
18 8:17-Criminal-447.

19 While in the Bureau of Prisons, the defendant must
20 either pay at least \$25 quarterly, if he has a UNICOR job or
21 50 percent of his monthly earnings -- I got that exactly
22 backwards. Sorry, Mr. [sic] Reporter. I'll begin with while
23 in the Bureau of Prisons' custody, the defendant must pay
24 either, one, \$25 quarterly if he has a nonUNICOR job, pay at
25 least 50 percent of his monthly earnings if he has a UNICOR

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1 job.

2 Upon release from custody, the defendant must pay
3 restitution at the rate of \$200 a month at any time after his
4 release, of course. And in the event of a material change in
5 his ability to pay, that monthly payment rate is changeable
6 the Court. I find the defendant lacks the ability to pay
7 interest, and I will waive the interest payment for the
8 restitution.

9 I'll also waive -- well, does the United States want
10 to be heard on a fine?

11 MR. SCRUGGS: No, Your Honor.

12 THE COURT: Seems superfluous.

13 MR. SCRUGGS: Yes, Your Honor.

14 THE COURT: And otherwise we probably go 250.

15 MR. SCRUGGS: Correct, Your Honor. We're not asking
16 for the fine.

17 THE COURT: Seems superfluous. There is a
18 preliminary order of forfeiture at Document 1141 of the docket.
19 That preliminary order is made permanent and will be
20 incorporated into the judgment and commitment.

21 I levied a special assessment of \$100, which is due
22 immediately.

23 For the reasons that I have already stated, I find
24 the sentence to be entirely reasonable in the circumstances.

25 Count 2 of the superseding indictment is dismissed.

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*This Court in a previous panel decision, has
acknowledged that Appellate was disposed for
testimony at his codefendant's trial, due to
extrajudicial difficulties - See U.S. v Ellis,
817 Fed Appx 780, 784 n.1 (11th Cir. 2020)*

1 accord with the plea agreement and the underlying indictment.

2 MR. SCRUGGS: Yes, he was not included in the
3 original indictment.

4 THE COURT: That's correct. Doesn't make any
5 difference. All right.

6 Does counsel for the United States or the defense
7 object to the sentence or the manner of its announcement?
8 Mr. Scruggs?

9 MR. SCRUGGS: No, Your Honor.

10 THE COURT: Mr. Trombley?

11 MR. TROMBLEY: No, Your Honor. Nothing more, other
12 than what's in our memorandum and what's been said here today.

13 THE COURT: The defendant is remanded to the custody
14 of the United States Marshal to await designation by the Bureau
15 of Prisons.

16 Was there a request with respect to his residence?
17 The thing that occurs to me first, does he want to make sure
18 he's either with or away from any of the codefendants? Is that
19 a factor here?

20 MR. SCRUGGS: No, Your Honor, it should not be at
21 this point from the government's perspective.

22 MR. TROMBLEY: Your Honor, we've -- he's pretty open
23 to different facilities. I've suggested a lot of people have
24 found success working at Fort Dix in New Jersey.

25 THE COURT: That's right.

UNITED STATES DISTRICT COURT

*Each
Indication*

*Substantive
v. case - abbot v. U.S.
of Sentence
Indication*

1 MR. TROMBLEY: That, I think, is where he --

2 THE COURT: All right. I'll recommend that he be
3 housed at Fort Dix, New Jersey or another facility where he can
4 engage in gainful employment.

5 In your plea agreement, you have largely waived your
6 right to appeal from this judgment and sentence except in three
7 circumstances, one of which has occurred here, which is I
8 sentenced you above the applicable Guideline range. So you do
9 have a right of appeal.

10 So with respect to that appeal, there are two things
11 I need to tell you.

12 Number one, you -- in a direct appeal you always have
13 a right to counsel. If you can't afford counsel, I would
14 appoint one for you at public expense. As it stands now,
15 Mr. Trombley must preserve and pursue any appeal unless other
16 counsel is substituted for him by an order of the Court.

17 Number two, to begin an appeal, you must file a
18 written notice of appeal that is filed within 14 days, and that
19 is accompanied by a filing fee. If you cannot afford a filing
20 fee, Mr. Trombley can ask the Court to waive the fee, and if
21 that's granted, he can appeal without payment.

22 Mr. Trombley, I think it would be advisable here for
23 you to file a notice of appeal and --

24 MR. TROMBLEY: Your Honor, with all due respect,
25 we've -- he's inquired about what would happen in the event of

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*Crimes &
Appeals*

1 being outside and over the Guideline range. I think that's
 2 probably likely that he is going to want to file an appeal. I
 3 had planned on asking and moving the Court to appoint an
 4 appellate --

5 THE COURT: Please do the same. Just make a motion
 6 to waive the filing fee. I guess he can't pay it. Is that
 7 right?

8 MR. TROMBLEY: Correct.

9 THE COURT: So make a motion to waive the filing fee
 10 and to -- for substitution of appellate counsel.

11 MR. TROMBLEY: Okay.

12 THE COURT: And the magistrate judge will take care
 13 of that.

14 MR. TROMBLEY: Understood, Your Honor.

15 THE COURT: Anything further from the United States?

16 MR. SCRUGGS: No, Your Honor. Thank you.

17 THE COURT: Anything further from the defense?

18 MR. TROMBLEY: Nothing, Your Honor. Thank you.

19 THE COURT: We are in adjournment.

20 (Proceedings adjourned at 10:40 a.m.)

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UNITED STATES DISTRICT COURT

CERTIFICATE OF REPORTER

2 STATE OF FLORIDA

3 COUNTY OF HILLSBOROUGH

4 I, Rebekah M. Lockwood, RDR, CRR, do hereby certify
 5 that I was authorized to and did stenographically report the
 6 foregoing proceedings; and that the foregoing pages constitute
 7 a true and complete computer-aided transcription of my original
 8 stenographic notes to the best of my knowledge, skill, and
 9 ability.

10 I further certify that I am not a relative, employee,
 11 attorney, or counsel of any of the parties, nor am I a relative
 12 or employee of any of the parties' attorneys or counsel
 13 connected with the action, nor am I financially interested in
 14 the action.

15 IN WITNESS WHEREOF, I have hereunto set my hand at Tampa,
 16 Hillsborough County, Florida, this 13th day of March 2023.

17

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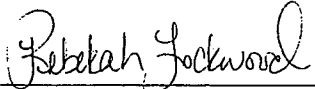
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 REBEKAH M. LOCKWOOD, RDR, CRR
 Official Court Reporter
 United States District Court
 Middle District of Florida

APPENDIX C

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-10270

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AKOHOMEN IGHEDOISE,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:15-cr-00320-SDM-MRM-1

ON PETITION(S) FOR REHEARING AND PETITION(S) FOR
REHEARING EN BANC

2

Order of the Court

23-10270

Before JORDAN, NEWSOM, and ANDERSON, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 35. The Petition for Panel Rehearing also is DENIED. FRAP 40.

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-10270

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AKOHOMEN IGHEDOISE,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:15-cr-00320-SDM-MRM-1

JUDGMENT

2

23-10270

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: January 29, 2024

For the Court: DAVID J. SMITH, Clerk of Court

ISSUED AS MANDATE: April 15, 2024

APPENDIX D

**In the United States Court of Appeals
for the Eleventh Circuit**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

AKOHOMEN IGHEDOISE,
Defendant-Appellant.

On Appeal from the United States District Court
for the Middle District of Florida, Tampa Division
Case No. 8:15-cr-320, Hon. Steven D. Merryday

**APPENDIX ON APPEAL OF AKOHOMEN IGHEDOISE
VOLUME ONE OF ONE**

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*Court-appointed counsel for
Akohomen Ighedoise*

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APPEAL, CLOSED, CUSTODY, SL DOC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed the original and two copies of this appendix with the Clerk of Court via CM/ECF and regular mail on this 5th day of July, 2023, to:

David J. Smith, Clerk of Court
U.S. COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT
56 Forsyth Street N.W.
Atlanta, GA 30303

I FURTHER CERTIFY that I served a true and correct copy of the foregoing brief via CM/ECF on this 5th day of July, 2023, to:

United States

AUSA Holly Gershow

I FURTHER CERTIFY that I served a true and correct copy of the foregoing brief via electronic mail on this 5th day of July, 2023, to:

Akohomen Ighedoise (74906-509)
USP Atlanta
601 McDonough Boulevard, S.E.
Atlanta, GA 30315

July 5, 2023

/s/ Thomas Burns
Thomas A. Burns

U.S. District Court
Middle District of Florida (Tampa)
CRIMINAL DOCKET FOR CASE #: 8:15-cr-00320-SDM-MRM-1

Case title: USA v. Ighedoise et al

Date Filed: 08/20/2015

Date Terminated: 01/20/2023

Assigned to: Judge Steven D. Merryday
Referred to: Magistrate Judge Mac R. McCoy

Appeals court case number: 23-10270-D
11th Circuit

Defendant (1)

Akohomen Ighedoise
TERMINATED: 01/20/2023

represented by **Thomas A. Burns**

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TERMINATED: 01/18/2023
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:1349.F ATTEMPT AND
CONSPIRACY TO COMMIT MAIL

Disposition

Imprisonment: 210 months; Supervised
Release: 3 years; Fine: Waived; Special

FRAUD
(1)

Assessment: \$100;
Restitution: \$4,389,340.97

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1956-7477.F LAUNDERING OF
MONETARY INSTRUMENTS
(2)

Disposition

Dismissed on motion by the United States

Highest Offense Level (Terminated)

Felony

Complaints

None

Claimant

Victoria Ellis
TERMINATED: 07/17/2018

represented by **Victoria Ellis**
3418 Castleton Drive
Killeen, TX 76542
PRO SE

Claimant

State of Texas County of Bell

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 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/24/2015	<u>23</u>	***UNSEALED PER ORDER 1016*** SEALED MOTION to Seal by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson. (AMD) Modified on 7/29/2021 (CTR). (Entered: 09/28/2015)
09/24/2015	<u>24</u>	***UNSEALED PER ORDER 1016***ORDER SEALED granting <u>23</u> Sealed Motion as to Akohomen Ighedoise (1), Ikechukwu Derek Amadi (2), Priscilla Ann Ellis (3), Perry Don Cortese (4), Stacey Merritt (5), Kenietta Rayshawn Johnson (6). Signed by Magistrate Judge Julie S. Sneed on 9/24/2015. (AMD) Modified on 7/29/2021 (CTR). (Entered: 09/28/2015)
09/24/2015	<u>25</u>	SUPERSEDING INDICTMENT returned in open court as to Akohomen Ighedoise (1) count(s) 1, 2, Ikechukwu Derek Amadi (2) count(s) 1, 2, Priscilla Ann Ellis (3) count(s) 1s, 2s, Perry Don Cortese (4) count(s) 1s, 2s, Stacey Merritt (5) count(s) 1, 2, Kenietta Rayshawn Johnson (6) count(s) 1, 2. (AMD) (Entered: 09/28/2015)
09/24/2015	<u>26</u>	***UNSEALED PER ORDER 1016*** Arrest Warrant Issued as to Akohomen Ighedoise. (AMD) Modified on 7/29/2021 (CTR). (Entered: 09/28/2015)
09/28/2015		Sealed Documents S-23 to S-28. (AMD) (Entered: 09/28/2015)
10/14/2015	<u>44</u>	BILL of particulars as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, Stacey Merritt. (Gershow, Holly) (Entered: 10/14/2015)
10/15/2015	<u>46</u>	STATUS REPORT for October 2015 by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Jackson, Matthew) (Entered: 10/15/2015)
11/03/2015	<u>70</u>	NOTICE OF ATTORNEY APPEARANCE Patrick Scruggs appearing for USA. (Scruggs, Patrick) (Entered: 11/03/2015)
11/10/2015	<u>74</u>	Notice of substitution of AUSA. Patrick Scruggs substituting for Matthew Jackson. (Scruggs, Patrick) (Entered: 11/10/2015)
11/12/2015	<u>77</u>	STATUS REPORT November by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 11/12/2015)
11/13/2015	<u>79</u>	US Marshal 285 form for Execution of SW/Check Deposit. Remarks: \$130,692.08 USC deposited on 10/9/15. (AMD) (Entered: 11/16/2015)
11/13/2015	<u>80</u>	US Marshal 285 form for Execution of SW/Check Deposit. Remarks: \$64,584.25 USC deposited on 10/9/15. (AMD) (Entered: 11/16/2015)
11/13/2015	<u>81</u>	US Marshal 285 form for Execution of SW/Check Deposit. Remarks: \$7,083.08 USC

		deposited on 10/9/15. (AMD) (Entered: 11/16/2015)
11/13/2015	<u>82</u>	US Marshal 285 form for Execution of SW/Check Deposit. Remarks: \$21,837.89 USC deposited on 10/9/15. (AMD) (Entered: 11/16/2015)
11/13/2015	<u>83</u>	US Marshal 285 form for Execution of SW/Check Deposit. Remarks: \$207,583.45 USC was deposited on 10/9/15. (AMD) (Entered: 11/16/2015)
11/13/2015	<u>84</u>	US Marshal 285 form for Execution of SW/Check Deposit. Remarks: \$19,985.00 USC deposited on 10/9/15. (AMD) (Entered: 11/16/2015)
11/13/2015	<u>85</u>	US Marshal 285 form for Execution of SW/Check Deposit. Remarks: \$55,797.69 USC deposited on 10/9/15. (AMD) (Entered: 11/16/2015)
12/11/2015	<u>93</u>	STATUS REPORT <i>December</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 12/11/2015)
01/04/2016	<u>100</u>	NOTICE OF ATTORNEY APPEARANCE Eric Gerard appearing for USA. Co-Counsel (Gerard, Eric) (Entered: 01/04/2016)
01/08/2016	<u>101</u>	Joint MOTION to continue trial by Perry Don Cortese as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, Stacey Merritt. (Maddux, Michael) (Entered: 01/08/2016)
01/08/2016	<u>102</u>	STATUS REPORT by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 01/08/2016)
01/14/2016	<u>107</u>	ORDER granting <u>101</u> motion to continue trial as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, and Kenietta Rayshawn Johnson. Jury Trial continued to the <u>October 2016 trial calendar</u> in Tampa Courtroom 15A before Judge Steven D. Merryday. Signed by Judge Steven D. Merryday on 1/14/2016. (LAM) (Entered: 01/14/2016)
02/09/2016	<u>123</u>	STATUS REPORT by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 02/09/2016)
03/10/2016	<u>143</u>	STATUS REPORT by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 03/10/2016)
03/16/2016	<u>146</u>	NOTICE of <i>Similar Cases</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 03/16/2016)
03/28/2016	<u>161</u>	ENDORSED ORDER denying <u>153</u> the motion to dismiss by Priscilla Ann Ellis (3) for, among other reasons, the several good and sufficient reasons explained in the response (Doc. 155) of the United States. Signed by Judge Steven D. Merryday on 3/28/2016. (Entered: 03/28/2016)
04/08/2016	<u>190</u>	STATUS REPORT <i>April 2016</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek

		Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 04/08/2016)
04/29/2016	<u>217</u>	MOTION for immediate Monsanto Hearing by Victoria Ellis (AMD) Motions referred to Magistrate Judge Thomas G. Wilson. (Entered: 04/29/2016)
05/10/2016	<u>234</u>	STATUS REPORT <i>May 2016</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 05/10/2016)
06/09/2016	<u>276</u>	STATUS REPORT <i>June 2016</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 06/09/2016)
06/10/2016	<u>277</u>	SUPPLEMENT re <u>276</u> Status Report <i>June</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Attachments: # <u>1</u> Exhibit Monthly Update from Priscilla Ellis and Mailing envelope)(Scruggs, Patrick) (Entered: 06/10/2016)
06/30/2016	<u>295</u>	Notice of substitution of AUSA. Amanda C. Kaiser substituting for Holly L. Gershow. (Kaiser, Amanda) (Entered: 06/30/2016)
07/08/2016	<u>300</u>	STATUS REPORT and <i>Exhibit A</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 07/08/2016)
08/09/2016	<u>339</u>	STATUS REPORT <i>August 2016</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 08/09/2016)
08/18/2016	<u>342</u>	NOTICE OF TRIAL as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, and Stacey Merritt: Jury Trial set for <u>10/3/2016 at 01:30 PM</u> in Tampa Courtroom 15A before Judge Steven D. Merryday. (LAM) (Entered: 08/18/2016)
09/12/2016	<u>373</u>	STATUS REPORT <i>Joint, September 2016</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 09/12/2016)
09/14/2016	<u>377</u>	MOTION to allow electronic equipment, specifically iPad tablet computer or comparable by USA as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, Stacey Merritt. (Scruggs, Patrick) (Entered: 09/14/2016)
09/15/2016	<u>390</u>	ENDORSED ORDER denying <u>343</u> the motion by Perry Don Cortese (4) to continue the trial. Signed by Judge Steven D. Merryday on 9/15/2016. (Entered: 09/15/2016)
09/16/2016	<u>394</u>	NOTICE of <i>Filing Declaration of Authentication of Business Records</i> by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Attachments: # <u>1</u> Exhibit 1) (Scruggs, Patrick) (Entered: 09/16/2016)

09/16/2016	<u>396</u>	ORDER granting 377--motion by the United States to allow Ms. Jennifer Brown to bring an iPad into the courthouse beginning 10/3/2016 until the final day of trial. Signed by Judge Steven D. Merryday on 9/16/2016. (BK) (Entered: 09/16/2016)
09/19/2016	<u>402</u>	NOTICE OF FILING DECLARATION OF AUTHENTICATION OF BUSINESS RECORDS by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Attachments: # <u>1</u> Exhibit 1)(Scruggs, Patrick) (Entered: 09/19/2016)
09/22/2016	<u>419</u>	SUPPLEMENT re 394 Notice of Filing Declaration of Authentication of Business Records by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Attachments: # <u>1</u> Exhibit 1)(Scruggs, Patrick) Modified link & text on 9/22/2016 (AMD). (Entered: 09/22/2016)
09/29/2016	<u>450</u>	Notice of substitution of AUSA. Suzanne C. Nebesky substituting for Amanda C. Kaiser. (Nebesky, Suzanne) (Entered: 09/29/2016)
10/02/2016	<u>458</u>	ENDORSED ORDER denying 429 the motion by Priscilla Ann Ellis (3) for severance and other relief from allegedly "prejudicial joinder." Signed by Judge Steven D. Merryday on 10/2/2016. (Entered: 10/02/2016)
10/03/2016	<u>471</u>	***UNSEALED PER ORDER 1024***EXPARTE MOTION to Seal by USA as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, Stacey Merritt. (AMD) Modified on 8/23/2021 (CTR). (Entered: 10/03/2016)
10/03/2016	<u>472</u>	***UNSEALED PER ORDER 1024*** ORDER granting 471 Exparte motion for miscellaneous relief as to Akohomen Ighedoise (1), Ikechukwu Derek Amadi (2), Priscilla Ann Ellis (3), Perry Don Cortese (4), Stacey Merritt (5), Kenietta Rayshawn Johnson (6). Signed by Judge Steven D. Merryday on 10/2/2016. (AMD) Modified on 8/23/2021 (CTR). (Entered: 10/03/2016)
10/03/2016	<u>473</u>	***UNSEALED PER ORDER 1024***EXPARTE MOTION to Compel Testimony by USA as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, Stacey Merritt. (AMD) Modified on 8/23/2021 (CTR). (Entered: 10/03/2016)
10/03/2016	<u>474</u>	***UNSEALED PER ORDER 1024*** ORDER granting 473 Exparte motion for miscellaneous relief as to Akohomen Ighedoise (1), Ikechukwu Derek Amadi (2), Priscilla Ann Ellis (3), Perry Don Cortese (4), Stacey Merritt (5), Kenietta Rayshawn Johnson (6). Signed by Judge Steven D. Merryday on 10/2/2016. (AMD) Modified on 8/23/2021 (CTR). (Entered: 10/03/2016)
10/03/2016		Sealed Documents S-471 to S-474. (AMD) (Entered: 10/03/2016)
10/03/2016	<u>485</u>	ENDORSED ORDER: Priscilla Ann Ellis (3) moves to dismiss for improper venue and for lack of jurisdiction. The motion 475 is DENIED. Signed by Judge Steven D. Merryday on 10/3/2016. (Entered: 10/03/2016)

10/03/2016	<u>490</u>	ORAL ORDER denying 451 motion to suppress as to Priscilla Ann Ellis. Signed by Judge Steven D. Merryday on 10/3/2016. (LAM) (Entered: 10/03/2016)
10/03/2016	<u>491</u>	ORAL ORDER denying as moot 426 motion for miscellaneous relief, "specifically to provide overhead projector to present trial exhibits" as to Priscilla Ann Ellis. Doc. 426 is construed as compliance with the exhibit list requirement; to the extent that Doc. 426 requests the right to present trial exhibits, Doc. 426 is GRANTED. Signed by Judge Steven D. Merryday on 10/3/2016. (LAM) (Entered: 10/03/2016)
10/03/2016	<u>492</u>	ORAL ORDER denying 452 motion to for relief, specifically to "Include Witness List" as to Priscilla Ann Ellis as a motion; accepting 452 as a witness list. Signed by Judge Steven D. Merryday on 10/3/2016. (LAM) (Entered: 10/03/2016)
10/03/2016	<u>493</u>	ORAL ORDER denying without prejudice 412 motion in limine "to Suppress" as to Priscilla Ann Ellis. Signed by Judge Steven D. Merryday on 10/3/2016. (LAM) (Entered: 10/03/2016)
10/12/2016	<u>507</u>	***TERMED - incorrectly filed as defendant not movant & should only be filed under defendant Ellis.*** MOTION to adopt re 107 Order on motion to continue trial , First MOTION to Quash Trial Subpoena by Mark M. O'Mara, Esquire by Priscilla Ann Ellis as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, Stacey Merritt. (O'Mara, Mark) Modified on 10/12/2016 (AMD). (Entered: 10/12/2016)
10/17/2016	<u>517</u>	Proof of Service of subpoena as to Michelle Williams on 10/5/16. (AMD) (Entered: 10/17/2016)
10/18/2016	<u>529</u>	TRIAL BRIEF by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 10/18/2016)
12/21/2016	<u>590</u>	ENDORSED ORDER granting 579 the motion by the United States to continue the sentencing of Priscilla Ann Ellis (3), Perry Don Cortese (4), and Kenietta Rayshawn Johnson (6). A separate order will re-schedule each sentencing. Signed by Judge Steven D. Merryday on 12/21/2016. (Entered: 12/21/2016)
12/21/2016	<u>592</u>	ENDORSED ORDER denying 587 the motion by stand-by counsel to Priscilla Ann Ellis (3) for "calendar protection." Signed by Judge Steven D. Merryday on 12/21/2016. (Entered: 12/21/2016)
03/17/2017	<u>625</u>	ENDORSED ORDER: Because a diligent reading and a thorough analysis of the motion reveals no meritorious (or even plausible) argument for any of the requested relief, the 557 motion by Priscilla Ann Ellis (3) for a new trial, a directed verdict, or a judgment of acquittal is DENIED. Signed by Judge Steven D. Merryday on 3/17/2017. (Entered: 03/17/2017)
03/17/2017	<u>626</u>	ENDORSED ORDER: For the reasons, among others, stated by the United States in the response (Doc. 567), the 562 motion by Perry Don Cortese (4) for a new trial is DENIED. Signed by Judge Steven D. Merryday on 3/17/2017. (Entered: 03/17/2017)

04/04/2017	<u>634</u>	ENDORSED ORDER: Cortese's objection (Doc. 628) to a loss hearing before the magistrate judge is construed as a motion to cancel the hearing. The United States responds (Doc. 629). The construed 628 motion is GRANTED, and the hearing is CANCELED. A separate order will schedule the hearing before the district judge. Signed by Judge Steven D. Merryday on 4/4/2017. (Entered: 04/04/2017)
05/22/2017	<u>664</u>	NOTICE OF SIMILAR CASE by USA as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson (Scruggs, Patrick) (Entered: 05/22/2017)
09/21/2017	<u>723</u>	ENDORSED ORDER: Convicted on October 20, 2016, Perry Don Cortese 717 moves based on a possible conflict with a civil trial to continue his sentencing, scheduled for October 16, 2017. The motion is DENIED. Signed by Judge Steven D. Merryday on 9/21/2017. (Entered: 09/21/2017)
10/19/2017	<u>760</u>	NOTICE of pendency of related cases re order of compliance to Local Rule as to Akohomen Ighedoise. Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson by USA. Related case(s): yes (Scruggs, Patrick) (Entered: 10/19/2017)
11/18/2017	<u>785</u>	ENDORSED ORDER: A 776 paper purportedly signed and filed pro se by Victoria Ellis (but remarkably similar in tone, content, and appearance to many frivolous and repetitive papers filed by the convicted defendant Priscilla Ellis) requests the release of certain property subject to forfeiture. The United States responds (Doc. 780) in a thorough and comprehensive opposition. For each reason cited by the United States in opposition, the motion (Doc. 776) is DENIED. (Entered: 11/18/2017)
01/05/2018	<u>804</u>	NOTICE of pendency of related cases re order of compliance to Local Rule as to Akohomen Ighedoise, Ikechukwu Derek Amadi, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, Kenietta Rayshawn Johnson by USA. Related case(s): yes (Scruggs, Patrick) (Entered: 01/05/2018)
12/03/2020	<u>989</u>	ORDER as to Akohomen Ighedoise: Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and sanctions. Signed by Judge Timothy J. Corrigan on 12/1/2020. (TDC) (Entered: 12/03/2020)
01/11/2021	<u>991</u>	ORDER as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, Stacey Merritt; NOTICE: COMPLIANCE WITH NEW LOCAL RULE 1.08. Signed by Judge Steven D. Merryday on 1/11/2021. (BK) (Entered: 01/11/2021)
11/17/2021		Arrest of Akohomen Ighedoise on 11/17/2021. (KR) (Entered: 11/18/2021)
11/18/2021	<u>1055</u>	***CJA 23 Financial Affidavit by Akohomen Ighedoise. (KR) (Entered: 11/18/2021)

11/18/2021	<u>1056</u>	ORAL MOTION to Appoint Counsel, ORAL MOTION for Discovery, ORAL MOTION for Medical Order by Akohomen Ighedoise. (KR) (Entered: 11/18/2021)
11/18/2021	<u>1057</u>	ORAL MOTION for Reciprocal Discovery, ORAL MOTION for Detention by USA as to Akohomen Ighedoise. (KR) (Entered: 11/18/2021)
11/18/2021	<u>1058</u>	ORAL ORDER as to Akohomen Ighedoise: Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny and orders the United States to do so. Failing to do so in a timely manner may result in consequences, including exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, and sanctions. Signed by Magistrate Judge Elizabeth A. Jenkins on 11/18/2021. (KR) (Entered: 11/18/2021)
11/18/2021	<u>1059</u>	Minute Entry for in-person proceedings held before Magistrate Judge Elizabeth A. Jenkins: Oral Order granting 1056 Oral Motion to Appoint Counsel; Oral Order granting 1056 Oral Motion for Discovery; Oral Order granting 1056 Oral Motion for Medical Order; Oral Order granting 1057 Oral Motion for Reciprocal Discovery; Oral Order granting 1057 Oral Motion for Detention by USA. Arraignment, Initial Appearance, and Detention Hearing as to Akohomen Ighedoise held on 11/18/2021. Defendant pled not guilty to all counts. (DIGITAL) (KR) (Entered: 11/18/2021)
11/18/2021	<u>1060</u>	Medical Order as to Akohomen Ighedoise (1). Signed by Magistrate Judge Elizabeth A. Jenkins on 11/18/2021. (KR) (Entered: 11/18/2021)
11/19/2021	<u>1062</u>	ORDER OF DETENTION PENDING TRIAL as to Akohomen Ighedoise. Signed by Magistrate Judge Elizabeth A. Jenkins on 11/19/2021. (KR) (Entered: 11/19/2021)
11/19/2021	<u>1063</u>	ORAL ORDER of Appointment of CJA Counsel as to Akohomen Ighedoise: Appointment of Attorney Wesley Trombley. Signed by Magistrate Judge Elizabeth A. Jenkins on 11/18/2021. (KR) (Entered: 11/19/2021)
11/19/2021	<u>1064</u>	PRETRIAL discovery order and notice as to Akohomen Ighedoise. Jury Trial set for trial term commencing 1/3/2022 before Judge Steven D. Merryday. Joint status report due on or before the tenth of each month. Signed by Magistrate Judge Thomas G. Wilson on 11/18/2021. (DMS) (Entered: 11/19/2021)
11/19/2021	<u>1065</u>	Arrest Warrant Returned Executed on 11/17/2021 as to Akohomen Ighedoise. (KR) (Entered: 11/19/2021)
12/09/2021	<u>1069</u>	Unopposed MOTION to Continue trial by Akohomen Ighedoise. (Trombley, Wesley) (Entered: 12/09/2021)
12/10/2021	<u>1070</u>	STATUS REPORT for December 2021 by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 12/10/2021)
12/14/2021	<u>1071</u>	ORDER granting 1069 Motion to Continue as to Akohomen Ighedoise (1) Jury Trial set for February Trial Term before Judge Steven D. Merryday. Signed by

		Judge Steven D. Merryday on 12/10/2021. (DAY) (Entered: 12/14/2021)
01/10/2022	<u>1078</u>	STATUS REPORT <i>for January 2022</i> by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 01/10/2022)
01/12/2022	<u>1080</u>	Second MOTION to Continue trial by Akohomen Ighedoise. (Trombley, Wesley) (Entered: 01/12/2022)
01/13/2022	<u>1081</u>	ORDER granting <u>1080</u> Motion to Continue as to Akohomen Ighedoise (1) Jury Trial set for April 2022 Trial Term before Judge Steven D. Merryday. Signed by Judge Steven D. Merryday on 1/13/2022. (DAY) (Entered: 01/13/2022)
02/10/2022	<u>1089</u>	STATUS REPORT <i>for February 2022</i> by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 02/10/2022)
03/10/2022	<u>1089</u>	Unopposed MOTION to Continue trial by Akohomen Ighedoise. (Trombley, Wesley) (Entered: 03/10/2022)
03/10/2022	<u>1090</u>	STATUS REPORT <i>for March 2022</i> by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 03/10/2022)
03/10/2022	<u>1091</u>	STATUS REPORT <i>for March 2022</i> by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 03/10/2022)
03/14/2022	<u>1095</u>	ORDER granting <u>1089</u> Motion to Continue as to Akohomen Ighedoise (1) Jury Trial set for June 2022 Trial term before Judge Steven D. Merryday. Signed by Judge Steven D. Merryday on 3/14/2022. (DAY) (Entered: 03/14/2022)
04/07/2022	<u>1099</u>	NOTICE OF ATTORNEY APPEARANCE Jillian M. Jewell appearing for USA. (Jewell, Jillian) (Entered: 04/07/2022)
04/07/2022	<u>1100</u>	MOTION for Miscellaneous Relief, specifically to Substitute the Victim by USA as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, Stacey Merritt. (Jewell, Jillian) (Entered: 04/07/2022)
04/07/2022	<u>1101</u>	ORDER granting <u>1100</u>--motion to substitute victim; substituting B.S., N.L., and K.N for Lorene Mae Sparks. Signed by Judge Steven D. Merryday on 4/7/2022. (DAS) (Entered: 04/07/2022)
04/11/2022	<u>1102</u>	STATUS REPORT <i>for April 2022</i> by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 04/11/2022)
05/10/2022	<u>1107</u>	STATUS REPORT <i>for May 2022</i> by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 05/10/2022)
05/18/2022	<u>1108</u>	Unopposed MOTION to Continue trial by Akohomen Ighedoise. (Trombley, Wesley) (Entered: 05/18/2022)
05/20/2022	<u>1109</u>	ORDER granting <u>1108</u> Motion to Continue as to Akohomen Ighedoise (1) Jury Trial set August 2022 trial term before Judge Steven D. Merryday. Signed by Judge Steven D. Merryday on 5/20/2022. (DAY) (Entered: 05/20/2022)

06/10/2022	<u>1110</u>	STATUS REPORT <i>for June 2022</i> by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 06/10/2022)
07/01/2022	<u>1113</u>	Case as to Priscilla Ann Ellis, Perry Don Cortese, Akohomen Ighedoise, Ikechukwu Derek Amadi, Kenietta Rayshawn Johnson, Stacey Merritt Reassigned to Magistrate Judge Mac R. McCoy. New case number: 8:15-cr-320-SDM-MRM. Magistrate Judge Thomas G. Wilson no longer assigned to the case. (JNB) (Entered: 07/01/2022)
07/08/2022	<u>1114</u>	STATUS REPORT <i>for July 2022</i> by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 07/08/2022)
07/14/2022	<u>1115</u>	Unopposed MOTION to Continue trial by Akohomen Ighedoise. (Trombley, Wesley) (Entered: 07/14/2022)
07/18/2022	<u>1117</u>	ORDER granting <u>1115</u> Motion to Continue as to Akohomen Ighedoise (1) Jury Trial set September 2022 trial calendar.. Signed by Judge Steven D. Merryday on 7/18/2022. (DAY) (Entered: 07/18/2022)
08/10/2022	<u>1119</u>	STATUS REPORT <i>for August 2022</i> by USA as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 08/10/2022)
08/24/2022	<u>1120</u>	TRIAL CALENDAR for trial term September 2022 Signed by Judge Steven D. Merryday on 8/24/2022. (DAY) (Entered: 08/24/2022)
08/30/2022	<u>1121</u>	PLEA AGREEMENT re: count(s) One of the Superseding Indictment as to Akohomen Ighedoise (Scruggs, Patrick) (Entered: 08/30/2022)
08/30/2022	<u>1122</u>	NOTICE OF HEARING as to Akohomen Ighedoise: Change of Plea Hearing set for 9/13/2022 at 01:30 PM in Tampa Courtroom 11 B before Magistrate Judge Mac R. McCoy. (FN) (Entered: 08/30/2022)
08/31/2022	<u>1123</u>	Unopposed MOTION to Continue trial by Akohomen Ighedoise. (Trombley, Wesley) (Entered: 08/31/2022)
09/06/2022	<u>1125</u>	ORDER granting <u>1123</u> Motion to Continue as to Akohomen Ighedoise. Jury Trial set for October 2022 trial term. Signed by Judge Steven D. Merryday on 9/6/2022. (DAY) (Entered: 09/06/2022)
09/13/2022	<u>1126</u>	Minute Entry for In Person proceedings held before Magistrate Judge Mac R. McCoy: Change of Plea Hearing as to Akohomen Ighedoise held on 9/13/2022. (Digital) (FN) (Entered: 09/13/2022)
09/13/2022	<u>1127</u>	CONSENT regarding entry of a plea of guilty as to Akohomen Ighedoise. (FN) (Entered: 09/13/2022)
09/13/2022	<u>1128</u>	CONSENT to institute presentence investigation report as to Akohomen Ighedoise. (FN) (Entered: 09/13/2022)
09/13/2022	<u>1129</u>	REPORT AND RECOMMENDATION Concerning Plea of Guilty re: count One of the Superseding Indictment as to Akohomen Ighedoise. Signed by Magistrate Judge Mac R. McCoy on 9/13/2022. (FN) (Entered: 09/13/2022)
10/04/2022	<u>1132</u>	ACCEPTANCE OF PLEA of guilty and adjudication of guilt re: Count One of the

		Superseding Indictment as to Akohomen Ighedoise. Signed by Judge Steven D. Merryday on 10/4/2022.(DAY) (Entered: 10/04/2022)
11/01/2022	<u>1134</u>	RULE 32(e)(2) INITIAL PRESENTENCE INVESTIGATION REPORT as to Akohomen Ighedoise. E-copies made available to selected parties.(KT) (Entered: 11/01/2022)
11/07/2022	<u>1135</u>	MOTION for Forfeiture of an Order of Forfeiture by USA as to Akohomen Ighedoise. (Nebesky, Suzanne) (Entered: 11/07/2022)
11/29/2022	<u>1136</u>	RULE 32(g) FINAL PRESENTENCE INVESTIGATION REPORT as to Akohomen Ighedoise. E-copies made available to selected parties.(SR) (Entered: 11/29/2022)
11/29/2022	<u>1138</u>	Unopposed MOTION to Continue Sentencing by Akohomen Ighedoise. (Trombley, Wesley) (Entered: 11/29/2022)
12/02/2022	<u>1139</u>	ENDORSED ORDER granting <u>1138</u> Motion to Continue as to Akohomen Ighedoise. A separate notice will reschedule the sentencing date. Signed by Judge Steven D. Merryday on 12/2/2022. (DAY) (Entered: 12/02/2022)
12/02/2022	<u>1140</u>	NOTICE OF RESCHEDULING HEARING: The sentencing hearing previously scheduled for 12/06/2022 is rescheduled as to Akohomen Ighedoise. New hearing date and time: sentencing set for 1/18/2023 at 09:00 AM in Tampa Courtroom 15 A before Judge Steven D. Merryday. (DAY) (Entered: 12/02/2022)
12/02/2022	<u>1141</u>	ORDER granting <u>1135</u>--motion for order of forfeiture as to Akohomen Ighedoise. Signed by Judge Steven D. Merryday on 12/2/2022. (KRM) Modified on 12/2/2022 (KRM). (Entered: 12/02/2022)
12/02/2022	<u>1142</u>	ENDORSED ORDER: This is NOTICE, although not required by law, to the United States and to Ighedoise that at the sentencing the judge will consider imposing a sentence that varies upward from the applicable guidelines range. Signed by Judge Steven D. Merryday on 12/2/2022. (Entered: 12/02/2022)
01/05/2023	<u>1143</u>	PRESENTENCE REPORT SUPPLEMENTAL MEMORANDUM/ATTACHMENTS as to Akohomen Ighedoise. E-copies made available to selected parties.(KT) (Entered: 01/05/2023)
01/10/2023	<u>1144</u>	SENTENCING MEMORANDUM by Akohomen Ighedoise (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Trombley, Wesley) (Entered: 01/10/2023)
01/18/2023	<u>1145</u>	MOTION to Appoint Counsel <i>For Appeal</i> by Akohomen Ighedoise. (Trombley, Wesley) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 01/18/2023)
01/18/2023	<u>1146</u>	ENDORSED ORDER granting <u>1145</u> Motion to Appoint Counsel For Appeal as to Akohomen Ighedoise (1). Attorney Wesley E. Trombley is withdrawn as counsel of record and has no further responsibility in the case. Signed by Magistrate Judge Mac R. McCoy on 1/18/2023. (FN) (Entered: 01/18/2023)
01/18/2023	<u>1147</u>	ORDER of Appointment of CJA Counsel as to Akohomen Ighedoise: Appointment of Attorney Thomas A. Burns for Akohomen Ighedoise. Signed by

		Magistrate Judge Mac R. McCoy on 1/18/2023. (FN) (Entered: 01/18/2023)
01/18/2023	<u>1149</u>	Minute Entry for In Person proceedings held before Judge Steven D. Merryday: SENTENCING held on 1/13/2023 for Akohomen Ighedoise, Count 1, Imprisonment: 210 months; Supervised Release: 3 years; Fine: Waived; Special Assessment: \$100; Restitution:\$4,389,340.97; Count 2, Dismissed on motion by the United States. Court Reporter: Rebekah Lockwood (DAY) (Entered: 01/20/2023)
01/20/2023	<u>1150</u>	JUDGMENT as to Akohomen Ighedoise, Count 1, Imprisonment: 210 months; Supervised Release: 3 years; Fine: Waived; Special Assessment: \$100; Restitution:\$4,389,340.97; Count 2, Dismissed on motion by the United States Signed by Judge Steven D. Merryday on 1/20/2023. (DAY) (Entered: 01/20/2023)
01/20/2023	<u>1151</u>	STATEMENT OF REASONS as to Akohomen Ighedoise. E-copies made available to selected parties. (DAY) (Entered: 01/20/2023)
01/25/2023	<u>1153</u>	NOTICE OF APPEAL by Akohomen Ighedoise re <u>1150</u> Judgment., Filing fee not paid (Burns, Thomas) (Entered: 01/25/2023)
01/26/2023	<u>1154</u>	TRANSMITTAL of initial appeal package as to Akohomen Ighedoise to USCA consisting of copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re <u>1153</u> Notice of Appeal. Eleventh Circuit Transcript information form forwarded to pro se litigants and available to counsel at www.flmd.uscourts.gov under Forms and Publications/General. (CTR) (Entered: 01/26/2023)
01/30/2023		USCA Case Number as to Akohomen Ighedoise. USCA Number: 23-10270-D for <u>1153</u> Notice of Appeal filed by Akohomen Ighedoise. (JNB) (Entered: 01/30/2023)
01/30/2023	<u>1155</u>	TRANSCRIPT information form filed by Akohomen Ighedoise for proceedings held on 11/18/21 before Judge Jenkins re <u>1153</u> Notice of Appeal. USCA number: 23-10270. Electronic notification sent to Court Reporter Sharon Miller (Burns, Thomas) (Entered: 01/30/2023)
01/30/2023	<u>1156</u>	TRANSCRIPT information form filed by Akohomen Ighedoise for proceedings held on 9/13/22 before Judge McCoy re <u>1153</u> Notice of Appeal. USCA number: 23-10270. Electronic notification sent to Court Reporter Sharon Miller (Burns, Thomas) (Entered: 01/30/2023)
01/30/2023	<u>1157</u>	TRANSCRIPT information form filed by Akohomen Ighedoise for proceedings held on 1/18/23 before Judge Merryday re <u>1153</u> Notice of Appeal. USCA number: 23-10270. Electronic notification sent to Court Reporter Rebekah Lockwood (Burns, Thomas) (Entered: 01/30/2023)
02/13/2023	<u>1160</u>	COURT REPORTER ACKNOWLEDGMENT by SHARON A. MILLER re <u>1153</u> Notice of Appeal as to Akohomen Ighedoise. Estimated transcript filing date: 30 days from CJA-24 authorization. USCA number: 23-10270. (SAM) (Entered: 02/13/2023)
02/13/2023	<u>1161</u>	COURT REPORTER ACKNOWLEDGMENT by SHARON A. MILLER re <u>1153</u> Notice of Appeal as to Akohomen Ighedoise. Estimated transcript filing date: 30 days from receipt of CJA authorization. USCA number: 23-10270. (SAM) (Entered: 02/13/2023)

		02/13/2023)
02/21/2023	<u>1162</u>	COURT REPORTER ACKNOWLEDGMENT by Rebekah Lockwood re <u>1153</u> Notice of Appeal as to Akohomen Ighedoise. Estimated transcript filing date: 03/13/2023. USCA number: 23-10270. (RML) (Entered: 02/21/2023)
03/07/2023	<u>1163</u>	TRANSCRIPT of INITIAL APPRANCE/BOND/DETENTION HEARING for dates of NOVEMBER 18, 2021 held before Judge ELIZABETH A. JENKINS, re: <u>1153</u> Notice of Appeal as to Akohomen Ighedoise. Court Reporter/Transcriber: SHARON A. MILLER. Email address: Sharon_miller@fmd.uscourts.gov. Telephone number: 8133015041. NOTICE TO THE PARTIES - The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such notice is filed, the transcript may be made remotely available to the public without redaction after ninety (90) calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 3/28/2023. Redacted Transcript Deadline set for 4/7/2023. Release of Transcript Restriction set for 6/5/2023. (SAM) (Entered: 03/07/2023)
03/07/2023	<u>1164</u>	NOTIFICATION that transcript has been filed by SHARON A. MILLER re: <u>1153</u> Notice of Appeal as to Akohomen Ighedoise. USCA number: 23-10270. (SAM) (Entered: 03/07/2023)
03/07/2023	<u>1165</u>	TRANSCRIPT of CHANGE OF PLEA HEARING for dates of SEPTEMBER 13, 2022 held before Judge MAC R. McCOY, re: <u>1153</u> Notice of Appeal as to Akohomen Ighedoise. Court Reporter/Transcriber: SHARON A. MILLER. Email address: Sharon_miller@fmd.uscourts.gov. Telephone number: 8133015041. NOTICE TO THE PARTIES - The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such notice is filed, the transcript may be made remotely available to the public without redaction after ninety (90) calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 3/28/2023. Redacted Transcript Deadline set for 4/7/2023. Release of Transcript Restriction set for 6/5/2023. (SAM) (Entered: 03/07/2023)
03/07/2023	<u>1166</u>	NOTIFICATION that transcript has been filed by SHARON A. MILLER re: <u>1153</u> Notice of Appeal as to Akohomen Ighedoise. USCA number: 23-10270. (SAM) (Entered: 03/07/2023)
03/13/2023	<u>1167</u>	TRANSCRIPT of Sentencing Proceedings for dates of 01/18/2023 held before Judge Steven D. Merryday, re: <u>1153</u> Notice of Appeal as to Akohomen Ighedoise. Court Reporter/Transcriber: Rebekah Lockwood. Email address: r.lockwooduscr@gmail.com. Telephone number: (813) 301-5380.

		NOTICE TO THE PARTIES - The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such notice is filed, the transcript may be made remotely available to the public without redaction after ninety (90) calendar days. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/3/2023. Redacted Transcript Deadline set for 4/13/2023. Release of Transcript Restriction set for 6/12/2023. (RML) (Entered: 03/13/2023)
03/13/2023	<u>1168</u>	NOTIFICATION that transcript has been filed by Rebekah Lockwood re: <u>1153</u> Notice of Appeal as to Akohomen Ighedoise. USCA number: 23-10270. (RML) (Entered: 03/13/2023)

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:15-cr-320-T-23TGW

AKOHOMEN IGHEDOISE,
IKECHUKWU DEREK AMADI,
PRISCILLA ANN ELLIS,
PERRY DON CORTESE,
STACEY MERRITT, and
KENIETTA RAYSHAWN JOHNSON

18 U.S.C. § 1349
18 U.S.C. § 1956
18 U.S.C. §§ 981(a)(1)(C) and
982(a)(1) – Forfeiture
28 U.S.C. § 2461(c) – Forfeiture

SEALED
SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE
(Wire and Mail Fraud Conspiracy)

Introduction

At times relevant to this Superseding Indictment:

1. Akohomen IGHEDOISE was a citizen of Canada and a Nigerian national.
2. Ikechukwu Derek AMADI was a citizen of Canada and a Nigerian national.
3. Priscilla Ann ELLIS was a resident of Harker Heights, Texas, and the Chief Executive Officer of Vicken International Traders.
4. Perry Don CORTESE was a resident of Little River, Texas, and an admitted member and practicing lawyer of the Texas Bar Association.

FILED

5. Stacey MERRITT was a federal employee working for the U.S. Department of Veterans' Affairs in Alaska.

6. Kenietta Rayshawn JOHNSON was employed as a Relationship Banker by Capital One Bank and a resident of Alexandria, Virginia. JOHNSON was also the daughter of ELLIS.

7. Muhammad Naji was a resident of Tampa, Florida, and is a convicted money launderer.

The Conspiracy

8. Beginning on an unknown date, but no later than in or about January 2012, and continuing through and including the date of this Superseding Indictment, in the Middle District of Florida and elsewhere,

AKOHOMEN IGHEDOISE,
IKECHUKWU DEREK AMADI,
PRISCILLA ANN ELLIS,
PERRY DON CORTESE,
STACEY MERRITT, and
KENIETTA RAYSHAWN JOHNSON

the defendants, did knowingly and willfully combine, conspire, confederate, and agree with each other, Muhammad Naji, and other persons, both known and unknown to the Grand Jury, to commit offenses against the United States in violation of Title 18, United States Code, Section 1349, to wit:

(a) to commit wire fraud, that is, to knowingly, willfully, and with intent to defraud, devise, and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses,

representations, and promises that related to material facts, and, for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, any writings, signs, signals, pictures, and sounds, in violation of Title 18, United States Code, Section 1343; and

(b) to commit mail fraud, that is, to execute and attempt to execute a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, by utilizing the United States mail and private and commercial interstate carriers, for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1341.

Manner and Means of the Conspiracy

9. The manner and means by which the conspirators sought to accomplish the objects of the conspiracy included, among others, the following:

a. It was a part of the conspiracy that the conspirators would and did utilize interstate wire communications to defraud lawyers and law firms across the United States, including in the Middle District of Florida, and obtain funds from them by means of materially false and fraudulent pretenses and representations;

b. It was further part of the conspiracy that conspirators would and did incorporate shell companies with fictitious names and then open, and

cause to be opened, bank accounts in the names of said shell companies at various federally-insured financial institutions in the Middle District of Florida and elsewhere;

c. It was further part of the conspiracy that conspirators would and did contact victim lawyers and law firms, via email and telephone, for the purported purpose of seeking legal representation in transactional dealings and legal disputes. In truth and in fact, the purpose of the contacts with the victim lawyers and law firms was merely to gain access to their legal trust accounts;

d. It was further part of the conspiracy that conspirators would and did acquire cashier's checks from various financial institutions in low dollar amounts;

e. It was further part of the conspiracy that conspirators would and did use said cashier's checks to forge new ones made payable to the victim lawyers and law firms they had contacted for tens, if not hundreds, of thousands of dollars;

f. It was further part of the conspiracy that conspirators would and did advise the victim lawyers and law firms, via email and telephone, that the purported purpose of the legal representation had been settled;

g. It was further part of the conspiracy that conspirators would and did send, and caused to be sent, via UPS, Federal Express, and / or the U.S. Postal Service, the aforementioned forged cashier's checks to the victim lawyers

and law firms as the supposed proceeds of the legal settlements and transactional conclusions;

h. It was further part of the conspiracy that conspirators would and did instruct the victim lawyers and law firms to deposit the fraudulent cashier's checks into their legal trust accounts, and then promptly wire all or part of said funds across state lines into the accounts of the aforementioned shell companies and other entities created and controlled by conspirators;

i. It was further part of the conspiracy that conspirators would and did wire, and caused to be wired, the proceeds that they had fraudulently obtained from the victim lawyers and law firms to multiple financial institutions, including financial institutions overseas; and

j. It was further part of the conspiracy that conspirators would and did perform acts and make statements to misrepresent, hide, and conceal, and cause to be misrepresented, hidden, and concealed, the purpose of the conspiracy and the acts committed in furtherance thereof.

All in violation of Title 18, United States Code, Section 1349.

COUNT TWO
(International Money Laundering Conspiracy)

The Conspiracy

10. Beginning on an unknown date, but no later than in or about January 2012, and continuing through and including the date of this Superseding Indictment, in the Middle District of Florida and elsewhere,

AKOHOMEN IGHEDOISE,
IKECHUKWU DEREK AMADI,
PRISCILLA ANN ELLIS,
PERRY DON CORTESE,
STACEY MERRITT, and
KENIETTA RAYSHAWN JOHNSON,

the defendants, did knowingly and willfully combine, conspire, confederate, and agree with each other, Muhammad Naji, and other persons, both known and unknown to the Grand Jury, to commit offenses against the United States in violation of Title 18, United States Code, Section 1956, to wit:

(a) to transport, transmit, and transfer, and attempt to transport, transmit, and transfer, a monetary instrument and funds involving the proceeds of specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, and/or mail fraud, in violation of Title 18, United States Code, Section 1341, from a place in the United States to and through a place outside the United States, with the intent to promote the carrying on of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(2)(A); and

(b) to transport, transmit, and transfer, and attempt to transport, transmit, and transfer, a monetary instrument and funds involving the proceeds of specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, and/or mail fraud, in violation of Title 18, United States Code, Section 1341, from a place in the United States to or through a place outside the United States, knowing that the funds involved in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity and

knowing that such transportation, transmission, and transfer was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(2)(B)(i).

Manner and Means

11. Paragraphs 1 through 7 and 9 in Count One of this Superseding Indictment are hereby realleged and incorporated by this reference as though fully set forth herein.

12. The additional manner and means by which the conspirators sought to accomplish the objects of this conspiracy included, among others, the following:

a. It was a part of the conspiracy that conspirators would and did participate in a wide variety of fraud schemes, including, but not limited to, those referenced herein, as part of a transnational criminal organization, operating in the United States, Canada, Africa, Asia, and Europe, among other locations;

b. It was further part of the conspiracy that conspirators would and did launder the fraudulently-obtained proceeds of these schemes;

c. It was further part of the conspiracy that conspirators would and did obtain, and attempt to obtain, proceeds from the law firm scheme described in Count One;

d. It was further part of the conspiracy that conspirators would and did fraudulently obtain, and attempt to obtain, proceeds from email intrusion schemes wherein conspirators unlawfully hacked into the email accounts of

individuals and businesses, fraudulently assumed the identities of those account holders, and authorized, and caused to be authorized, wire transfers of said account holders' funds to conspirators;

e. It was further part of the conspiracy that conspirators would and did fraudulently obtain, and attempt to obtain, proceeds from romance schemes wherein conspirators targeted users of internet dating and social networking sites, feigned romantic relationships with those users, and created fictitious scenarios in which said users needed to wire funds to conspirators in order to further advance and culminate these relationships;

f. It was further part of the conspiracy that conspirators would and did fraudulently obtain, and attempt to obtain, proceeds by "spoofing" email accounts of legitimate businesses – that is, by creating and using email accounts that appeared to originate from authorized users within those businesses but were wholly fraudulent – and, thereby, inserted themselves into business transactions with and on behalf of those businesses to authorize, and caused to be authorized, wire transfers of the businesses' funds to conspirators;

g. It was further part of the conspiracy that conspirators would and did open, and cause to be opened, bank accounts at different financial institutions for the purpose of receiving, transmitting, or otherwise obtaining the proceeds of the aforementioned, and other, fraud schemes;

h. It was further part of the conspiracy that conspirators would and did cause, and attempt to cause, victims of the aforementioned, and other, fraud schemes, to wire fraudulently-obtained proceeds into said bank accounts;

i. It was further part of the conspiracy that conspirators would and did share in the proceeds of the fraud schemes, usually receiving percentages commensurate with their respective roles;

j. It was further part of the conspiracy that conspirators would and did send fraudulently-obtained proceeds to and from multiple financial institutions, including financial institutions overseas, in order to conceal and disguise the source of, and to hinder any efforts to locate, said proceeds;

k. It was further part of the conspiracy that conspirators would and did send fraudulently-obtained proceeds to and from multiple financial institutions, including financial institutions overseas, in order to promote the carrying on of the aforementioned fraud schemes; and

l. It was further part of the conspiracy that conspirators would and did perform acts and make statements to misrepresent, hide, and conceal, and cause to be misrepresented, hidden, and concealed, the purpose of the conspiracy and the acts committed in furtherance thereof.

All in violation of Title 18, United States Code, Section 1956(h).

FORFEITURE

1. The allegations contained in Counts One and Two of this Superseding Indictment are incorporated by reference for the purpose of alleging

forfeitures pursuant to Title 18, United States Code, Sections 982(a)(1) and 981(a)(1)(C), and Title 28, United States Code, Section 2461(c)

2. Upon conviction of a violation of Title 18, United States Code, Section 1341 or Section 1343, the defendants,

AKOHOMEN IGHEDOISE,
IKECHUKWU DEREK AMADI,
PRISCILLA ANN ELLIS,
PERRY DON CORTESE,
STACEY MERRITT, and
KENIETTA RAYSHAWN JOHNSON,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation.

3. Upon conviction of a violation of Title 18, United States Code, Section 1956, the defendants,

AKOHOMEN IGHEDOISE,
IKECHUKWU DEREK AMADI,
PRISCILLA ANN ELLIS,
PERRY DON CORTESE,
STACEY MERRITT, and
KENIETTA RAYSHAWN JOHNSON,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, involved in such offense and any property traceable to such property.

4. The property to be forfeited includes, but is not limited to, the following:

- a. a forfeiture money judgment in the amount of at least \$8.8 million;
- b. the real property located at 110 W. Veterans Memorial Blvd.,
Harker Heights, Texas 76548; and
- c. the real property located at 14 and 16 S. Main Street, Temple,
Texas 76501 (Bell County, Texas).

5. If any of the property described above, as a result of any act or omission of the defendants:

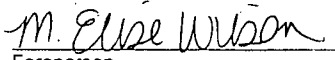
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

6. The property to be forfeited as substitute assets includes, but is not limited to, the following:

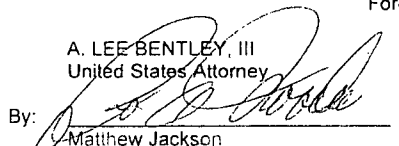
- a. the real property located at 1305 Springforest Circle, Killeen,
Texas 76548; and
- b. the real property located at 1703 S. Roy Reynolds Drive, Killeen,
Texas 76543.

A TRUE BILL,

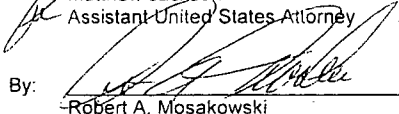

Foreperson

A. LEE BENTLEY, III
United States Attorney

By:


Matthew Jackson
Assistant United States Attorney

By:


Robert A. Mosakowski
Assistant United States Attorney
Chief, Economic Crimes Section

UNITED STATES DISTRICT COURT
Middle District of Florida
Tampa Division

THE UNITED STATES OF AMERICA

vs.

AKOHOMEN IGHEDOISE,
IKECHUKWU DEREK AMADI,
PRISCILLA ANN ELLIS,
PERRY DON CORTESE,
STACEY MERRITT, and
KENIETTA RAYSHAWN JOHNSON

SUPERSEDING INDICTMENT

Violations:

Title 18, United States Code, Sections 1349 and 1956

A true bill,

M. Elise Wilson
Foreperson

Filed in open court this 24th day

of September, 2015.

Clerk

Bail \$

SEP 24 PM 4:27

CR 15-320

FILED

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AF Approval *L. J. San*

Chief Approval *CLK*

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:15-cr-320-SDM-MRM

AKOHOMEN IGHEDOISE

PLEA AGREEMENT

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by Roger B. Handberg, United States Attorney for the Middle District of Florida, and the defendant, Akohomen Ighedoise, and the attorney for the defendant, Wesley E. Trombley, mutually agree as follows:

A. Particularized Terms

1. Count Pleading To

The defendant shall enter a plea of guilty to Count One of the Superseding Indictment. Count One charges the defendant with conspiracy to commit mail and wire fraud, in violation of 18 U.S.C. § 1349.

2. Minimum and Maximum Penalties

Count One is punishable by a maximum term of imprisonment of twenty (20) years, a fine of up to \$250,000, a term of supervised release of up to three (3) years, and a special assessment of \$100. With respect to certain offenses, the Court

Defendant's Initials *A-I*

shall order the defendant to make restitution to any victim of the offense, and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offense, or to the community, as set forth below.

3. Elements of the Offense

The defendant acknowledges understanding the nature and elements of the offense with which defendant has been charged and to which defendant is pleading guilty. The elements of the offense alleged in Count One are:

First: That two or more persons, in some way or manner, agreed to try to accomplish a common and unlawful plan to commit mail or wire fraud, as charged in the Superseding Indictment; and

Second: The defendant knew the unlawful purpose of the plan and willfully joined in it.

4. Counts Dismissed

At the time of sentencing, the remaining count against the defendant, Count Two, will be dismissed pursuant to Fed. R. Crim. P. 11(c)(1)(A).

5. No Further Charges

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge the defendant with committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

Defendant's Initials A.T.

6. Mandatory Restitution to Victims of Offense of Conviction

Pursuant to 18 U.S.C. § 3663A(a) and (b), defendant agrees to make full restitution to all victims of the offense who suffered pecuniary harm.

7. Adjusted Offense Level

Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States will recommend to the Court that the defendant's adjusted offense level be calculated at level 33, as determined below:

<u>Guideline</u>	<u>Description</u>	<u>Levels</u>
§2B1.1(a)(1)	Base Offense	7
§2B1.1(b)(1)(K)	Specific Offense Characteristic (loss more than \$9,500,000, but not more than \$25,000,000)	+20
§2B1.1(b)(2)(B)	Specific Offense Characteristic (substantial hardship to five or more victim)	+4
§2B1.1(b)(10)(B) and (C)	Specific Offense Characteristic (committed from outside the United States and involved sophisticated means)	+2
§3B1.1(b)	Role in Offense	+3
§3E1.1	Acceptance of Responsibility	-3
Total Adjusted Offense Level		33

The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Defendant's Initials A.T.

8. Credit for Time Served in Canadian Custody Pending Extradition

Pursuant to 18 U.S.C. § 3585(b), at the time of sentencing, the United States will not oppose the defendant's request that he be given credit toward the service of a term of imprisonment for any time that he has spent in official detention pending extradition to the United States from Canada in connection with the charges in the Superseding Indictment, which time has not already been credited against another sentence.

9. Acceptance of Responsibility - Three Levels

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will recommend to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG §3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG §3E1.1(b) and all terms of this Plea Agreement, including but not limited to, the timely submission of the financial affidavit referenced in Paragraph B.4., the United States agrees to file a motion pursuant to USSG §3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a

Defendant's Initials A-T

downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

10. Low End

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will recommend to the Court that the defendant receive a sentence at the low end of the applicable guideline range, as calculated above in Section A.7 ("Adjusted Offense Level"). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

11. Forfeiture of Assets

The defendant agrees to forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), whether in the possession or control of the United States, the defendant or defendant's nominees. The assets to be forfeited specifically include, but are not limited to, the \$10,632,546.36 in proceeds the defendant admits were obtained as the result of the commission of the offense to which the defendant is pleading guilty. The defendant acknowledges and agrees that: (1) the defendant obtained this amount as a result of the commission of the offense, and (2) as a result of the acts and omissions of the

Defendant's Initials A-T

defendant, the proceeds have been transferred to third parties and cannot be located by the United States upon the exercise of due diligence. Therefore, the defendant agrees that, pursuant to 21 U.S.C. § 853(p), the United States is entitled to forfeit any other property of the defendant (substitute assets), up to the amount of proceeds the defendant obtained, as the result of the offense of conviction. The defendant further consents to, and agrees not to oppose, any motion for substitute assets filed by the United States up to the amount of proceeds obtained from commission of the offense. The defendant agrees that forfeiture of substitute assets as authorized herein shall not be deemed an alteration of the defendant's sentence.

The defendant also agrees to waive all constitutional, statutory, and procedural challenges (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture described herein constitutes an excessive fine, was not properly noticed in the charging instrument, addressed by the Court at the time of the guilty plea, announced at sentencing, or incorporated into the judgment.

The defendant admits and agrees that the conduct described in the Factual Basis below provides a sufficient factual and statutory basis for the forfeiture of the property sought by the government. Pursuant to Rule 32.2(b)(4), the defendant agrees that the preliminary order of forfeiture will satisfy the notice requirement and will be final as to the defendant at the time it is entered. In the event the forfeiture is omitted from the judgment, the defendant agrees that the forfeiture order may be incorporated into the written judgment at any time pursuant to Rule 36.

Defendant's Initials A.C.

The defendant agrees to take all steps necessary to identify and locate all substitute assets and to transfer custody of such assets to the United States before the defendant's sentencing. To that end, the defendant agrees to make a full and complete disclosure of all assets over which defendant exercises control, including all assets held by nominees, to execute any documents requested by the United States to obtain from any other parties by lawful means any records of assets owned by the defendant, and to consent to the release of the defendant's tax returns for the previous five years. The defendant agrees to be interviewed by the government, prior to and after sentencing, regarding such assets. The defendant further agrees to be polygraphed on the issue of assets, if it is deemed necessary by the United States. The defendant agrees that Federal Rule of Criminal Procedure 11 and USSG § 1B1.8 will not protect from forfeiture assets disclosed by the defendant as part of the defendant's cooperation.

The defendant agrees to take all steps necessary to assist the government in obtaining clear title to any substitute assets before the defendant's sentencing. In addition to providing full and complete information about substitute assets, these steps include, but are not limited to, the surrender of title, the signing of a consent decree of forfeiture, and signing of any other documents necessary to effectuate such transfers.

Forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon the defendant in addition to forfeiture.

Defendant's Initials A.C.

The defendant agrees that, in the event the Court determines that the defendant has breached this section of the Plea Agreement, the defendant may be found ineligible for a reduction in the Guidelines calculation for acceptance of responsibility and substantial assistance, and may be eligible for an obstruction of justice enhancement.

The defendant agrees that the forfeiture provisions of this plea agreement are intended to, and will, survive the defendant, notwithstanding the abatement of any underlying criminal conviction after the execution of this agreement. The forfeitability of any particular property pursuant to this agreement shall be determined as if the defendant had survived, and that determination shall be binding upon defendant's heirs, successors and assigns until the agreed forfeiture, including the forfeiture of any substitute assets, is final.

B. Standard Terms and Conditions

1. Restitution, Special Assessment and Fine

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense, pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1); and the Court may order the defendant to make restitution to any victim of the offense, pursuant to 18 U.S.C. § 3663, including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. The defendant further understands that compliance with any restitution payment plan

Defendant's Initials A-T

imposed by the Court in no way precludes the United States from simultaneously pursuing other statutory remedies for collecting restitution (28 U.S.C. § 3003(b)(2)), including, but not limited to, garnishment and execution, pursuant to the Mandatory Victims Restitution Act, in order to ensure that the defendant's restitution obligation is satisfied.

On each count to which a plea of guilty is entered, the Court shall impose a special assessment pursuant to 18 U.S.C. § 3013. The special assessment is due on the date of sentencing.

The defendant understands that this agreement imposes no limitation as to fine.

2. Supervised Release

The defendant understands that the offense to which the defendant is pleading provides for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. Immigration Consequences of Pleading Guilty

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

4. Sentencing Information

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background,

Defendant's Initials A-T

character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the count to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

5. Financial Disclosures

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United States Attorney's Office within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that his/her financial statement and disclosures will be complete, accurate and truthful and will include all assets in which he/she has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea Agreement, consents to the release of the defendant's tax returns for the previous five years. The defendant similarly agrees and authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank

Defendant's Initials A-I

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records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States Attorney's Office to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

6. Sentencing Recommendations

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. The defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government are not binding on the Court and that, should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The government expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

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7. Defendant's Waiver of Right to Appeal the Sentence

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from his/her waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).

8. Middle District of Florida Agreement

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

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9. Filing of Agreement

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

10. Voluntariness

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant

Defendant's Initials A-I

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questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

11. Factual Basis

The defendant is pleading guilty because the defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set forth below are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

FACTS

From at least in or around January 2012, and continuing through and including October 2015, the defendant, AKOHOMEN IGHEDOISE, conspired to devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises that related to material facts, and, for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, any writings, signs, signals, pictures, and sounds, in violation of 18 U.S.C. §§ 1343 and 1349.

Defendant's Initials A.T.

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IGHEDOISE was a member of a large international fraud and money laundering organization that operated in the United States, Canada, Nigeria, and other countries throughout the globe. IGHEDOISE, who resided in Ontario, Canada, targeted—and helped other individuals target—victims in connection with fraud schemes. The fraud schemes took several forms. Many victims were lawyers who were solicited to perform fake legal work, unwittingly provided counterfeit cashier's checks for deposit into their firms' trust accounts, and then were directed to wire money to bank accounts in the name of shell companies that coconspirators controlled. Other victims were title companies defrauded with counterfeit checks in phony real estate transactions. Still other victims were widowed, divorced, or single women who were targeted and defrauded by fake suitors on dating websites offering sham investment opportunities. The conspiracy also employed hackers who compromised or "spoofed" email accounts, ordering or directing wire transfers from brokerage and business accounts to shell bank accounts controlled by coconspirators.

Victims were instructed to wire money interstate into funnel accounts held by coconspirators, colloquially known as "money mules," in the names of shell companies. The coconspirators then quickly moved the victims' proceeds to other accounts in the United States and around the world before the victims could discover the fraud. Coconspirators in Canada, Nigeria, South Africa, China, Senegal, and elsewhere helped coordinate the fraud and related money-laundering activity from abroad. Codefendant Ikechuwku Amadi was IGHEDOISE's main point of contact for money-laundering activity that occurred in the United States.

Defendant's Initials A.T.

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IGHEDOISE used phone, email, and other means of communication in interstate and foreign commerce to advance the goals of the conspiracy and to coordinate the fraud activity that his fellow coconspirators, including individuals located in Nigeria and South Africa, carried out. IGHEDOISE's email and text message records contained extensive communications in which he exchanged information with Amadi about specific victims, including their personally identifiable information and bank accounts, and the manner in which the victims' funds were to be moved.

In total, during the period alleged in the Superseding Indictment, IGHEDOISE and his coconspirators unlawfully obtained, and attempted or intended to obtain, at least approximately \$16,492,213.16 from victims of the various fraud schemes. IGHEDOISE's specific conduct and objectives during the conspiracy involved at least \$16,492,213.16 in actual or intended fraud proceeds, and it was reasonably foreseeable to IGHEDOISE that the conspiracy would involve a total actual or intended loss in that amount. IGHEDOISE did not provide any legitimate services, or engage in any legitimate commercial activity, related to the obtainment, receipt, or transfer of those funds.

During the period alleged in the Superseding Indictment, IGHEDOISE had authority and control over at least \$10,632,546.36 in proceeds obtained from victims of the various fraud schemes. IGHEDOISE was aware that the victims were sending these funds to bank accounts that his coconspirators oversaw and controlled. Specifically, IGHEDOISE and his coconspirators provided the bank account

Defendant's Initials A.T.

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information to the coconspirators who defrauded the victims, and he directed coconspirators, including Amadi, where to send the victims' money once it had been received and laundered.

12. Entire Agreement

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

Defendant's Initials A.T.

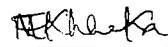
17

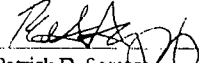
13. Certification

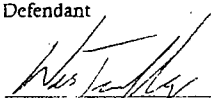
The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

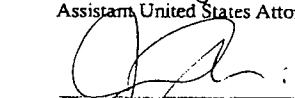
DATED this 25 day of AUGUST, 2022.

ROGER B. HANDBERG
United States Attorney


Akohomen Ighedoise
Defendant


Patrick D. Scruggs
Assistant United States Attorney


Wesley E. Trombley, Esq.
Attorney for Defendant


Cherie L. Kringsman
Assistant United States Attorney
Chief, National Security and
Cybercrime Section

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 8:15-cr-320-SDM-MRM

AKOHOMEN IGHEDOISE

Judge:	Mac R. McCoy	Counsel for Government:	Patrick Scruggs
Deputy Clerk:	Fabiana Nicastrì	Counsel for Defendant:	Wesley E. Trombley
Court Reporter:	Digital	Pretrial/Probation:	No Officer Present
Date/Time:	September 13, 2022 01:40 PM-02:31 PM	Interpreter:	N/A
Bench Time:	51 minutes		

Change of Plea Hearing

Defendant present with Counsel. The Court ensures there have not been any handwritten modifications to the plea agreement.

Defendant sworn. Court advised defendant of rights, minimum/maximum penalties, elements of the offense and sentencing guidelines. The Court finds the Defendant to be competent to enter a guilty plea today if he chooses to do so. The Defendant, both on the record and in writing, consents to proceed with the plea before the Magistrate Judge. Court reads in detail from plea agreement. Proffer of facts by the Government. Factual basis established. Defendant entered a plea of guilty to Count One of the Superseding Indictment.

Court will recommend the plea to be accepted. Report and Recommendation to follow. Sentencing to be set by separate notice before the District Court Judge.

Defendant to be remanded to the custody of the United States Marshals pending future proceedings.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 8:15-cr-320-SDM-MRM

AKOHOMEN IGHEDOISE

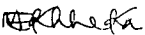
NOTICE REGARDING ENTRY OF A
PLEA OF GUILTY

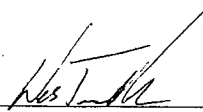
In the event the Defendant decides at any time before trial to enter a plea of guilty, the United States Magistrate Judge is authorized by Rule 1.02 Middle District of Florida Local Rules, with the consent of the Defendant, to conduct the proceedings required by Rule 11, Fed. R. Crim. P. incident to the making of a plea. If, after conducting such proceedings, the Magistrate Judge recommends that the plea of guilty be accepted, a presentence investigation and report will be ordered pursuant to Rule 32, Fed. R. Crim. P. The assigned United States District Judge will then act on the Magistrate Judge's Report and Recommendation and if the plea of guilty is accepted, will adjudicate guilty and schedule a sentencing hearing at which the District Judge will decide whether to accept or reject any associated plea agreement and will determine and impose sentence.

CONSENT

I hereby declare my intention to enter a plea of guilty in the above case and I request and consent to the United States Magistrate Judge conducting the proceeding required by Rule 11, Fed. R. Crim. P. incident to the making of such plea. I understand that if my plea of guilty is then accepted by the District Judge, the District Judge will decide whether to accept or reject any plea agreement I may have with the United States and will adjudicate guilty and impose sentence.

Date: September 13, 2022


Defendant


Attorney for Defendant

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 8:15-cr-320-SDM-MRM


AKOHOMEN IGHEDOISE

Consent to Institute a Presentence Investigation and Disclose the
Report Before Conviction or Plea of Guilty

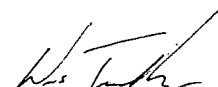
I, AKOHOMEN IGHEDOISE, hereby consent to a presentence investigation by the Probation Officers of the United States District Courts. I understand and agree that the report of the investigation will be disclosed to the Judge and the attorney for the Government, as well as to me and my attorney, so that it may be considered by the Judge in deciding whether to accept a plea agreement that I may have reached with the Government.

I have read, or had read to me, the foregoing consent and fully understand it.

Dated: September 13, 2022


Defendant

Dated: September 13, 2022


Defense Counsel

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

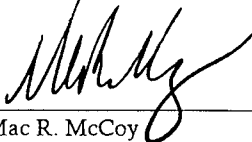
CASE NO.: 8:15-cr-320-SDM-MRM

AKOHOMEN IGHEDOISE

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

The Defendant, by consent, appeared before me pursuant to Fed. R. Crim. P. 11 and M.D. Fla. R. 1.02, and entered a plea of guilty to Count One of the Superseding Indictment (Doc. 25) pursuant to the terms of a plea agreement. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary as to Count One, and that the offense charged is supported by an independent basis in fact containing each of the essential elements of such Count. I, therefore, **RECOMMEND** that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

Respectfully **RECOMMENDED** in Tampa, Florida on September 13, 2022.



Mac R. McCoy
United States Magistrate Judge

NOTICE TO PARTIES

A party has fourteen days from the date the party is served a copy of this Report and Recommendation to file written objections to the Report and Recommendation's factual findings and legal conclusions. 28 U.S.C. § 636(b)(1)(C). A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.

Copies furnished to:
Presiding District Judge
Counsel of Record
Unrepresented Parties

IMPORTANT NOTICE

A continuance granted too near a scheduled sentencing results in waste of resources. Counsel's obligation to the court includes due diligence in seeking a continuance. Except in the most acute circumstances, counsel must seek a continuance, including every continuance premised on a defendant's cooperation with law enforcement, within thirty days after service of this order. Every motion for a continuance shall include a statement of the other party's support or opposition to the proposed continuance.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 8:15-cr-320-SDM-MRM

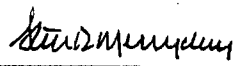
AKOHOMEN IGHEDOISE

ACCEPTANCE OF PLEA OF GUILTY
AND ADJUDICATION OF GUILT

Based on the results of a hearing under Rule 11, Federal Rules of Criminal Procedure, the United States Magistrate Judge's report recommends acceptance of the defendant's plea of guilty. No timely objection appears. A review of the record confirms that the requirements of Rule 11 are satisfied. The defendant's plea of guilty to Count One of the Superseding Indictment is **ACCEPTED**, and the defendant is adjudged **GUILTY**.

The sentencing will occur on **December 6, 2022**, at **9:00 a.m.** in Courtroom 15A of the United States Courthouse, 801 N. Florida Avenue, Tampa, Florida 33602-3800.

ORDERED in Tampa, Florida, on October 4, 2022.


STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE

TO: Counsel of Record
U.S. Probation Office
U.S. Marshal Service
U.S. Pretrial Service

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:15-cr-320-SDM-TGW

AKOHOMEN IGHEDOISE

Defendant.

AKOHOMEN IGHEDOISE'S SENTENCING MEMORANDUM

The Grand Jury in this matter indicted Mr. Ighedoise and five co-defendants on September 24, 2015, alleging conspiracy to commit mail and wire fraud in violation of 18 U.S.C. §1349 and conspiracy to commit international money laundering in violation of 18 U.S.C. §1956(h). (Doc.25). Mr. Ighedoise was arrested in Canada on October 7, 2015, and remained in custody in Canada during his extradition proceedings to the United States District Court, Tampa. On November 18, 2021, approximately six years later, Mr. Ighedoise was brought before the United States District Court, Tampa, for his Initial Appearance, Arraignment and Detention Hearing. (Doc. 1059). Mr. Ighedoise was detained and undersigned A counsel was appointed to represent Mr. Ighedoise. At the time of Mr. Ighedoise's Initial Appearance, all other co-defendants in this matter had either entered into plea agreements and been sentenced or had been sentenced after a trial. Mr. Ighedoise will have been in continuous custody for approximately 89 months or approximately 7.5 years at the time of his sentencing on January 18,

2023. Mr. Ighedoise is not a citizen of the United States, he has a Homeland Security Detainer, and will be deported upon the completion of his sentence.

Mr. Ighedoise requests the Court vary downward two levels from a level 33 to a level 31 (108-135 months) based on 1) Mr. extraordinary educational and rehabilitative efforts while incarcerated and, 2) Mr. Ighedoise's six years of excessively punitive incarceration inside the Toronto South Detention Centre; Further, to avoid an outcome where Mr. Ighedoise does not received credit for time served in Canadian custody, undersigned counsel is requesting that the Court vary downward an additional 74 months (level 19 or 20) to account for Mr. Ighedoise incarceration in Canada from October 7, 2015, to November 17, 2021.¹ Therefore the final sentence requested is 34 months (Actual time incarcerated would be 108 months including Canadian custody).

I. 18 U.S.C. § 3553(a) VARIANCE REQUEST

1. The Nature and Circumstances of the Offense, Section 3553(a)(1)

The nature and circumstances of Mr. Ighedoise's offense are serious, and the seriousness is reflected in the offense guideline calculations. However, we ask that the court weigh the seriousness of the offense against other mitigating factors. "It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify,

¹ Basis for this request set forth in Section II of this Memorandum. Pages 12 and 13.

the crime and the punishment to ensue." *Pepper v. United States*, 131 S.Ct. 1229, 1240 (2011) (citing *Koon v. United States*, 518 U.S. 81, 113, 116 (1996)).

2. *The History and Characteristics of the Defendant, Section 3553(a)(1)*

As the Supreme Court recently reiterated, "the punishment should fit the offender and not merely the crime." *Pepper*, 131 S.Ct. at 1240 (citations omitted). If a person's "immediate misconduct" should ever be "assessed in the context of his overall life hitherto, it should be at the moment of his sentencing, when his very future hangs in the balance." *United States v. Adelson*, 441 F.Supp.2d 506, 513-514 (S.D.N.Y. 2006). As the Presentence Report sets forth, Mr. Ighedoise lived an impoverished and difficult childhood often going without meals and sleeping on the floor. Electricity and water were scarce and obtaining basic life necessities was a daily struggle. The hardship felt by his family was particularly hard on his parents, and his father expressed his frustration and anger by physically abusing Mr. Ighedoise and other family members. While Mr. Ighedoise would have likely succeeded academically, his lack of finances cut his education short. After only having completed two years of college and enduring the passing of his father, he returned to a low paying convenience store job to help support his family.

Shortly after leaving college and beginning to work, Mr. Ighedoise met a girl from a Muslim family and he had high hopes for their relationship. However, after several years of dating, the Northern part of Nigeria where Mr. Ighedoise lived, instituted Sharia Law. As Mr. Ighedoise was a practicing Christian, the relationship with his girlfriend was forbidden and soon his life was threatened by

those who hated his Christian values. It was during this time that Mr. Ighedoise left Nigeria to escape the threats on his life and search for a new beginning.

Upon arrival in Canada, Mr. Ighedoise resided in a shelter until he was placed on welfare and given monetary support for rent and basic life necessities. With assistance from the welfare staff Mr. Ighedoise found employment working a construction job. During this period of his life, he met and married his wife and on July 7, 2004, their daughter was born and welcomed into their family. After 10 years of marriage, Mr. Ighedoise and his wife separated in 2012. After the separation, Mr. Ighedoise suffered from frequent bouts of depression making it difficult to maintain employment. Further aggravating his depression, Mr. Ighedoise's cousin and close friend died, leaving Mr. Ighedoise with two voids in his life. These events caused Mr. Ighedoise to reach a low point in his life and soon thereafter he began his involvement in this conspiracy.

Mr. Ighedoise wants the Court to know that he can contribute to society and be a positive influence. He would like the Court to consider his extraordinary efforts at self-rehabilitation while in custody. Specifically, from 2015 through 2021 Mr. Ighedoise completed no fewer than forty-three educational courses for which he has certificates of completion, including but not limited to:

2016

The Birth of Jesus Christ
Jesus Prepares for Ministry
Jesus' First Miracle and First Teaching
Jesus Gathers Followers

2017

Understanding Feelings

Thoughts to Action
Managing Stress
Use of Leisure Time

2018

Anger Management, Forgiveness, Restorative Justice
Financial Literacy Program
Supportive Relationships
Thoughts to Action
Boundaries

African Canadian Excellence Pilot Project

Use of Leisure Time
Looking for Work
Maintaining Employment -Keeping a Job
Discharge Planning
Changing Habits
It's a Gamble
Substance Use

Anger Management
Setting Up a Budget

17 Life Skills
Recognizing Healthy Relationships
Understanding Feelings
Thoughts to Action
The Way The Truth and The Life

2019

Setting Up a Budget
Planning For Discharge
Overdose Prevention and Response
MPC Live Music Production
Taming the Fires of Anger
The Emotionally Healthy Spirituality
Team Building
Being An Effective Father

2020

Changing Habits
The Black Speaker Series: Leaving the Lifestyle / Re-Integrated

2021

The Black Speaker Series: Healthy Relationships
Leaving The Lifestyle
Supportive Relationship
The Black Speaker Series: Leadership
The Prisoner's Journey

See Certificates (Exhibit 1)

Also, Mr. Ighedoise used his motivation and intellect to make a positive impact on the Ministry of Community Safety and Correctional Services at the Toronto South Detention Centre where he was incarcerated. According to Sgt. Casciani, "Mr. Akohomen demonstrated the utmost professionalism and has influenced the direction of our Direct Supervision model. We are thankful for his initiative, leadership and saw him as a positive minded inmate through his incarceration here at TSDC." *See Letter from Sgt. Casciani, Toronto South Detention Centre, Ministry of Community Safety and Correctional Services (Exhibit 2); See Pepper v. United States*, 131 S.Ct. 1229, 1240 (2011) (citing *Koon v. United States*, 518 U.S. 81, 113, 116 (1996)) ("Postsentencing rehabilitation evidence may support a downward variance from the advisory Guidelines range.")

3. *The Need for the Sentence Imposed to Reflect the Seriousness of the Offense, to Promote Respect for the Law, and to Provide Just Punishment for the Offense, Section 3553(a)(2)(A)*

The seriousness of this offense was immediately realized when Mr. Ighedoise was taken into custody in Canada, detained and kept without release in the Toronto South Detention Centre in Canada for over 6 years and the Pinellas County Jail for over 1 year. Although Mr. Ighedoise has little knowledge of the United States legal system nor any allegiance to this country, he has always been respectful of the process, respectful and courteous to his attorney and has been a model inmate.

A just punishment in this situation must take into account that Mr. Ighedoise has also been punished in ways other than a traditional prison sentence. Specifically, from October 2015 to November 2021, Mr. Ighedoise was incarcerated in the Toronto South Detention Centre, Toronto, Canada which came under extensive judicial and media scrutiny because of the conditions of confinement. An investigative journalist with the Toronto Star Newspaper in Toronto, Canada wrote in a January 14, 2020, news article, "A judge has accused the Ontario government of 'deliberate state misconduct' for failing to improve the 'inhumane' conditions at a notorious Toronto jail." See *Toronto Star News and City News* (Exhibit 3). The article quoted language from Ontario Superior Court Justice Andras Schreck who went on to say, "I adopt the various descriptions my colleagues have used to describe the situation at the TSDC. It is, to use their words, unacceptable, shocking, deplorable, harsh, oppressive, degrading, disheartening, appalling, Dickensian, regressive, and inexcusable." *Id.*; also see *R. v. Persad* 2020 ONSC 188 (January 10, 2020) (Exhibit 4).

The serious nature of the human rights complaints lead to an investigation by the Ontario Human Rights Commission which made the following key findings of concern regarding the Toronto South Detention Centre: 1) "TSDC management and front-line workers routinely use segregation, restrictive confinement, lockdowns and 'time in cell' sanctions that raise serious human rights concerns.", 2) "Prisoners face several systemic challenges to maintaining family and community contact, which has a disparate negative impact on prisoners with

caregiving responsibilities.", and 3) "There are public health concerns related to infrequent changes of bedding and clothing and outbreaks of scabies." See *Report of Conditions of Confinement at Toronto South Detention Centre, Ontario Human Rights Commission*; see also, *How Toronto South Detention Centre Became Ontario's Most Violent Jail, Toronto, City News Everywhere, Nov. 21, 2018*; *'Inhumane' Conditions at Toronto South Detention Centre Amount to 'Deliberate State Misconduct,' Judge Says, Toronto Star, Jan. 13, 2020* (Exhibit 5).

As an inmate at the Toronto South Detention Centre, Mr. Ighedoise was subject to overly harsh conditions from 2015 to early 2020. Most days Mr. Ighedoise was not allowed out of his two-man cell. Every fourth day, for a period of three years, the inmates were allowed out of the cell for only a half hour for showers and phone calls. Given the limited time allowed out of the cell, Mr. Ighedoise had to choose between a shower or phone calls with family or his lawyer. The understaffed conditions meant the detention center could not accommodate family visitation and socialization became very limited, even with the guards. Lack of staff resulted in lack of hygiene items available in the units and Mr. Ighedoise suffered several skin infections while incarcerated. Garbage and meal trays were left stacked up in the cell for days at a time, Mr. Ighedoise had no clean laundry, linens or bedding and had to wear the same underwear for days at a time.

As this Court is aware, prisoners who were incarcerated during COVID-19 experienced increased lockdowns, isolation, heightened fear of infection, and decreased visitation from family and friends. When COVID-19 began in late 2019

and early 2020, the conditions inside the Toronto South Detention Centre took a turn for the worse. The lockdowns became permanent, and the only human contact was during the twice daily temperature checks. During the period of time from March 2020 to September 2020, Mr. Ighedoise's unit was on total lockdown with no in-person visitation allowed because of an outbreak. Mr. Ighedoise contracted the COVID-19 virus several times during his incarceration. During this time, no laundry service was permitted and there was no access to books or reading material either. The extended lockdowns caused hostility among the inmates which lead to fighting and violence between inmates. If an inmate showed symptoms of COVID-19, that inmate would be threatened to keep quiet because the other inmates feared additional lockdowns if the staff was made aware of the illness. Mr. Ighedoise has been incarcerated during all phases of COVID-19 and remains in custody today.

Mr. Ighedoise's incarceration and isolation in the Toronto South Detention Centre has taken a toll on his mental and physical health. Before incarceration Mr. Ighedoise managed his diabetes without medication but now, he takes 1000MG of metformin daily. Also, during incarceration Mr. Ighedoise developed high blood pressure (prescribed amlodipine) and high cholesterol (prescribed simvastatin) and experienced an aggravation of his asthmatic condition causing him to use two different inhalers daily.

Mr. Ighedoise endured six years years of overly harsh incarceration in Canada not experienced by a typical inmate in the United States. *United States v.*

Pressley, 345 F.3d 1205 (2003) ("The district court was correct in holding that conditions of confinement could provide a basis for departure..."); *See e.g., United States v. Smith*, 27 F.3d 649, 655-656 (D.C. Cir. 1994) (a downward departure may be appropriate where a defendant's status causes a fortuitous increase in the severity of his sentence.). "[A] sentence of imprisonment may work to promote not respect, but derision, of the law if the law is viewed as merely a means to dispense harsh punishment without taking into account the real conduct and circumstances involved in sentencing." *Gall v. United States*, 552 U.S. 38, 54 (2007). Although the sentence he is requesting is less than the Sentencing Guidelines recommendation, it is no less just under the circumstances.

4. *The Need for the Sentence Imposed to Afford Adequate Deterrence to Criminal Conduct, Section 3553(a)(2)(B) and the Need for the Sentence Imposed to Protect the Public from Further Crimes of the Defendant, Section 3553(a)(2)(C)*

While it is impossible to divine at what threshold a particular sentence will have a deterrent effect on the community at large, a sentence of 34 months (108 month equivalent) is a sufficiently severe sentence for someone like Mr. Ighedoise who has never been to prison and has no criminal history. Also, an outsider looking at Mr. Ighedoise's sentence will likely conclude that his conduct did not gain him financial wealth or security of any kind. Rather, his life after this offense is dramatically worse because of the certainty of incarceration. At no time in Mr. Ighedoise's life, including during the instant offense, did he or his family live a life of excess or possess financial wealth. Mr. Ighedoise does not own a home, does not

own a vehicle of any kind, and has approximately \$50,000 in credit card debt. What hope he did have of maintaining an income was lost during his incarceration.

Certainty of punishment is a much better deterrent than severity. *See* Steven N. Durlauf & Daniel S. Nagin, *Imprisonment and Crime: Can Both be Reduced?*, 10 *Criminology & Pub. Pol'y* 13, 37 (2011) (deterrence is achieved with certainty of punishment, not its severity); *see also* Raymond Pasternoster, *How Much Do We Really Know About Criminal Deterrence*, 100 *J. Crim. L. & Criminology* 765, 817 (2010) ([I]n virtually every deterrence study to date, the perceived certainty of punishment was more important than the perceived severity).

Mr. Ighedoise has not displayed any characteristics evincing a threat to the public outside of his conduct in this case or shown that he is beyond rehabilitation. In fact, his efforts while inside the Toronto South Detention facility demonstrate his ability to be rehabilitated. *See, e.g., United States v. Sayad*, 589 F.3d 1110, 1118-1119 (10th Cir. 2009) (finding downward variance reasonable where defendant was “good candidate for rehabilitation”). Also, Mr. Ighedoise is not a citizen of the United States and he will likely be removed to either Canada or Nigeria upon his release from U.S. custody.

5. *The Need for the Sentence Imposed to Provide the Defendant with Needed Educational or Vocational Training, Medical Care, or Other Correctional Treatment in the Most Effective Manner, Section 3553(a)(2)(D)*

Additional time locked up will not provide aid in Mr. Ighedoise's eventual return to society. *See, e.g., Stern*, 590 F.Supp.2d at 959 (“there is great reason to

think that this defendant's rehabilitation might be negatively impacted by an excessively long prison stay”). However, if the Court sentences Mr. Ighedoise to prison, he would benefit from continued counseling and medical treatment for asthma, diabetes, high blood pressure, and high cholesterol. Also, any opportunity to work through UNICOR or otherwise would allow Mr. Ighedoise to make efforts toward restitution.

II. REQUEST FOR FURTHER VARIANCE BASED ON TIME ALREADY SERVED IN CANADIAN CUSTODY

The arrest of Mr. Ighedoise in Canada on October 7, 2015, was the result of a joint effort by Canadian and United States Authorities involving Mr. Ighedoise's conspiratorial conduct that ultimately was used as the basis for the currently charged Indictment. The arrest and charges in Canada were withdrawn in favor of the United States Indictment and extradition. The United States Probation Office, the United States Attorney's Office, and undersigned counsel agree that Mr. Ighedoise should receive credit for the time he served in Canada beginning with his arrest on October 7, 2015. However, based on the date of extradition and arrest by federal authorities on November 17, 2021, it is more likely than not that the Bureau of Prisons will use the start date of November 17, 2021, for determining credit. This would result in Mr. Ighedoise not receiving credit for 2233 days or approximately 74 months of incarceration. Accordingly, undersigned counsel suggests that the only way to avoid this unjust result is for the court to vary

downward an additional 74 months after considering Mr. Ighedoise's other arguments for a downward variance and determining his guidelines range.

III. CONCLUSION

Mr. Ighedoise respectfully requests that the Court vary downward from a level 33 to a level 31 based on 1) Mr. extraordinary educational and rehabilitative efforts while incarcerated and, 2) Mr. Ighedoise's six years of excessively punitive incarceration inside the Toronto South Detention Centre; Further, to avoid an outcome where Mr. Ighedoise does not received credit for time served in Canadian custody, undersigned counsel is requesting that the Court vary downward an additional 74 months (level 19 or 20) to account for Mr. Ighedoise incarceration in Canada from October 7, 2015, to November 17, 2021. Therefore the final sentence requested is 34 months (108 month equivalent).

Respectfully submitted,

By: /s/ Wes Trombley
TROMBLEY & HANES, P.A.
707 North Franklin Street, 10th Floor
Tampa, Florida 33602
Telephone: (813) 229-7918
Facsimile: (813) 223-5204
wtrombley@trombleyhaneslaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of January 2023 I electronically filed the foregoing with the clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

All counsel of Record

EXHIBIT 1

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Understanding Feelings
Educational Session**

05/22/2017 (1 Hours)

Signature

May 22nd, 2017

Date



CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Thoughts To Action
Educational Session**

10/05/2017 (1 Hour)

Signature

Oct. 05th, 2017

Date



CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Managing Stress
Educational Program**

11/02/2017 (1 Hour)

Signature

Nov. 2nd, 2017

Date



CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Use Of Leisure Time
Educational Session**

11/13/2017 (1 Hour)

Signature

Nov. 13th, 2017

Date



CSD 020-002 (rev. 01/09)

CERTIFICATE of ACHIEVEMENT

THIS ACKNOWLEDGES THAT

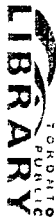
Akohomen Ighedoise

HAS SUCCESSFULLY COMPLETED THE

FYOU: The Forgiveness Project workshop series on anger management, forgiveness, restorative justice and restoration at Toronto South Detention Centre.

2018

SIGNED, FYOU: THE FORGIVENESS PROJECT



Letter of Participation

January 18th, 2018

To whom it may concern,

This letter is to confirm that AKOHOMEN IGHEDOISE, inmate at the Toronto South Detention Centre, has successfully completed the 4-week Financial Literacy program offered through the Toronto Public Library's Community Librarian Project. Participants in the program learned and demonstrated applied knowledge of Personal Finance topics such as budgeting, savings, debt reduction and responsible financial planning for the future. Mr. IGHEDOISE has attended all four classes throughout December 2017 - January 2018.

Sincerely,

Diane H.
Librarian, Toronto Public Library

torontopubliclibrary.ca



CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Supportive Relationships
Educational Session**

08/23/2018

(1 Hour)

Aug. 23rd, 2018

Signature

Date



CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Thoughts To Action
Educational Session**

08/23/2018 (1 Hour)

Signature

Aug. 23rd, 2018
Date



CSD 020-002 (rev. 01/09)

CERTIFICATE OF PARTICIPATION

This Certifies that

Akohomen Ighedoise

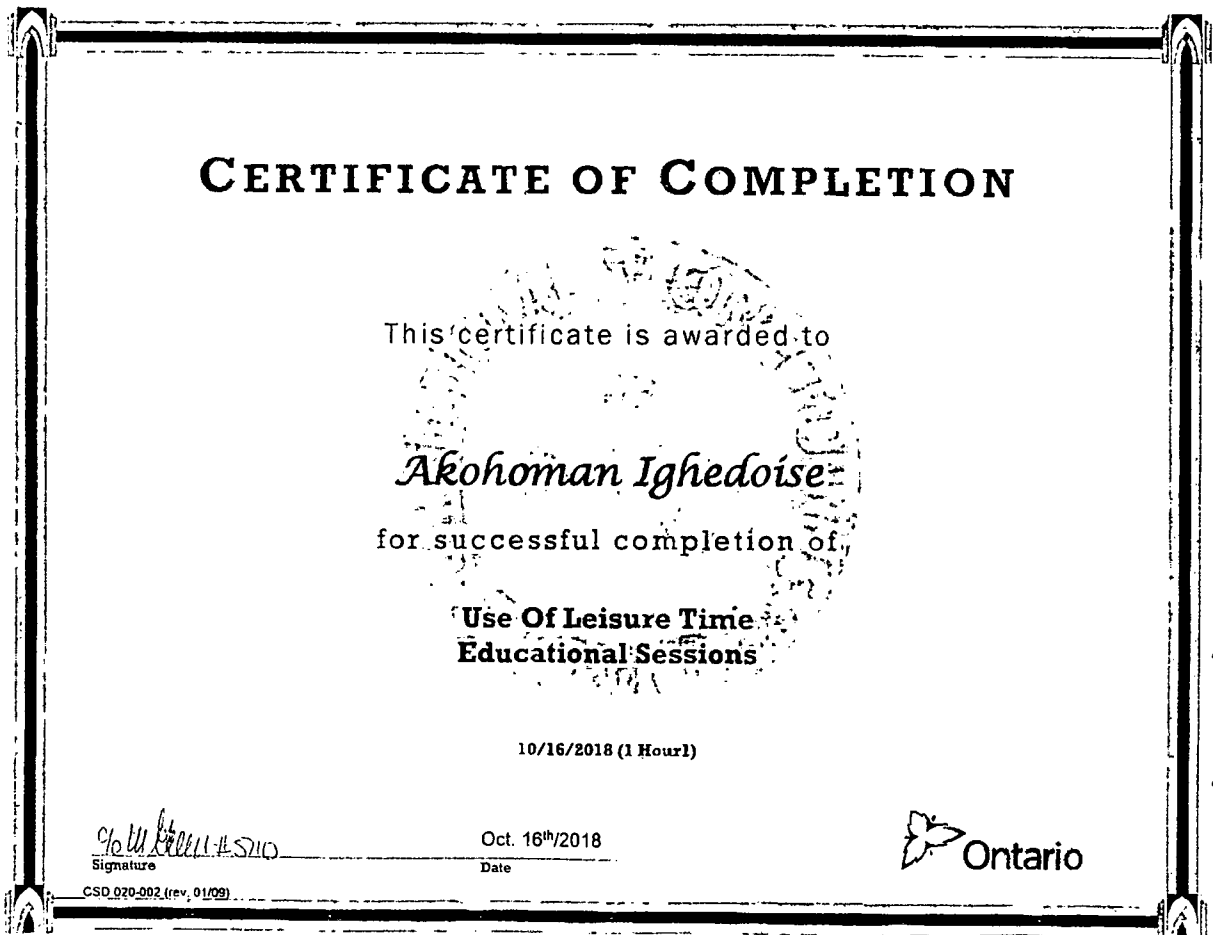
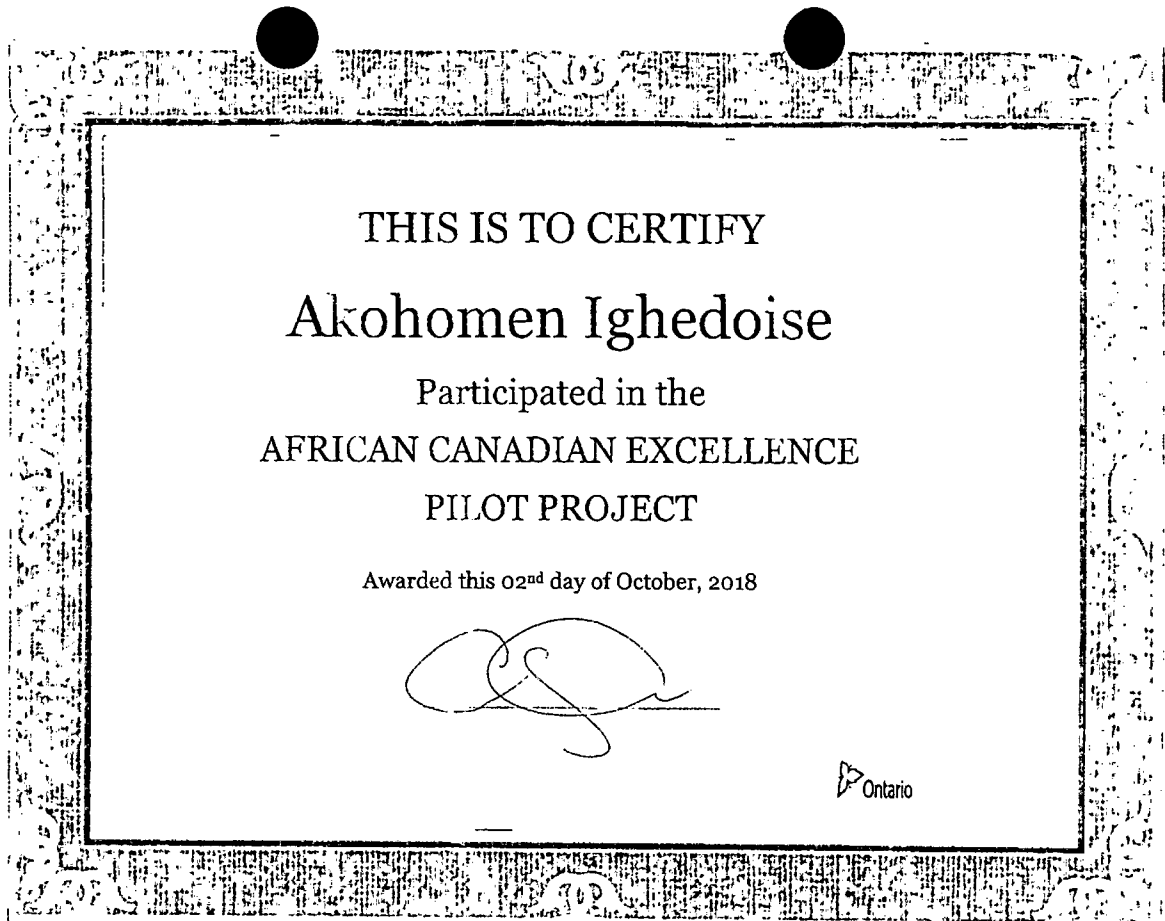
Has successfully completed the training
program requirement for

BOUNDARIES

September 26, 2018

DATE

A handwritten signature in dark ink, appearing to read "M. J. [unclear]".



CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Looking For Work
Educational Session**

19 October 2018 (1 Hour)


Signature

Oct. 19th/2018
Date



CERTIFICATE OF COMPLETION

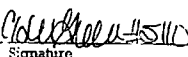
This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Maintaining Employment - Keeping A Job
Educational Session**

23 October 2018 (1 Hour)


Signature

Oct. 23/2018
Date



CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Discharge Planning
Educational Session**

October 26th/2018 (1 Hour)

CAWILL 45710
Signature

Oct, 26th/2018
Date



CSD 320-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Changing Habits
Education Session**

30 October 2018 (1 Hour)

CAWILL 45710
Signature

Oct.30th/2018
Date



CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**It's A Gamble.
Education Session**

November 01/2018 (1 Hour)

[Signature]
Signature

Nov. 01st/2018
Date



CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Substance Use
Educational Session**

November 7, 2018 (1 Hour)

[Signature]
Signature

Nov. 07th/2018
Date



CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Anger Management
Education Session**

8th November 2018 (1 Hour)

C/O. [Signature]
Signature

Nov. 08th/2018
Date



CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Setting Up A Budget
Educational Session**

20 November 2018 (1 Hour)

C/O. [Signature]
Signature

20 Nov./2018
Date



CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

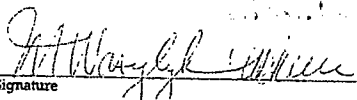
This certificate is awarded to

Akohomen Ighedoise

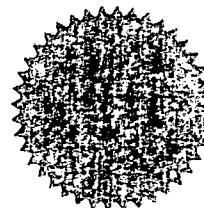
for successful completion of

**17 Life Skills Program
Educational Sessions for Men**

(17 Total Hours)


Signature

22 Nov 2018
Date



 Ontario

CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION


This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Recognizing Healthy Relationships
Educational Session**

28 November 2018 (1 Hour)


Signature

22 Nov 2018
Date

 Ontario

CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighédoise

for successful completion of

**Planning For Discharge
Educational Session**

February 6th/2019 (1 Hour)

Signature

Feb. 06th /2019

Date



CSD 020-002 (rev. 01/09)

Case 8:15-cr-00320-SDM-MRM Document 1144-1 Filed 01/10/23 Page 27 of 41 PageID 15554

PARKDALE
QUEEN WEST
Community
Health Centre

Overdose Prevention & Response

Certificate of Completion

Akohomen Ighédoise

Participated in an overdose prevention and response workshop
including Naloxone administration

On *May 11, 2019*
at Toronto-South Detention Centre

Steph Massey

Liam Michaud

Liz Merlos

Outreach Coordinators, PQWCHC

Lindsay Jennings

HCV In-reach Coordinator, PASAN

Stephanie Moulton

Harm Reduction Outreach Coordinator, PASAN

Case 8:15-cr-00320-SDM-MRM Document 1144-1 Filed 01/10/23 Page 28 of 41 PageID 15555

CONGRATULATIONS!

AKOHOMEN IGHEDOISE

This certificate is to honor your participation and commitment in completing the first ever MPC LIVE Music Production course at Toronto South Detention Centre. This five-week course is part of The Forgiveness Project series with equipment donated by A Tribe Called Red.



INSTRUCTOR:

Rich Kidd

ON THIS DAY:

June 13, 2019

CERTIFICATE OF PARTICIPATION

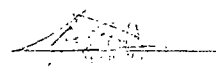
This Certifies that

AKOHOMEN IGHEDOISE

Has successfully completed the training
program requirement for

TAMING THE FIRES OF ANGER

9



CONGRATULATIONS!

AKOHOMEN IGHEDOISE

This certificate is to honor your participation and commitment in completing the first ever MPC LIVE Music Production course at Toronto South Detention Centre. This five-week course is part of The Forgiveness Project series with equipment donated by A Tribe Called Red.



INSTRUCTOR:

Rich Kidd

ON THIS DAY:

September 12, 2019



CERTIFICATE of COMPLETION

awarded to

Akohomen Ighedoise

for completing The Emotionally Healthy Spirituality Course which includes reading the Emotionally Healthy Spirituality Book, completing the Workbook, working through the Day-By-Day resource, and experiencing the eight training sessions.

date

09/19/2019

signed

Pete Scappera



CERTIFICATE of ACHIEVEMENT

THIS ACKNOWLEDGES THAT

AKOHOMEN IGHEDOISE

HAS SUCCESSFULLY COMPLETED THE

FYOU: The Forgiveness Project two hour workshop based
on team building at Toronto South Detention Centre.

2019

Signed, *[Signature]* FYOU: THE FORGIVENESS PROJECT

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Being An Effective Father
Educational Session**

March 11/2020 (1 Hour)

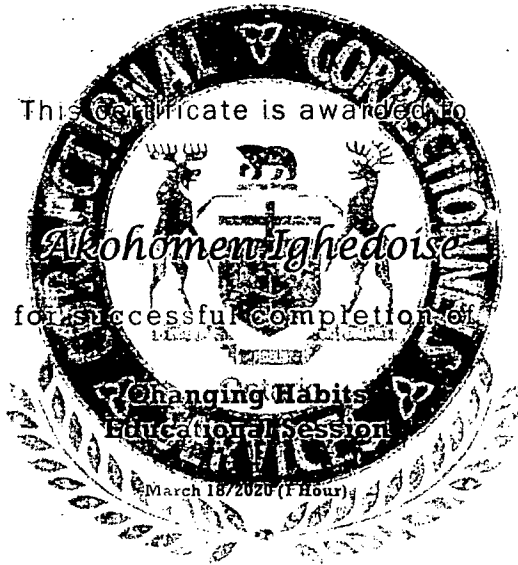
Mar 11/2020

Date

Ontario 

CERTIFICATE OF COMPLETION

This certificate is awarded to

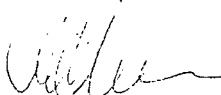


Akohomen Ighedoise

for successful completion of

**Changing Habits
Educational Session**

March 18/2020 (1 Hour)


Signature

Mar 18/2020

Date

Ontario 

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

The Black Speaker Series: Leaving the Lifestyle/re-integration

05/05/2021 (1.5 Hour)


Signature

05/05/2021

Date

Ontario 

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

The Black Speaker Series: Healthy Relationship

06/16/2021 (1.5 Hour)

Signature

06/16/2021

Date

Ontario 

CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

The Black Speaker Series: Leaving the Lifestyle

06/30/2021 (1.5 Hour)

Signature

06/30/2021

Date

Ontario 

CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

**Supportive Relationship
Educational Session**

06 July 2021 (1 Hour)

07/06/2021

Signature

Date

Ontario 

CSD 020-002 (rev. 01/09)

CERTIFICATE OF COMPLETION

This certificate is awarded to

Akohomen Ighedoise

for successful completion of

The Black Speaker Series: Leadership

07/07/2021 (1 Hour)

07/07/2021

Signature

Date

Ontario 

CSD 020-002 (rev. 01/09)

CROSSROADS

PRISON MINISTRIES | CANADA

CROSSROADS PRISON MINISTRIES CANADA

PO Box 5037

Burlington ON L7R 3Y8

TRANSCRIPT

Name: AKOHOMEN AGHEDOISE

Institution: Toronto South Detention Centre

160 Horner Ave

Toronto ON M8Z 0C2

Manga Messiah Notebook Course

MMN	1	Manga Messiah Notebook	The Birth of Jesus Christ	01/02/2016
MMN	2	Manga Messiah Notebook	Jesus Prepares for Ministry	12/02/2016
MMN	3	Manga Messiah Notebook	Jesus' First Miracle and First Teaching	12/02/2016
MMN	4	Manga Messiah Notebook	Jesus Gathers Followers	12/02/2016
MMN	5	Manga Messiah Notebook	The Sermon on the Mount	<i>to be completed</i>
MMN	6	Manga Messiah Notebook	The Parables of Jesus	<i>to be completed</i>
MMN	7	Manga Messiah Notebook	Jesus and the Pharisees	<i>to be completed</i>
MMN	8	Manga Messiah Notebook	The End of Jesus' Ministry	<i>to be completed</i>
MMN	9	Manga Messiah Notebook	The Last Week of Jesus' Life	<i>to be completed</i>
MMN	10	Manga Messiah Notebook	Jesus' Crucifixion, Resurrection and Ascension	<i>to be completed</i>

EXHIBIT 2

Ministry of Community Safety
and Correctional Services
Toronto South Detention Centre

160 Horner Ave
Etobicoke ON,
M8Z0C2

Telephone: 416-354-4030



November 7, 2018

To Whom It May Concern:

This is to acknowledge the work that Mr. Akohomen Ighedoise has done during his incarceration at the Toronto South Detention Centre. Mr. Akohomen took the initiative upon himself to advocate in great detail how the Direct Housing unit (DS Unit) at T.S.D.C. could be structured and better implemented.

Mr. Akohomen consulted with social workers and administrative staff to lay out a more extensive vision for the DS units which included changes to the current housing model, merit based housing and educational program unit. Along with a peer, Mr. Akohomen developed a strict curriculum, criteria and recommendations for the introduction of a new housing unit; Mind Body and Soul Unit. This unit would establish routines, mandatory therapy and instill social expectation to inmates allowing a smoother integration to a customary way of life upon release to the community reducing their recidivism.

I am very appreciative of Mr. Akohomen contribution along with the social workers and administrative staff in helping advance our DS units here at TSDC. Mr. Akohomen demonstrated the utmost professionalism and has influenced the direction of our Direct Supervision model. We are thankful for his initiative, leadership and saw him as a positive minded inmate throughout his incarceration here at TSDC.


SGT. CASCIANI #007912

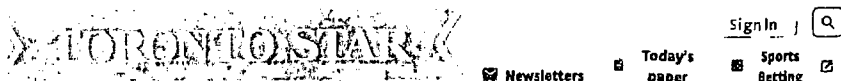
Direct Supervision Champion

Toronto South Detention Centre
Ministry of Community Safety and Correctional Services
160 Horner Ave. | Toronto | ON | M8Z 0C2
416-354-4030 ext. 1214

Christine.casciani@ontario.ca



EXHIBIT 3



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GTA

'Inhumane' conditions at Toronto South Detention Centre amount to 'deliberate state misconduct,' judge says

"While apparently aware of the repeated judicial concerns about the inhumane treatment of offenders, the ministry has seen fit to ignore them," Justice Andras Schreck wrote in a sentencing decision for a man who had spent nearly three years in the troubled Toronto jail.

By Jacques Gallant, Legal Affairs Reporter
Mon., Jan. 13, 2020 5 min. read

Article was updated Jan. 14, 2020

JOIN THE CONVERSATION

A judge has accused the Ontario government of "deliberate state misconduct" for failing to improve the "inhumane" conditions at a notorious Toronto jail.

In a ruling released last week, Superior Court Justice Andras Schreck joined a chorus of judges who for years have been calling out the treatment of inmates at the Toronto South Detention Centre. As Schreck found in his judgment, the Ministry of the Solicitor General, which is responsible for operating the jail, "has chosen to ignore that judicial condemnation."

"Put simply, the ministry has clearly chosen to save money rather than heed judicial concerns about the lack of humane treatment of inmates," Schreck wrote in a Friday ruling.

"In my view, we have reached the point where the inhumane conditions at the TSDC go beyond being an unfortunate circumstance and can more properly be described as essentially a form of deliberate state misconduct."

Schreck was deciding the sentence of Jeffrey Persad, a man who had pleaded guilty to gun and drug trafficking offences. Prior to his sentencing, Persad had spent 1,010 days at the Toronto South, and nearly half were on lockdown, according to the ruling.

During the frequent lockdowns — most of which were due to staff shortages — Persad would be confined to his cell, sometimes going days without being able to use a telephone, shower or go outdoors, according to the ruling.

In an affidavit filed with the court, Persad, 42, said he developed rashes after being provided with clothing and towels stained with blood, urine and feces.

"There were often bedbug infestations," the judge wrote, summarising the affidavit. "The nail clippers that were provided were shared and not cleaned, causing Mr. Persad to develop an untreatable fungal infection on his toenails."

"The experiences in presentence custody have caused Mr. Persad's mental health to deteriorate. He now suffers from depression, anxiety and feelings of low self-esteem."

A spokesperson for the Ministry of the Solicitor General said the government's priority is to ensure safety and security in jails. "For the protection of inmates and staff, institutions may have to implement lockdowns," said Kristy Donette.

She said that since 2018, the government has trained 900 new correctional officers for employment in jails across the province, including 200 who have been hired at the Toronto South.

Staff at the jail current consists of about 800 to 1,000 people, according to Schreck's ruling. A sergeant responsible for overseeing security at the jail, Leon Watson, testified that there is a significant amount of turnover. If it were up to him, Leon testified he would hire 500 more people.

The Crown and defence lawyer Richard Mwangi jointly submitted that Persad should receive a nine-year sentence, along with the usual credit given to offenders who have spent time in custody prior to being sentenced — which works out to 1.6 days of credit for every day spent in custody.

Both sides also agreed that Persad should be given further credit for the "harsh conditions" at the Toronto South, but disagreed on the extent of the credit, Schreck wrote. The Crown said Persad should get between half to one full day of credit for each day, while the defence argued for 2.5 days of credit for each day.

The judge ruled Persad should get an additional 1.6 days of credit for each of the 475 days he spent on lockdown. With the various credits taken into account, Persad still has 88 months left to serve on his nine-year sentence.

"I'm in support of His Honour's decision in this case and believe that he got it right," Mwangi told the Star. "This one case highlights systemic issues at the TSDC caused by understaffing."

The Toronto South has been plagued with problems since it opened in January 2014. It has a maximum capacity of about 1,600 all-male inmates, but since opening has generally operated at about half-capacity.

Provincial jails like it are used to house people who are awaiting trial but have not received bail, and any person who has been convicted and sentenced to a jail term of less than two years.

Given the length of his sentence, Persad will serve his remaining time in federal prison.

"This is very strong language but until cases are stayed because of this treatment, or individuals are held personally responsible, it appears nothing will change," John Struthers, president of the Criminal Lawyers' Association, said of Schreck's ruling. "Inflicting trauma on troubled humans is not a recipe for societal well-being."

The judge began his ruling by quoting from Nelson Mandela's autobiography: "No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."

He listed 14 rulings from his judicial colleagues going back to 2016 that have been critical of the conditions at the Toronto South.

"I heard no evidence that any significant steps are being taken to remedy the longstanding problems at the TSDC. While apparently aware of the repeated judicial concerns about the inhumane treatment of offenders, the ministry has seen fit to ignore them," Schreck wrote.

"I adopt the various descriptions my colleagues have used to describe the situation at the TSDC. It is, to use their words, unacceptable, shocking, deplorable, harsh, oppressive, degrading, disheartening, appalling, Dickensian, regressive, and inexcusable."

Just last month, another Toronto Superior Court judge, John McMahon, lambasted the government for "absolutely unacceptable" lockdowns at the jail. As a result, he reduced the sentence of a man convicted of drug and firearm offences.

And a third Toronto judge, Anne Molloy, said last June she was taking the "extreme" measure of reducing a man's drug trafficking and gun possession sentence because of his treatment at the jail.

Correction - Jan. 14, 2020: This article was edited from a previous version that misstated the amount of credit the Crown argued Jeffrey Persad should receive for "harsh conditions" at Toronto South Detention Centre.



Jacques Gallant is a Toronto-based reporter covering legal affairs. Follow him on Twitter: @JacquesGallant

SHARE:

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By Christine Howanuk
Posted Nov 21, 2018, 6:00PM EST (last updated Nov 21, 2018, 10:47PM EST)

The Toronto South Detention Centre is said to be Ontario's most violent jail — but it was designed to be one of the safest.

The \$600 million facility was supposed to usher in a new model of corrections — with inmates getting more freedoms, more opportunities for reform and a more humane approach.

Instead, Canada's second-largest detention centre has become Ontario's most dangerous, where snif and inmate "regularly assaulted" — even killed.

"In Ontario, most correctional centres are overcrowded, not well supervised. It becomes the law of the jungle, with the inmates, toughest inmates running the range, setting the rules and enforcing them," says Kevin Egan, a lawyer with Macdonald Lake who has filed several lawsuits against the government on behalf of inmates about their living conditions.

"I think there's no real supervision. They've gone and installed cameras in these facilities, but nobody is watching them in real-time," Egan adds.

The apparent lack of constant supervision could explain how an accused murderer was able to obtain steak and lobster tails from a fine dining restaurant as well as an iPhone without anybody noticing.

CityNews obtained the photo of an alleged gang boss posing for a camera, with the gourmet meal, phone and root beer, which was found on another inmate's cell phone during a routine search.



In other news

1. Dynamic pricing by Ticketmaster to blame for higher concert ticket prices
2. One person injured in apartment fire near Thorncliffe Park
3. Police seek bike riding suspect in 2 Markham sex assaults
4. Three-alarm fire at Thorncliffe Park highrise sends one to hospital
5. Pope Francis says there's not enough evidence to open probe in Quebec Cardinal

According to documents obtained by CityNews both inmates were disciplined with a short stay in segregation — but well-placed sources say there was no internal investigation into how the inmates got the contraband.

On Monday Sylvia Jones, Minister of Community Safety and Correctional Services said Toronto Police were investigating.

"As soon as we learned about it in July, the TPS did the right thing and started the investigation," Jones said.

However, a Toronto Police spokesperson told CityNews the issue is not a police matter and that the ministry should be investigating. When questioned about the discrepancy on Tuesday, Jones promised to respond by end of day but failed to do so.

On Wednesday, Jones refused to say who told her TPS was investigating and why she would be misinformed, but instead said she was essentially guessing.

"That was me extrapolating from the fact that TPS works collectively with corrections to deal with contraband in a general way. Specifically to deal with this incident, corrections is investigating," she said.

However, high level sources say there was no investigation until last Friday night, when the Ministry learned of CityNews' story. The sources added that reviewing footage from the jail is unlikely to reveal the source of the contraband as footage is only retained for 30 days.

"It would be inappropriate to comment further about this specific incident," writes Richard Clarke, a spokesperson for the Minister.

OPSEU local 5112 Vice President, and veteran corrections officer Gordon Cobb says this kind of influx contraband is the main reason the facility has gained its violent reputation.

"That's what's making this jail so unsafe — the amount of contraband we have coming in, or the amount of weapons that are being made [by inmates]," he says.

The issue is made doubly problematic because of Toronto South's direct supervision model — which puts officers within touching distance of maximum-security inmates by eliminating the bars that used to separate them.

Direct supervision is supposed to lead to less violence in jail. But data obtained by CityNews through a variety of freedom of information requests and other sources show that the situation is quite the opposite at Toronto South.

Last year, there were 337 assaults, attempted assaults and threats made against staff. In comparison, the facility with the second highest number is Central East Correctional Centre in Lindsay, with 199 incidents. The numbers only reflect the incidents reported to administration — correctional officers often don't report attacks.

"Administration doesn't do anything, so if you're not injured too badly, sometimes it's not worth the paperwork and the headache," says one veteran correctional officer, who asked to remain anonymous.

"The ministry can confirm that there has been an increase in violence towards staff in 2017," writes Brona Ross, Ministry of Correctional Services spokesperson, in a statement. "Violence within our facilities is unacceptable and the ministry has zero tolerance when it comes to assaults or threats against staff."

"Inmates who engage in violent behavior towards staff also face misconduct penalties such as loss of privileges and forfeiture of earned remission."

the province.

2016 that

inmates and the only way to detect this is through the scanner. We're being denied use of that. It does get used, but it is very sporadic," says Cobb.

Body scanners introduced in 2016 are now in use at almost every correctional facility in Ontario. They are used when inmates enter the facility but are rarely used thereafter, even if weapons are found on jailhouse floors.

"When we find weapons in a unit and we ask to scan the rest of the unit to make sure it's clean, we're being denied by management here, but also regional directors," explains Cobb about the troubled Toronto jail.

Egan points out that there is good reason to scan any person entering a jail.

"We've had an example where guards are actually caught delivering contraband to a range. In that case they couldn't convict the guard because they found so many drugs in the subsequent search that they couldn't determine what drugs the guard had delivered, so she was acquitted," says Egan. "In Hamilton, we recently did an inquest where the jury recommended that the guards be subject to random searches when they arrive at work everyday."

The ministry says they are still reviewing those recommendations, but when CityNews asked the Minister about their use, she ruled it out.

"Our regulations do not allow that," Jones said when addressing media at Queen's Park.

"Clearly contraband getting into our institutions has to be stopped. We need to protect the individuals who are in our correctional facilities, our visitors and officers. We need to get to the bottom of it. We need to stop the contraband from getting in, its hurting people," she added.

But Kevin Yates, the NDP's corrections critic, says visitors, volunteers and non-staff should be searched before meeting with inmates.

contraband could be going in.

Drugs, weapons, all of that has to be stopped from going in."

recovered contraband on 80 separate occasions — including weapons, cell phones and a variety of drugs.

Egan claims frequent lock-downs and a lack of rehabilitative programs create an environment for mischief and violence to flourish.

"The major theme is lack of supervision, that's what is leading to violence and to the drug abuse. Lack of

"Inmates are locked in their cells for 24, 48 sometimes 72 hours at a time and they are not being backed in there alone. They are being locked in there with 2 or 3 other individuals who may not be the most pleasant of people."

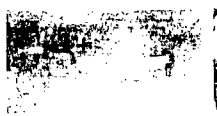
He says that the lack of rehabilitative programs only makes the outside world more dangerous for inmates — particularly in provincial institutions — will be released and back on the streets.

to rehabilitate them. The knee jerk re

Top Stories



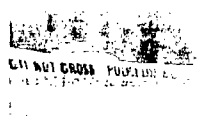
Niagara officer previously shot by detective now charged in road rage incident



Man dead, woman seriously hurt in Oakville double shooting



Police concerned for safety of women forced into vehicle in Scarborough



Toronto police identify woman found shot to death in underground garage



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STAR COLUMNISTS **OPINION**

Why Toronto South Detention Centre is known as Guantanamo South, a \$1-billion Hellhole, and the Plea Factory

Prisoners are having their custodial sentences cut due to time given as credit in recognition of the jail's intolerable conditions, writes Rosie DiManno.

By Rosie DiManno Star Columnist
Filed: Dec. 13, 2019 7 min. read

Article was updated Dec. 14, 2019

Segregation. Isolation. Overcrowding. No showers. No fresh air. No family visits. No lawyer meetings. Seething anger that can be born out on anybody.

And, ultimately, reduced prison sentences.

The Toronto South Detention Centre is broken.

Which, down the line, means convicted individuals have their custodial sentences lopped due to credit time given for the intolerable conditions.

Earlier this week, Justice John McMahon — and not for the first time — blasted the provincial government for "absolutely unacceptable" continued lockdowns at Canada's second-largest corrections detention facility, which compelled the judge to reduce the sentence for a cocaine-dealing, firearm-packing offender.

▶ X

"This court has and continues to see, on a daily basis, lockdown reports, because they have insufficient staff to staff the location," the respected veteran judge wrote in his sentencing decision. "It results in prisoners being locked down for an inordinate amount of time."

McMahon sentenced Andrew Barnes, who pleaded guilty, to four and a half years — minus 160 days for 300 of 405 days spent in full or partial lockdown, and 28 months deducted for time already served pending trial. As a result, Barnes receives two times credit for time served, instead of the 1 1/4 times-credit for time served. This due to lockdowns caused by staff shortage.

According to material filed with the court, 285 days Barnes spent in pre-trial custody were the result of insufficient staff at the institution, which routinely triggers lockdowns, for the safety of employees and inmates.

"What is absolutely unacceptable, shocking and deplorable is of those 300 days ... only 15 have been for safety issues, searches and various items that are appropriate."

McMahon added: "It will be noted because of the lack of resources and staff shortage, this accused will serve five months less of a sentence because Corrections, four years later, still cannot provide sufficient staff to make sure the institution works as it should."

In a pre-sentencing affidavit filed with the court, Barnes, who was denied bail in the fall of 2018, related his experience at Toronto South (known colloquially as Guantanamo South, the \$1-billion Hellhole and the Plea Factory, the latter because so many inmates plead guilty just to get out of the place).

"When there is a full lockdown, I am let out of cell for approximately 30 minutes a day to take a shower and/or try to use the telephone and/or try to have yard time. Two cells are let out at the same time, so that is four inmates ...," Barnes said in the affidavit.

"In order to have a shower, sometimes the inmates held on to the trays our food is served on, and refuse to give them back to the guards. This is our form of protest so that we can get a shower ...

"When I don't get to use the telephone, I cannot contact my lawyer. I have received messages from my lawyer when she has called numerous times and I am unable to speak with her."

It is a recurring issue that cascades through the corrections and justice systems. Routinely, defendants are not available on time for appearances because they haven't been delivered to court, which further jams the crowded docket. Juries are left to twiddle their thumbs. Defence lawyers spend countless hours cooling their heels at Toronto South waiting to see clients, often on the Legal Aid clock and dime.

Toronto South is a remand facility; inmates are still before the courts and presumed innocent.

"The new giant factory that is the Toronto South Detention Centre, while gaining an increasingly and well-deserved reputation as a white elephant, is turning into a giant black hole for those who disappear there while presumed to be innocent of any crime who are awaiting trial," says John Struthers, president of the criminal lawyers' association.

"It's an extremely unpleasant place to be and a lot of guards are having a lot of trouble with the ways it's working. Many of them are calling in sick, or disinterested, I guess. As a result they're very short-staffed all the time. I hesitate to say that it almost seems to be by design. There's no other excuse for it. It's a toxic place, not just for the accused, but also for the guards who are very having a very hard time with it.

"It's a failure from top to bottom."

Lockdown basically is solitary confinement, to a large extent, because, in the pod system, there are fewer guards to watch over more inmates. When a guard calls in sick, they lose the ability to supervise entire segments of cells, so everybody is locked down.

So far this year, Toronto South has had 230 lockdowns, 170 of them partial lockdowns, according to data provided to the Star on Friday by the Ministry of the Solicitor General.

Ministry spokesperson Kristy Denette told the Star, by email, that, since 2018, the government has trained "about 900 new correctional officers" for employment across the province, with more than 100 hired at Toronto South.

The outcome, at the other end of the pipeline, is sentences reduced on time credit. An attempt by the former Stephen Harper government to limit credit to a 1:1 ratio was unanimously quashed by the Supreme Court of Canada in 2014.

Early release on time credit infuriates victims and their families.

Last month, Christopher Husbands, convicted of manslaughter and aggravated assault in the 2012 Eaton Centre food court shooting that killed two and wounded half a dozen, received 10 years credit for 6.75 years pre-trial time served, including 669 days in administrative segregation, and taking into account the horrific conditions at the since-shutered Don Jail.

Last summer, in but another example, specifically related to Toronto South, the judge cited "oppressive" conditions in sparing further jail time for a drug dealer busted after selling heroin to an undercover cop. That defendant had served just more than 200 days of pretrial custody at Toronto South and was on lockdown 88 times, each time due to staff shortages.

Again and again, lockdowns result primarily from insufficient staffing, not trouble on the units, although there's plenty of that, and chronic absenteeism.

Guards will apparently seize on any excuse not to report to work at a facility they loathe as much as the inmates.

A report from the province's corrections reform advisor, issued a year ago, presented a disturbing picture of the jail. In 2017, there were 157 partial lockdowns at Toronto South and 47 full lockdowns — 60 per cent due to staff shortages. Between 2016 and 2017, the institution saw

an 87 per cent jump in inmate-on-staff violence, the most for any jail in Ontario. A survey of employees revealed three-quarters didn't feel safe at work and 58 per cent said they feared being assaulted by an inmate at least once a day.

An administrative shambles — at a facility, opened in 2014 as a model institution, heralding a progressive era of incarceration, and emphasizing rehabilitation over punishment.

At its core is what's called "direct supervision," a practice that places officers in the unit alongside inmates, without physical barriers, rather than stationing them to observe inmates from an enclosed glass room. That was supposed to promote mutual respect and friendly interaction. The opposite has transpired, placing guards at increased risk.

At Toronto South, corrections officers are practically begging for transfers or seeking other employment, further reducing staffing levels.

"The blunt answer is the government to date hasn't done anything to fix Toronto South," says Chris Jackel, himself a corrections officer and now serving as Ontario chair of the corrections division of the Ontario Public Service Employees Union, which represents Toronto South corrections staff.

Toronto South has a max inmate capacity of 1,650, according to the government website. But it hasn't been operating at capacity since 2016, with recent news reports pegging the inmate population at around 800. Under previous government guidelines, the ratio of staff to inmates was 1:16. But the problem is there aren't enough staff on any given day to meet those guidelines, according to the union.

He points to the South West Detention Centre in Windsor as a facility where properly managed direct supervision has lowered assaults against guards and generally improved morale.

There's a dedicated supervisor taken off-line — that staff member is dedicated fulltime to the undertaking — who "champions" the system, documenting how the jail is functioning and interactions between inmates and officers, says Jackel.

Toronto South, at one point, was on the same track — assigning three dedicated supervisors, one for each of the jail's towers.

But the program was canceled shortly after the new Doug Ford government took office at Queen's Park.

"A cost-saving measure, they said," snorts Jackel.

OPSEU has repeatedly called for expanding staff at Toronto South. "Replace body for body the staff that has been lost," says Jackel. "Then increase the staffing level to the complement that's needed."

As well, Jackel argues the government should appoint an oversight body to investigate problems at Toronto South, particularly with direct supervision, which "has a lot of moving pieces."

Everybody, it seems, is dismayed and exasperated.

Says Struthers: "We have a responsibility to our fellow human beings to do better than this."

Correction, Dec. 14, 2019: This article has been corrected from a previous version that misstated Andrew Barnes' surname as Andrews.



Rosie DiManno is a columnist based in Toronto covering sports and current affairs. Follow her on Twitter: @rdimanno

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R. v. Persad

Ontario Judgments

Ontario Superior Court of Justice

P.A. Schreck J.

Heard: August 21 and December 12, 2019.

Judgment: January 10, 2020.

Court File No.: CR-18-90000177-0000

[2020] O.J. No. 95 2020 ONSC 188

Between Her Majesty the Queen, and Jeffrey Persad

(41 paras.)

Case Summary

Criminal law — Sentencing — Criminal Code offences — Weapons offences — Possession of prohibited or restricted weapon or ammunition — Non-Criminal Code and regulatory offences — Controlled drugs and substances — Possession for the purpose of trafficking — Particular sanctions — Imprisonment — Sentencing considerations — Deterrence — Denunciation — Time already served — Submissions — Joint submissions — Previous record — Accused, 42, sentenced to nine years' imprisonment less credit of 50 and one-half months for time served and 712 and one-half days' credit for time spent in lockdown for firearms and drug trafficking offences — Court accepted joint submissions for nine-year sentence — Accused locked down for 47 per cent of time at detention centre — During lockdowns, he was confined to cell and was without access to telephone, shower or fresh air — Inhumane conditions at detention centre went beyond unfortunate circumstance and but were a form of deliberate state misconduct.

Sentencing of the accused for firearms and drug trafficking offences. The parties jointly submitted that he should be sentenced to nine years' imprisonment. Police seized a loaded handgun, a loaded over-capacity magazine, over three kilograms of cocaine, 32 grams of fentanyl, various cutting agents and a quantity of currency from the accused's residence. At the time, the accused was bound by an order prohibiting him from possessing firearms. The accused pleaded guilty. The parties also agreed that the accused was entitled to enhanced credit for the harsh conditions of his presentence custody where he was subject to numerous lockdowns but could not agree on the extent of that credit. The accused was locked down for 47 per cent of the time he was at the detention centre. During those periods, he was confined to his cell and sometimes went for days without access to a telephone, shower or fresh air. Many of the lockdowns lasted for 72 hours and some for as long as seven days. The experiences in presentence custody had caused the accused's mental health to deteriorate. He now suffered from depression, anxiety, feelings of low self-esteem. The reason for the vast majority of the lockdowns was staffing shortages. The accused, 42, significant criminal record dating back to 2001 that included convictions for firearms and drug trafficking offences.

HELD: The accused was sentenced to nine years' imprisonment less credit of 50 and one-half months for time served and 712 and one-half days' credit for time spent in lockdown.

The usual enhanced credit of one half to one day per day in lockdown was insufficient to promote the community's respect for the law. The nature of the firearms involved, the nature and quantity of the drugs and the accused's prior related record dictated that a significant penitentiary sentence was required. The objectives of general deterrence and denunciation were paramount. Having considered the conditions of the presentence custody and the Ministry's persistent refusal to heed the repeated admonitions of this court that those conditions were intolerable, the accused was entitled to a further one and a half days of credit for each day spent in lockdown. The increase in credit was intended to communicate this court's affirmation of the community's most basic values that had been shamefully ignored in this case. The inhumane conditions at the detention centre went beyond being an unfortunate circumstance and could more properly be described as essentially a form of deliberate state misconduct. Sentence: 33 months' imprisonment.

EXHIBIT 4

R. v. Persad

Statutes, Regulations and Rules Cited:

Criminal Code, R.S.C. 1985, c. C-46, s. 109, s. 718, s. 718(a), s. 718(f), s. 718.1

Counsel

S. Oakey, for the Crown.

R. Mwangi, for Mr. Persad.

REASONS FOR SENTENCE

SCHRECK J.

... [N]o one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.¹

1 Jeffrey Persad has pleaded guilty to a number of firearms and drug trafficking offences. The parties jointly submit that he should be sentenced to imprisonment for nine years and given the usual credit of one and a half to one for time spent in presentence custody. The parties also agree that Mr. Persad is entitled to further enhanced credit for the harsh conditions of his presentence custody at the Toronto South Detention Centre ("TSDC"), where he was subject to numerous lockdowns. They differ, however, with respect to the extent of that credit. The Crown submits that he is entitled to an additional one half to one day for each day spent in lockdown. Mr. Persad submits that he is entitled to an additional two and a half days.

2 Mr. Persad was locked down for 47% of the time he was at the TSDC. During those periods, he was confined to his cell and sometimes went for days without access to a telephone, shower or fresh air. The reason for the vast majority of the lockdowns was staffing shortages. The problem of frequent lockdowns due to staff shortages has been the subject of repeated expressions of concern by the judiciary over the past four years to the effect that the conditions at the TSDC are inhumane and fail to comport with basic standards of human decency. It has become clear that the Ministry of the Solicitor General, which is responsible for the operation of the TSDC, has chosen to ignore that judicial condemnation.

3 The following reasons explain why I have concluded that the usual enhanced credit of one half to one day per day in lockdown is insufficient to promote the community's respect for the law and our shared values in the face of the Ministry's refusal to act. More is required to give effect to those values.

I. FACTS**A. The Offences**

Mr. Persad pleaded guilty to possession of cocaine for the purpose of trafficking, possession of fentanyl for the purpose of trafficking, possession of a loaded restricted firearm, possession of a prohibited device and possession of a firearm while prohibited.

5 On April 6, 2017, the police executed a search warrant on Mr. Persad's residence. They seized a loaded handgun, a loaded over-capacity magazine, 3.8 kilograms of cocaine, 32 grams of fentanyl, as well as various cutting agents and a quantity of currency. At the time, Mr. Persad was bound by an order made pursuant to s. 109 of the *Criminal Code*, R.S.C. 1985, c. C-46, prohibiting him from possessing firearms. Mr. Persad admits that he had knowledge and control of the firearms and the drugs and that he possessed the latter for the purpose of trafficking.

B. The Offender

6 Mr. Persad is 42 years old. He has four children and two grandchildren. He has a history of employment in construction and at one time owned and operated a coffee shop. While in presentence custody, he completed his high school diploma. He has a

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significant criminal record dating back to 2001 that includes convictions for firearms and drug trafficking offences. The longest sentence he received was three years in the penitentiary for firearm possession offences in 2005.

C. The Toronto South Detention Centre**(i) The Evidence of Mr. Persad**

7 Mr. Persad has been in custody at the TSDC since his arrest. While in custody, he kept track of the dates on which the range he was housed in was subject to a full or partial lockdown. The Crown accepts that his recordkeeping is accurate. The parties agree that Mr. Persad was subject to a lockdown for approximately 47% of the time that he has been in presentence custody. The majority of the lockdowns were due to staff shortages. There is no suggestion that Mr. Persad was responsible for any of the lockdowns.

8 Mr. Persad swore an affidavit outlining his experiences in presentence custody. His evidence was not meaningfully challenged.

9 Mr. Persad deposed that while subject to a lockdown, he would be confined to his cell. He would have to use the toilet in his cell in full view of his cellmate. He was unable to walk around and stretch because of the small size of the cell, which was difficult for him as he is of large stature. Many of the lockdowns lasted for 72 hours and some for as long as seven days. While inmates were supposed to have access to showers, telephones and fresh air during the lockdowns, this access was not provided.

10 The inability to access a telephone prevented Mr. Persad from having contact with his grandmother, with whom he is close and who he relies on for emotional support, as well as other family members.

11 According to Mr. Persad, the lockdowns created a tense atmosphere among the inmates. He frequently witnessed violence among the inmates, some of which resulted in injuries requiring transportation to a hospital. This caused Mr. Persad stress as he feared becoming the victim of such violence. He describes living in a state of hyper-vigilance.

12 Mr. Persad described being provided with clothing, bedding and towels that were often stained with urine, faeces or blood, the use of which caused him to develop rashes. Because of his large size, he had difficulty obtaining clothing that fit him and would sometimes have to go months without a clothing change. There were often bedbug infestations. The nail clippers that were provided were shared and not cleaned, causing Mr. Persad to develop an untreatable fungal infection on his toenails.

13 The experiences in presentence custody have caused Mr. Persad's mental health to deteriorate. He now suffers from depression, anxiety and feelings of low self-esteem. He went from being a social person to someone who avoids interactions with others.

(ii) The Evidence of Sgt. Watson

14 The court heard evidence from Leon Watson, a security sergeant at the TSDC. His role is to oversee the security of the institution. Sgt. Watson has been employed by the Ministry for 18 years and has been in his current position for two and a half years. Sgt. Watson does not work on the ranges in the institution and had no direct involvement with Mr. Persad. For the most part, he testified as to the procedures that are supposed to be implemented at the TSDC. He acknowledged that these procedures are not always followed.

15 Sgt. Watson described a typical day at the institution when there is no lockdown. The cells would be unlocked at 8:00 a.m. and remain unlocked throughout the day. The inmates would have breakfast at 8:30 and then clean the tables and their cells. Throughout the day, they would have access to showers, telephones and the outdoor yard whenever they wished. Lunch is provided at noon. At 1:00 p.m., the inmates return to their cells for one hour during which there is an institutional head count. They are provided with razors with which to shave during this period. The inmates are free to leave their cells at 2:00 p.m. Dinner is provided at 5:00 p.m. and the inmates return to their cells at 9:30 p.m.

16 Sgt. Watson testified that when there is a lockdown for 24 hours or more, inmates are supposed to be allowed to leave their cells for 30 minutes in order to shower and use the telephone. He acknowledged, however, that this does not always occur.

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17 According to Sgt. Watson, the majority of lockdowns are due to staff shortages, although some are due to security concerns. The staff at the TSDC consists of approximately 800 to 1000 people. There is a significant amount of turnover. I asked Sgt. Persad how many more people would be hired if he had the power and the budget to do so. His answer was 500.

18 Sgt. Watson is aware that there has been a significant amount of judicial criticism of the conditions at the TSDC and that the regional office of the Ministry has been made aware of this.

II. POSITIONS OF THE PARTIES

19 The parties jointly submit that the appropriate sentence in this case is imprisonment for four and a half years for the firearm possession, one year concurrent for possession of the magazine, one year consecutive for violation of the prohibition order, and five and a half years for each of the drug possession offences, to be served concurrently with each other but consecutively to the other sentences. The resulting sentence of 11 years should then be reduced by two years, having regard to the principle of totality, leaving an overall sentence of nine years.

20 The parties agree that Mr. Persad is entitled to credit of one and half days for each of the 1010 days spent in presentence custody. This amounts to 1515 days, or approximately 50.5 months.

21 The parties also agree that Mr. Persad is entitled to further enhanced credit because of the conditions of his presentence custody, but disagree as to the extent of that credit. Crown counsel submits that there should be a credit of one-half to one day for each day spent in lockdown. Counsel for Mr. Persad submits that there should be a credit of two and a half days for each day spent in lockdown. The parties agree that Mr. Persad spent 47% of the time in lockdown, which amounts to approximately 475 days.

III. ANALYSIS

A. The Joint Submission

22 Section 718 of the *Criminal Code* provides that the "fundamental purpose of sentencing is to protect society and to contribute ... to respect for the law and the maintenance of a just, peaceful and safe society..." This is to be accomplished through the imposition of just sanctions that have one or more of several objectives enumerated in s. 718(a) to (f), including denunciation, general and specific deterrence and rehabilitation. Section 718.1 provides that the sentence imposed "must be proportionate to the gravity of the offence and the degree of responsibility of the offender."

23 Mr. Persad has been convicted of very serious offences that significantly threatened the safety of the public. In such cases, the objectives of general deterrence and denunciation are paramount. The nature of the firearms involved, the nature and quantity of the drugs and Mr. Persad's prior related record dictate that a significant penitentiary sentence is required.

24 At the same time, Mr. Persad has accepted responsibility for his conduct by pleading guilty. I am told that he did so despite there being significantly triable issues with respect to the legality of the search of his home. This is a clear demonstration of remorse and signifies a potential for rehabilitation which must be taken into account.

25 In my view, the sentence that is being jointly submitted appropriately balances the competing considerations in this case. The joint submission certainly would not bring the administration of justice into disrepute and I should therefore accede to it: *R. v. Anthony-Cook*, 2016 SCC 43, [2016] 2 S.C.R. 204, at paras. 32-44.

26 I also agree with counsel with respect to the credit Mr. Persad is entitled to for time spent in presentence custody: *R. v. Summers*, 2014 SCC 26, [2014] 1 S.C.R. 575.

B. Enhanced Credit for Harsh Conditions

(i) Overview

27 It is now well established that particularly harsh presentence incarceration conditions can justify credit beyond the ordinary

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credit for presentence custody: *R. v. Duncan*, 2016 ONCA 754, at para. 6. This follows from the principles of individualization, parity and proportionality. Where an offender has been subject to particularly harsh presentence custody, he has been subject to consequences resulting from the offence that have a more significant impact on him. Like collateral consequences such as immigration consequences, this additional impact must be considered to ensure that the sentence is proportionate and tailored to the individual circumstances of the offender: *R. v. Suter*, 2018 SCC 34, [2018] 2 S.C.R. 496, at paras. 46-50; *R. v. Nasogaluak*, 2010 SCC 6, [2010] 1 S.C.R. 206, at paras. 40-43; *R. v. Doyle*, 2015 ONCJ 492, 23 C.R. (7th 325, at paras. 33-48.

28 I accept Mr. Persad's evidence as to the circumstances of his presentence custody. His evidence was not contradicted by Sgt. Watson, who was able to testify only about what ought to happen and not what actually does happen. In my view, Mr. Persad was subject to conditions that were harsh, unacceptable and unjustified. As a result, he is entitled to some additional credit. What must be determined is the extent of that credit.

(ii) Prior Decisions Involving the TSDC

29 This is not the first case to consider the conditions at the TSDC. Many of my judicial colleagues have commented on in cases dating back to 2015:

...[T]he accused has been in custody for approximately 405 days. Of that 405 days, 300 of those days he has been in full or partial lockdown. What is absolutely unacceptable, shocking and deplorable is that of those 300 days, on the records filed as an exhibit here, only 15 have been for safety issues, searches and various items that are appropriate. 285 days are yet again staff shortages.

R. v. Barnes, unreported, December 9, 2019, Ont. S.C.J., at p. 9

The reasons given for the lockdowns is also very troubling. All but 10 of the 133 lockdowns experienced by Mr. Oksem were caused by staff shortages at the institution. Mr. Oksem also spent the 16 of his last 18 days in the Special Handling Unit because of staff shortage. This is completely unacceptable. The persistent problem of staff shortages at the TSDC reflects an astounding level of indifference on the part of the institution, or the government, to the rights of individuals detained in pre-trial custody. If we are going to continue to keep people in pre-trial detention, adequate resources must be allocated to ensure that inmates are not routinely locked-down. Occasional lockdowns are to be expected in large correctional facilities. However, the government and the institution must address the staffing issues that are causing a shocking number of lockdowns at the TSDC.

R. v. Oksem, 2019 ONSC 6283, at para. 28

The TSDC provided information about the reason for the lockdowns. Virtually every lockdown was caused by "staff shortage." It is unacceptable for people in pre-sentence custody to be subject 25 lockdowns in a single month because of inadequate staffing. This suggests that resources are not be properly allocated or managed to ensure individuals in pre-sentence custody, who are presumed innocent, are housed in humane conditions. The pattern of inadequate staffing over an extended period of time is particularly concerning and seems to reflect a level of indifference on the part of the institution or the government to the rights of individuals detained in pre-trial custody.

R. v. Sanchez, 2019 ONSC 5272, at para. 53

Mr. Fennah was housed in completely unacceptable conditions. There were frequent lockdowns resulting in an undue deprivation of his liberty, privacy and well-being. Those days of lockdown amounted to something approaching 40% of his time in custody, or close to a year. That kind of treatment is not in keeping with the humane system of corrections to which we aspire. It is not to be tolerated or simply treated as what we now expect from Toronto South.

R. v. Fennah, 2019 ONSC 3597, at para. 68

We should have real concerns about conditions at the Toronto South. We should also have real concerns on behalf of a very young man incarcerated for a lengthy period of time who chooses to remain in Toronto to be closer to his family. Furthermore, we should not simply normalize unacceptable conditions in a jail. It must be remembered that people like Mr. Jama enjoy the presumption of innocence -- or at least he did until he pleaded guilty. But even after pleading guilty he remains a human being who retains every single right that other human beings in our society retain, except the right to be at liberty outside the institution. Lockdowns arising from staff shortages, and even those arising from security reasons, should not be seen as just the price to be paid by those in custody.

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R. v. Jama, 2018 ONSC 1252, at para. 20

Lockdowns are perhaps the easiest to identify and most prevalent variety of oppressive detention conditions, but they are not in a special category. Rather, they are emblematic of the kind of treatment that no one in Canadian society, including remand inmates, should have to endure. Lockdowns are one kind of degradation; but they are not the only kind of degradation that count under the *Duncan* principle.

R. v. Charley, 2019 ONSC 6490, at para. 67

While security concerns, accidents and incidents of inter-prisoner violence may well explain the occurrence of occasional lockdowns in any remand centre, no such justifications were advanced in this instance. Nor was the offender's confinement a product of misconduct that led to a disciplinary response. The explanation was simple, systemic and, frankly, close to unconscionable: the offender was confined to his cell for days on end solely because of chronic understaffing. Put otherwise, his disheartening, if not appalling, living conditions (like those of many other prisoners) were solely attributable to the neglect or indifference of the state.

R. v. Nguyen, 2017 ONCJ 442, 40 C.R. (7th) 474, at para. 39

...[T]he lockdowns represent a modern form of the harsh Dickensian conditions that motivated the Victorian movement towards prison reform. The lockdowns are a regressive form of punishment that represents the opposite of an enlightened penal regime. On an individual level, it is notable that many of the people in the Toronto South -- a remand centre -- are charged with an offence but presumed innocent.

R. v. Nsiah, 2017 ONSC 769, at para. 19

The fact that there are lockdowns for 25 percent of the time at the Toronto South, for Mr. Lall over the last two years is completely unacceptable. The reason for most of these lockdowns was the lack of staff. The same staffing issues the Court of Appeal addressed in 2016. This Court has repeatedly indicated that the staff resources problem should have been remedied years ago.

R. v. Lall, unreported, July 4, 2019 Ont. S.C.J., at p.7

I note that the United Nations Standard Minimum Rules for the Treatment of Prisoners² provides that every prisoner should have at least one hour of suitable exercise in the open air daily. Mr. Inniss was denied access to fresh air for over one-third of the time he was in custody (159 days at the Toronto East Detention Centre and 214 days at the Toronto South Detention Centre based on the number of full day lockdowns.) It is shocking that detention centres in Toronto in 2017 are consistently failing to meet minimum standards established by the United Nations in the 1950's.

R. v. Inniss, 2017 ONSC 2779, at para. 38

Virtually all of the lockdowns Mr. Borsi experienced were due to staffing shortages -- that fact alone speaks volumes. No inmate should have to undergo a lockdown, full or partial, because of staffing challenges faced by the correctional authorities.

R. v. Borsi, 2019 ONCJ 443, at para. 41

Mr. Hussain-Marca has provided me with an affidavit outlining the impact upon him of the conditions at Toronto South Detention Centre. His evidence is depressingly similar to accounts that I (and my fellow judges) have been required to review in other cases recently. I write "depressingly" because the situation is both well-known and highly preventable. In almost every case, the reason for the lock-down is shortage of staff. This is not a question of a snowstorm or train delay causing some staff unexpectedly to have problems in getting to work. The problem is persistent and quite inexcusable.

...

This is a perfectly preventable problem that has been persisting for far longer than it ought. We collectively have a right to expect better from the system.

R. v. Hussain-Marca, 2017 ONSC 4033, at paras. 43-52

The more difficult conditions imposed on inmates and reduction of their minimal privileges, due mostly to staff shortages, inevitably increase the prisoner's stress in a manner that is both unnecessary and unacceptable.

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R. v. Elmi, 2017 ONCJ 830, at para. 38

The complete lock-down of the offender on at least a quarter of his days in remand custody is an oppressive and here unexplained form of pre-sentence punishment.

Doyle, at para. 53

30 I heard no evidence that any significant steps are being taken to remedy the longstanding problems at the TSDC. While apparently aware of the repeated judicial concerns about the inhumane treatment of offenders, the Ministry has seen fit to ignore them.

(iii) *The Proper Characterization of the Ministry's Refusal to Remedy the Situation*

31 I adopt the various descriptions my colleagues have used to describe the situation at the TSDC. It is, to use their words, unacceptable, shocking, deplorable, harsh, oppressive, degrading, disheartening, appalling, Dickensian, regressive and inexcusable.

32 As outlined earlier, the principles of individualization, parity and proportionality will in some cases require that extra credit be given to inmates who have endured harsh conditions in presentence custody. This is not an optimal solution and one that does not come without costs. Ideally, offenders should serve as much of their sentences as possible in correctional institutions where they have the benefit of rehabilitative programs tailored to their individual needs rather than be warehoused in detention centres. This maximizes the rehabilitative potential of the offender, which benefits not only the offender, but society as a whole, as an offender who is rehabilitated is less likely to reoffend once released. It follows that where the application of sentencing principles requires a court to attribute a greater proportion of the sentence to the period spent in presentence custody, the offender's potential for rehabilitation is compromised and the risk of harm to the community increases.

33 While the harm the current situation does to the overall penal objectives of the sentencing process is obvious, it appears to be a price the Ministry is willing to pay to avoid having to dedicate the resources necessary to ensuring that detention centres such as the TSDC are run properly. The fact that nothing has changed despite repeated criticisms by the courts over the course of several years shows the current situation can no longer be excused as a temporary problem. Rather, it appears to be a deliberate policy choice to treat offenders in an inhumane fashion at the cost of harm to the sentencing process rather than devote appropriate resources to the operation of the institution. Put simply, the Ministry has clearly chosen to save money rather than heed judicial concerns about the lack of humane treatment of inmates.

34 In my view, we have reached the point where the inhumane conditions at the TSDC go beyond being an unfortunate circumstance and can more properly be described as essentially a form of deliberate state misconduct. As such, it becomes relevant not only to the principles of individualization and parity, but also to the communicative function of sentencing and the overarching sentencing goal of contributing to respect for the law.

(iv) *The Communicative Function of Sentencing*

35 Mr. Persad has not alleged a breach of his *Charter* rights. However, as was noted in *Nasogaluak*, at para. 53, "a sentence can be reduced in light of state misconduct even when the incidents complained of do not rise to the level of a *Charter* breach". The reason for this is that state misconduct can be relevant to the sentencing process without resort to a constitutional remedy, as was explained in *Nasogaluak*, at paras. 48-49:

Indeed, the sentencing regime under Canadian law must be implemented within, and not apart from, the framework of the *Charter*. Sentencing decisions are always subject to constitutional scrutiny. A sentence cannot be "fit" if it does not respect the fundamental values enshrined in the *Charter*. Thus, incidents alleged to constitute a *Charter* violation can be considered in sentencing, provided that they bear the necessary connection to the sentencing exercise. As mitigating factors, the circumstances of the breach would have to align with the circumstances of the offence or the offender, as required by s. 718.2 of the *Code*. Naturally, the more egregious the breach, the more attention the court will likely pay to it in determining a fit sentence.

This is consistent with the communicative function of sentencing. A proportionate sentence is one that expresses, to some extent, society's legitimate shared values and concerns. As Lamer C.J. stated in *M. (C.A.)* [1996] 1 S.C.R. 500:

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Our criminal law is also a system of values. A sentence which expresses denunciation is simply the means by which these values are communicated. In short, in addition to attaching negative consequences to undesirable behaviour, judicial sentences should also be imposed in a manner which positively instills the basic set of communal values shared by all Canadians as expressed by the *Criminal Code*. [para. 81]

A sentence that takes account of a *Charter* violation is therefore able to communicate respect for the shared set of values expressed in the *Charter*. In the words of Professor Allan Manson:

The communicative function of sentencing is all about conveying messages. The messages are directed to the community. They are about the values which ought to be important to the community.

("Charter Violations in Mitigation of Sentence" (1995), 41 C.R. (4th) 318, at p. 323)

Indeed, s. 718 of the Criminal Code describes the fundamental purpose of sentencing as that of contributing to "respect for the law and the maintenance of a just, peaceful and safe society". This function must be understood as providing scope for sentencing judges to consider not only the actions of the offender, but also those of state actors. Provided that the impugned conduct relates to the individual offender and the circumstances of his or her offence, the sentencing process includes consideration of society's collective interest in ensuring that law enforcement agents respect the rule of law and the shared values of our society. [Emphasis added].

(v) *Conclusion Respecting Enhanced Credit*

36 The Crown is correct that enhanced credit given because of the conditions at the TSDC has tended to be between one half and one day for each day spent in lockdown in addition to the usual credit for presentence custody: *Oksem*, at para. 31; *Sanchez*, at paras. 56-57; *Lall*, at p. 9; *Jama*, at paras. 17-22; *Innis*, at para. 39; *R. v. Ward-Jackson*, 2018 ONSC 178, at paras. 50-52; *R. v. Lu*, 2019 ONSC 5933, at para. 96; *R. v. Kabanga-Munira*, 2019 ONSC 1161, at para. 113; *R. v. Selvaratnam*, 2018 ONSC 3135, at paras. 39-40; *R. v. Dibben*, unreported, September 8, 2017, Ont. S.C.J., at pp. 10-11. However, in those cases the courts considered only the effect of the harsh conditions on the offender as they related to the principles of parity and individualization. They did not consider society's collective interest in ensuring that state agents "respect the rule of law and the shared values of our society". As explained earlier, in my view the time has come for that interest to be considered in the sentencing calculus, at least in cases involving the TSDC. In my view, judicial communication of those values requires credit in excess of what has been granted in the past.

37 There is of course no mathematical formula for determining the appropriate credit. Having considered the conditions of Mr. Persad's presentence custody as well as the Ministry's persistent refusal to heed the repeated admonitions of this court that those conditions are intolerable, I have decided that Mr. Persad is entitled to a further one and a half days of credit for each day spent in lockdown. The increase in credit is intended to communicate this court's affirmation of our community's most basic values that have been shamefully ignored in this case.

IV. DISPOSITION

38 Mr. Persad will be sentenced to imprisonment for three and a half years for the firearm possession charge, one year concurrent for possession of the magazine, one year consecutive for violation of the prohibition order, and four and a half years for each of the drug possession offences, to be served concurrently with each other but consecutively to the other sentences. The total sentence is therefore nine years.

39 Mr. Persad will receive the usual credit of one and a half days for each of the 1010 days spent in presentence custody, which equals 1515 days, or approximately 50.5 months. This brings the total sentence to 57.5 months.

40 In addition to this, Mr. Persad will receive a further credit of one and a half days for each of the 475 days he spent in lockdown, which amounts to 712.5 days, or approximately 24 months. The time left to serve is therefore 33 and a half months, which I will round down to 33 months.

41 There will be an order made pursuant to s. 109 of the *Criminal Code* for life. The seized items will be forfeited in accordance with the draft order submitted by counsel.

R. v. Persad

P.A. SCHRECK J.

- 1 N. Mandela, *Long Walk to Freedom: The Autobiography of Nelson Mandela* (New York: Little, Brown and Company, 1995) at p. 23.
- 2 Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 17 May 1977.

End of Document

EXHIBIT 5



**Ontario
Human Rights Commission**
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Report on conditions of confinement at Toronto South Detention Centre

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This report summarizes the Ontario Human Rights Commission's (OHRC) findings and human rights concerns about the conditions of confinement at Toronto South Detention Centre (TSDC).

The OHRC has toured jails and correctional centres across Ontario since 2016, as part of its monitoring of the settlements and an Order in *Jahn v Ministry of Community Safety and Correctional Services (Jahn)*. Under section 29 of the Ontario *Human Rights Code (Code)*, the OHRC can also initiate reviews and inquiries and make recommendations related to incidents of tension or conflict in a community and report to the people of Ontario on the state of human rights.

This report is based on:

- Tours of the facility on January 27 and February 13, 2020
- Engagement with TSDC's Superintendent and senior command
- Engagement with Ministry of the Solicitor General (SOLGEN) leadership including Deputy Solicitor General (Correctional Services), Assistant Deputy Minister (Institutional Services) and Director (Toronto Regional Institutional Services)
- Review of primary source documents and information received from SOLGEN including segregation documentation, log books, handbooks, etc.
- Private interviews and correspondence with approximately 75 prisoners
- Engagement with current members of the TSDC Community Advisory Board (CAB)
- Relevant decisions from courts and tribunals.

The OHRC is aware that there has been extensive judicial and media scrutiny of the conditions of confinement at TSDC. It acknowledges that management and staff are making good faith efforts to address some of the concerns highlighted. The OHRC's intention is not to negatively affect staff morale or otherwise undermine these efforts. Instead, the OHRC hopes that this report will bring into focus the systemic legal, policy and operational issues that SOLGEN must address to adequately support the institutional leadership's efforts to meet the human rights of prisoners.

Note that given the timing and initial focus of the OHRC's investigation, this report does not address SOLGEN's response to the COVID-19 pandemic. It does, however, shed some light on the systemic challenges that exist in terms of addressing the pandemic in TSDC. Notably, in some respects TSDC is better positioned than many other Ontario correctional institutions to adopt public health measures like social distancing and social isolation because it is not at capacity. This sets it apart from most other provincial jails the OHRC has visited which are double- and triple-bunked.

Key findings

1. TSDC management and front-line workers routinely use segregation, restrictive confinement, lockdowns and "time in cell" sanctions that raise serious human rights concerns.

According to the data received by the OHRC, TSDC management and front-line staff routinely use segregation, restrictive confinement, lockdowns and "time in cell" sanctions to manage the prison population, which raises serious human rights concerns.

First, given the high proportion of Indigenous and Black prisoners at TSDC, and the high prevalence of mental health disabilities and addictions among the provincial remand population, the OHRC is concerned that groups protected the *Code* are disproportionately negatively impacted by TSDC's routine use of lockdowns, segregation, restrictive confinement and "sanctions."

Second, the OHRC is concerned that segregation, which is currently subject to strict limits and oversight, is being replaced by correctional practices that result in substantially similar conditions of confinement without associated legal and policy protections. These practices include lockdowns, restrictive confinement and imposition of "time in cell" as a sanction. This is highly problematic because there is no evidence to suggest that the serious harms associated with solitary confinement are mitigated based on how the placement is labelled, classified or justified.

Third, extensive use of lockdowns, segregation and restrictive confinement, as well as the imposition of arbitrary sanctions that result in significant deprivations of liberty, raise serious human rights concerns under the *Charter of Rights and Freedoms*. These could have an impact on a range of protections including the right to liberty and security of the person (s. 7), the right to be free from arbitrary detention or imprisonment (s. 9), the right not to be subjected to cruel and unusual treatment or punishment (s. 12) and the right to equality (s. 15).

SOLGEN has been aware of the human rights issues associated with its over-reliance on segregation, restrictive confinement and lockdowns for many years. The OHRC has raised these concerns in litigation before courts and tribunals, as well as in letters highlighting findings from tours of other Ontario correctional institutions. These concerns have also been noted by Ontario's previous Independent Reviewer of Ontario Corrections, the Ombudsman, the Auditor General, Courts and tribunals, and by the media. The OHRC and many others have made several recommendations over the years to help SOLGEN address these human rights concerns, but progress has been negligible.

2. Prisoners face several systemic challenges to maintaining family and community contact, which has a disparate negative impact on prisoners with caregiving responsibilities.

Prisoners at TSDC face systemic challenges to maintaining family and community contact because the institution:

- Prioritizes video visits over in-person visits
- Uses in-person visits as a reward for good behavior and revokes visits as a sanction for behaviour that falls short of misconduct
- Cancels visits during frequent lockdowns
- Requires prisoners to place collect telephone calls and limits their ability to call cellular phones.

These systemic challenges affect all prisoners, but have a disparate negative impact on prisoners who have caregiving responsibilities protected under the *Code*.

3. There are public health concerns related to infrequent changes of bedding and clothing and outbreaks of scabies.
4. SOLGEN has taken positive steps to meet the creed-related needs of Indigenous prisoners by piloting an "Indigenous Healing Unit" and committing to procure the services of an Indigenous Elder. The OHRC encourages SOLGEN to also ensure that prisoners at TSDC have regular access to a Muslim Imam.

5. SOLGEN should continue to work collaboratively with the TSDC's Community Advisory Board, which has a statutory mandate to enhance oversight, monitoring and accountability.

About Toronto South Detention Centre

Toronto South Detention Centre (TSDC) houses men, and a small number of trans people, who are on remand or are appearing before Toronto courts. TSDC is a maximum-security institution that uses several security measures, including closed-circuit television, metal detection and full body x-ray scanner systems. The prisoners at TSDC are not detained pursuant to a criminal conviction and remain legally innocent.

The institution has a capacity of 1,698 operational beds. As of January 15, 2020, TSDC was under capacity with a count of 1,138 prisoners. This sets TSDC apart from other Ontario institutions the OHRC has visited, which often use double- or triple-bunking. The OHRC was told that TSDC remains under-utilized due to chronic staff shortages.

Black and Indigenous peoples are over-represented at TSDC, consistent with their over-representation through the criminal justice system. Despite only making up eight and one per cent of Toronto's population respectively, Black people made up approximately 24.3 per cent of total admissions to TSDC in 2019, and Indigenous people made up 4.7 per cent.

TSDC has three towers (A, B, C) which each have three floors (1, 2, 3) and which include a number of cells or "living units:"

- Intake (seven units)
- Direct supervision (24 units)
- Medical direct supervision
- Behavioral care
- Mental health
- Special care (two units)
- Special handling
- Segregation (two units)
- Infirmary.

TSDC adopts a direct supervision model in some of its general population housing units. According to SOLGEN, direct supervision places correctional officers in the inmate housing areas to interact closely with prisoners. SOLGEN notes that extensive research has determined that **when properly implemented**, direct supervision allows correctional officers to recognize conflicts before they escalate [emphasis added].

Direct supervision consistently:

- Lowers inmate-on-inmate and inmate-on-staff assaults
- Decreases the incidence of suicide
- Reduces serious incidents, such as disturbances and vandalism
- Reduces the need for prisoners to manufacture and carry weapons
- Creates an improved and more normalized social environment
- Provides a setting where rehabilitative programs have a better chance to work
- Makes inmates more responsible and accountable for day-to-day living.

TSDC correctional officers lead a range of programming including: "Life Skills," "Change is a Choice," "African Canadian Excellence" and "Program Eastern Door" geared to Indigenous prisoners. A Cognitive Behavioral Therapy program is delivered on the specialized units. A large number of volunteer-led programs and creed-related services are also available at TSDC.

Segregation and restrictive confinement

"Segregation" (also known as solitary confinement) describes the physical and social isolation of a prisoner, with high surveillance and minimal stimulation, for up to 22 hours per day. The federal Office of the Correctional Investigator has described segregation as the "most austere and depriving form of incarceration that the state can legally administer in Canada."

Some prisoners are officially placed in disciplinary or administrative segregation, while others are put in units with alternative labels such as "special needs unit" or under conditions substantially similar to those in segregation ("restrictive confinement").

In the recent Superior Court of Justice decision *R v Capay*, 2019 ONSC 535, Justice Fregeau relied on uncontroverted evidence establishing that "segregation exacerbates prior mental health problems and can lead to the development of previously undetected mental health problems." Dr. John Bradford, the psychiatrist who testified in the matter, gave further uncontroverted evidence that prisoners placed in segregation "become anxious, depressed or both. They undergo cognitive disturbances...so the cognitive effects can be quite profound."

These findings are consistent with those of the Superior Court of Justice in *Canadian Civil Liberties Association (CCLA) v* 2019 ONCA 243 (currently on appeal to the Supreme Court of Canada). In that case, Associate Chief Justice [REDACTED] accepted expert evidence that "prisoners experience the isolated conditions of solitary confinement, sensory deprivation, and constant 'lock down' status very negatively and stressfully," that "segregation appears to be a significant risk factor for the development of psychiatric symptoms including depression and suicidal ideation, as well as psychiatric symptoms generally," and that "long-term segregation may lead to the development of previously undetected psychiatric symptoms." Associate Chief Justice Marrocco also found that the negative psychological effects of segregation "can occur within days."

The British Columbia Supreme Court also recently found that administrative segregation subjects prisoners to a "significant risk of serious psychological harm, including mental pain and suffering, and increased incidence of self-harm and suicide." Based on the significant evidence before it, the court in *CCCLA v Canada*, 2018 BCSC 62, concluded that "rather than prepare inmates for their return to the general population, prolonged placements in segregation have the opposite effect of making them more dangerous both within the institution's walls and in the community outside."

In recent years, as a result of litigation, settlements and an Order arising out of the *Jahn* matter, Ontario's use of segregation is now subject to some limits. For example, Ontario is legally bound not to place prisoners with mental health disabilities in segregation "absent undue hardship" and is also required to track and publicly report on its use of segregation.

Use of segregation

Between July 1, 2018, and June 30, 2019, there were at total of 2,564 segregation placements at TSDC. This was the second highest number of segregation placements of any Ontario correctional institution. During this time period, the reasons for segregation placement at TSDC were:

Table B: Segregation placements and reasons (July 2018 – June 2019)

Reasons for segregation placement*	Number of segregation placements
Inmate needs protection (medical)	835
Alleged misconduct	830
Security of institution/safety of others	449
Inmate request	401

Close confinement (i.e. disciplinary segregation)	288
Inmate needs protection	195
Security of institution/safety of others (medical)	115

*Note: there may be multiple reasons for a single segregation placement

When asked about the high number of prisoners placed in segregation for the reason of "inmate needs protection (medical)," TSDC management said that most of these individuals had complex mental health disabilities that could not be effectively managed in the general population. They noted that there were very few treatment-based alternatives for people with severe mental health disabilities.

On our tour, TSDC leadership stated that more recently, they have nearly "eliminated" the use of segregation by scheduling each prisoner or a small group of prisoners to leave their cells for at least two hours plus one minute per day. Where a prisoner comes out of their cell by themselves, they are provided with "meaningful opportunities" to engage with correctional officers and staff. TSDC leadership noted that on the day of our first visit, there was only one individual in conditions of confinement constituting segregation. Notably, taken at its highest, it would appear that TSDC has replaced some segregation placements with restrictive confinement.

Prisoners we spoke to were genuinely perplexed by management's claim that segregation was no longer routinely being used at TSDC. Several prisoners told us that they had been held in segregation within the last month and that they were not provided with an opportunity to shower or use the yard on a daily basis, let alone be afforded more than two hours outside of their cell. One prisoner who was segregated in October 2019 told us he was denied food for six or seven days and was hospitalized as a result. We did not verify this information.

We asked for primary source documentation to better understand and assess the use of segregation at TSDC in the short term. The documents provided clearly establish that from October 1 to December 31, 2019, prisoners continued to be segregated at TSDC on a near-daily basis.

We also heard from prisoners that TSDC management was locking down general population units to allow correctional officers to prioritize releasing prisoners from conditions that would otherwise constitute segregation. The data we obtained from TSDC on the use of lockdowns (discussed below) seems to support this suggestion (i.e. there are fewer lockdowns in specialized units versus general population units). Any approach that replaces segregation – which is subject to strict oversight and legal limitations – with lockdowns, is problematic as it may result in serious harm without any legal protections.

While we recognize and encourage TSDC staff to continue their efforts to eliminate the use of segregation, we are concerned that the current approach that replaces segregation with restrictive confinement and lockdowns is marginal, technical and legally questionable.

Lockdowns

The term "lockdown" is generally used to describe conditions of confinement where prisoners are locked in their cells, usually for reasons of health and safety, with extremely limited movement within the institution for a period ranging from hours to weeks.

Lockdowns deprive prisoners of their residual liberty. Lockdowns also have a negative impact on physical and mental health, hygiene and wellness. Lockdowns are stressful for prisoners and staff alike, and can raise tensions that sometimes erupt in violence. In *R v Nguyen*, 2017 ONCJ 442, the Ontario Court of Justice found that lockdowns "inevitably led to range-wide tension with the guards and the constant risk of more intimate conflict with a random cellmate enduring a similar sense of indefinite confinement and ancillary anxieties."

Earlier this year, in *R v Persad*, 2020 ONSC 188, the Ontario Superior Court of Justice noted that lockdowns have a negative impact on human dignity. In another case, the Court found that: "lockdowns represent a modern form of the harsh Dickensian conditions that motivated the Victorian movement towards prison reform. The lockdowns are a regressive form of punishment that represents the opposite of an enlightened penal regime" (*R v Nsiah*, 2017 ONSC 769).

Legal authority

There is no specific legal authority for lockdowns and the term is not defined in the *Ministry of Correctional Services Act*. SOLGEN's *Policy and Procedures Manual* (2004) discusses lockdowns in the section entitled "Crisis Management" (Crisis Management Policy).

The Crisis Management Policy defines a lockdown as:

A strict limitation on the movement of inmates, non-correctional staff and other persons in all or part of an institution in response to a serious security concern or medical quarantine. The limitations may include disruptions to inmate programs, cancelling visits, suspending access to lawyers and other professional visitors, terminating admissions and/or transfers or any others limits the Superintendent feels appropriate to address the situation.

While the policy does not define a "partial lockdown," SOLGEN leadership told us that a partial lockdown is "a lockdown of one or more areas within the institution; however, not a lockdown of all units. This partial lockdown could range from a portion of the day (minutes to hours) to a full day."

The Crisis Management Policy states that the authority for a lockdown arises through the Superintendent's legal obligation to "ensure the safety of inmates, staff and the public while ensuring the security of the institution." SOLGEN leadership further clarified that lockdowns can be imposed due to "staffing levels, security-related incidents or maintenance issues." However, SOLGEN was not able to point to any specific policies to support the use of lockdowns in non-crisis situations or for these other specific reasons.

The Crisis Management Policy further states that when the Superintendent determines that a serious security concern or medical quarantine necessitates a lockdown, they will prepare a report indicating relevant details including the "reason for lockdown" and "all actions that are being taken to address the situation." The report must be sent to the Regional Director (In the case of TSDC, the Director of Toronto Region Institutional Services) and SOLGEN's Information Management Unit. TSDC management confirmed that such reports are regularly prepared and sent to the Regional Director, though we did not seek or review them.

Conditions of confinement during lockdowns at TSDC

The extent that lockdowns interfere with standard operations is an area of dispute. SOLGEN leadership maintains that during both partial and full lockdowns, prisoners have access to all of:

- Shower, yard and phone calls on a controlled approach (two cells at a time)
- Healthcare, hygiene products and clothing changes
- Mail and newspapers
- Canteen
- Professional visits (only cancelled as an absolute last resort)
- Public visits (unless operationally required to cancel)
- Chaplain.

However, SOLGEN provided a caveat: "There may be some limited occasions when the facilitation of showers, phones, yard and possibly visits are restricted due to unusually low staffing levels, if the circumstances pose a safety risk to officers and offenders."

The OHRC sought and received the lockdown tracking sheet that TSDC provides to courts for the purposes of criminal sentencing. It states that "during lockdowns inmates are given 30 minutes to complete phone and shower program based

on institutional needs and security concerns" and they also "have unrestricted access to medical care." There is no mention in the tracking sheet of access to the yard, professional visits, public visits or chaplain services during a lockdown.

From our interviews with prisoners and discussions with TSDC staff, we understand that in practice, lockdowns result in prisoners being locked in their cells without regular access to the yard, showers, medical care, phone calls, programs, religious and creed-related services, and/or professional or public visits.

In *R v Tewolde*, 2020 ONSC 532, the Superior Court of Justice found that lockdowns at TSDC: "have a very significant impact on the conditions of detention. Access to fresh air, showers, exercise, telephone calls to family – all of these can be cut back from the normal 13.5 hours per day to as little as 30 minutes (or less) per day at unpredictable times when a full lockdown is in effect." Similarly, in *R v Jama*, 2018 ONSC 1252, the Superior Court found that during a lockdown, prisoners sometimes did not receive a shower, that there were no family visits or telephones, no access to fresh air and no opportunity to exercise creed-related observances.

Use of lockdowns

The OHRC requested and received data from SOLGEN on the use of lockdowns at TSDC. This data shows that while lockdowns are intended to be exceptional and limited to "crisis" situations, they have become a routine management tool at TSDC.

Over a 92-day period from November 1, 2019, to January 31, 2020, the data showed that there were over 200 lockdowns (Table A: TSDC Lockdowns November 2019 – January 2020). In the general population units, there was a maximum of 23 consecutive days of either full or partial lockdown; this number dropped to nine consecutive days for "specialized units."

Table A: TSDC Lockdowns November 2019 – January 2020

Type of lockdowns	Number of lockdowns	
	General population units	"Specialized" units
Full	8	4
Partial	134*	59

* 24 lockdowns affecting all general population units except one

Courts have commented on the frequency of lockdowns at TSDC. Earlier this year, in *R v Tewolde*, *supra*, Justice Murphy stated:

Full or partial lockdowns due to staff shortages are being inflicted upon inmates of Toronto South on a distressingly regular basis. How regular? Mr. Tewolde has been in custody for 533 days. The centre had a record 192 lockdown days affecting his range in the institution as of ten days ago....This means that normal operations of the detention facility where he was held have been materially restricted 36% of the time. That's considerably more than one week in every month. There is nothing temporary, exceptional or particularly excusable about this deplorable state of affairs.

Other recent cases have found that prisoners are locked down between 30 to 40 per cent of their entire time in pre trial detention (*R v Oskem*, 2019 ONSC 6283; *R v Fernah*, 2019 ONSC 3597).

"Staff shortage" lockdowns

TSDC leadership identified staff shortages as the key "driver" for extensive use of lockdowns. They suggest that insufficient staffing resources make it unsafe to manage prisoners in their living units and justify the use of lockdowns.

TSDC management told the OHRC that the institution requires 650 full-time correctional officers and 200 fixed-term correctional officers to operate safely and securely. As of the OHRC's tour on January 27, it had 450 permanent, full-time correctional officers and 450 fixed-term correctional officers. The fixed term officers are contracted to provide between zero and 40 hours of service per week. There are clear short-term cost-savings associated with hiring precarious, fixed-term workers rather than full-time, unionized correctional officers.

TSDC told the OHRC that insufficient staffing is the result of:

- SOLGEN's failure to recruit and retain an additional 200 full-time, permanent correctional officers
- Extensive use of fixed-term correctional officers who do not have on-the-job experience and whose precarious employment status means that they often find more stable and desirable employment outside of SOLGEN
- Correctional officers' extensive use of "sick days" due to occupational stress-related injuries
- Full-time correctional officers being on long-term leaves due to disability.

Correctional officers noted that high levels of occupational stress, including violence and abuse from prisoners, contributes to use of sick days and long-term disability leaves. They also noted that fixed-term correctional officers do not have sufficient on-the-job training and experience to meet the unique needs of prisoners housed at TSDC.

Howard Sapers, the then-Independent Advisor on Ontario Corrections, explored staffing issues at length in his report *Institutional Violence in Ontario: A Case Study of Toronto South Detention Centre* (2018). Sapers focused on TSDC because it had the highest number and greatest rate of increase in reported incidents of inmate-staff violence in Ontario corrections in 2017.

Earlier this year, in *R v Persad*, *supra*, Justice Schreck of the Ontario Superior Court of Justice canvassed the post-2015 case law on lockdowns at TSDC and noted a number of judicial findings that TSDC lockdowns are related to "staff shortages." Justice Schreck found:

The fact that nothing has changed despite repeated criticisms by the courts over the course of several years shows the current situation can no longer be excused as a temporary problem. Rather, it appears to be a deliberate policy choice to treat offenders in an inhumane fashion at the cost of harm to the sentencing process rather than devote appropriate resources to the operation of the institution. Put simply, the Ministry has clearly chosen to save money rather than heed judicial concerns about the lack of humane treatment of inmates. In my view, we have reached the point where the inhumane conditions at the TSDC go beyond being an unfortunate circumstance and can more properly be described as essentially a form of deliberate state misconduct.

TSDC leadership told us that they were hopeful that SOLGEN would address staffing issues in the short term, but could not provide a concrete time frame for when the institution would have adequate and stable staffing resources.

Monitoring and accountability

The OHRC is also concerned that SOLGEN does not appear to track or monitor the use of lockdowns to provide accurate reporting to courts, to identify systemic trends or patterns, or to promote accountability. Instead, the information the OHRC received was compiled based on our request.

Prisoners stated that the information about lockdowns that TSDC provided to the courts for sentencing was often inconsistent with the prisoners' own records. This concern is supported in the case law, and is of particular concern as it could bring the administration of justice into disrepute.

In *R v Tewolde*, *supra*, the Court noted that the accused raised issues about the accuracy and under-reporting of lockdowns at TSDC. In *R v Sanchez*, 2019 ONSC 5272, the Court relied on the prisoner's record of lockdowns over the evidence of TSDC leadership, since the latter testified that when there are lockdowns for something other than operational

reasons, such as an isolated search or security incident, they are not recorded as lockdowns. In *R v Femia*, *supra*, the Court also noted issues with TSDC's tracking of lockdowns, and specifically the under-reporting of lockdowns.

As far back as 2017, courts expressed concerns with accuracy and reliability of TSDC's reporting of lockdowns. In *R v Nguyen*, *supra*, the Ontario Court of Justice noted inconsistencies between the prisoner's records and those of the institution and found that there was a "lack of recording rigour" and "inconsistent reporting."

SOLGEN told the OHRC that "on January 7, 2020, TSDC implemented enhanced data collection through the Offender Tracking Information System (OTIS) for lockdowns in all units that includes time, date and duration." This means that lockdowns should now be accurately tracked for each individual prisoner.

Given long-standing judicial concerns about tracking lockdowns at TSDC, and despite recent changes to the tracking system, the OHRC remains alarmed that there is a lack of system-wide tracking of lockdowns.

Systemic concerns

While the OHRC's findings related to lockdowns are limited to TSDC, the issues canvassed appear to be systemic in nature. For example, the OHRC raised concerns about lockdowns in letters to SOLGEN following tours of Hamilton Wentworth Detention Centre, Kenora District Jail and Elgin-Middlesex Detention Centre.

In his 2018-2019 Annual Report, Ontario's Ombudsman noted that his office "routinely receives complaints from groups of inmates when they experience a lockdown." The report states:

We received 483 complaints about lockdowns in 2018- 2019 (up from 437 the previous year), the bulk of which related to inmates lacking access to phones, showers, day rooms or activities. These included 138 complaints from inmates at a facility where a staff work slowdown resulted in several lockdowns, and 60 from the same facility during another period, when staff summer vacations prompted lockdowns.

Many inmates complained that long periods of lockdown were harmful to their mental health, as they were deprived of many basic necessities and the ability to contact loved ones or lawyers. Senior correctional officials confirmed to us that they are forced to place inmates on lockdown when there is a staff shortage. Some facilities work to redeploy staff and rotate lockdowns from unit to unit, to ensure inmates have a chance to leave their cells.

The OHRC also notes that in 2017, the Ontario Superior Court of Justice certified a class action lawsuit challenging the extensive use of lockdowns in Ontario detention centres as unconstitutional, since it deprives prisoners of their rights to liberty and security of the person, is arbitrary, and constitutes cruel and inhuman treatment. The class members are seeking monetary damages.

"Sanctions"

Through interviews with prisoners in general population direct supervision units, the OHRC learned that correctional officers are using "sanctions" to reinforce unit expectations and discipline prisoners for transgressions. Prisoners said that the most common sanction imposed was being locked in their cell for between 24 and 72 hours (with the cellmate's access to the cell also restricted by being locked out) and loss of visiting privileges. Another less common sanction was loss of canteen.

Prisoners complained that the transgressions for which they could be sanctioned were arbitrary because they changed depending on the officers on duty at any given time. Prisoners reported being punished because of the behaviour of other prisoners on the unit. As one person noted: "every guard has their own rules."

Legal authority

The *Ministry of Correctional Services Act* does not provide any legal authority for the use of sanctions and they are not referred to in any SOLGEN policies.

There is also no specific reference to the use of sanctions or similar punishments in the "Inmate Information Guide for Adult Institutions" (Inmate Information Guide) dated September 2015. The guide simply states that "if you do not follow the rules, you may be placed on misconduct." Under the heading "Misconducts," the guide outlines specific types of misconduct, potential disciplinary measures and relevant due process protections.

Under the heading "Direct Supervision," the guide outlines the relevant direct supervision rules and states: "if you break a rule, the Unit Officer will determine the consequences." No potential consequences or due process protections are outlined.

When the OHRC inquired about the legal authority for the use of sanctions, SOLGEN directed the OHRC to an inmate "Direct Supervision Handbook" (DS Handbook). The DS Handbook lists three classes of rules along with potential "sanctions" for breach of these rules. For Class 2 and 3 violations, the imposition of an appropriate "sanction" is left to the sole discretion of the Unit Officer. For Class 1 violations, the Unit Officer, Sergeant and Administration determine the sanction. The rules and possible sanctions are:

TSDC direct supervision rules and sanctions.

CLASS 3 RULES

- Cells and the living unit area are to be kept clean.
- There are to be no extra clothing, towels or bedding in the cell and nothing hanging in the cell except on cell hooks.
- There is to be no extra institution food in your cell without health care approval.
- No part of the light, window, door is to be covered in the cell.
- When coming out of the cell, you are to be wearing your full inmate uniform.
- No linen or towels are to be worn except after showering.
- Speak quietly, no shouting or acting in a disruptive manner, no horseplay.
- No borrowing or trading any items.
- Trash is to be placed in garbage bins.
- Gambling is not allowed.
- Air vents are to be kept clear in your cell.
- Follow all rules and the direction of the unit officer at all times.

CLASS 2 RULES

- Do not own or attempt to own anything that is considered contraband.
- Changing cells without the permission of the unit officer is prohibited.
- Use appropriate language; no vulgar or obscene language or gestures.
- Indecently exposing any part of your body is not permitted.
- Leave your cell only when allowed to do so.

CLASS 3 SANCTIONS

If you violate a CLASS 3 Rule, the Unit Officer will determine the Sanction which may include:

- Verbal reprimand
- Extra work assignments
- Game restrictions
- Loss of yard time
- continue to receive 20 min daily allotment
- Loss of television
- Loss of access to recreation
- Time in cell -up to 1 days
- Possible misconduct
- Possible lower amount of canteen able to be purchased

CLASS 2 SANCTIONS

If you violate a CLASS 2 Rule, the unit officer will determine the Sanction which may include:

- Time in cell – up to two days
- Possible loss of right to purchase canteen
- Misconduct
- Placement in segregation
- Review of unit placement

- Stay in authorized areas only; do not enter marked unauthorized areas.
- Going into another inmate's cell is not permitted.
- Unless the unit officer directs you, lower tier inmates are not allowed to go to the upper tier.
- Do not interfere with staff conducting a count.
- Tattooing yourself or another person is not permitted.
- Sexual acts are not permitted.
- Do not offer to protect someone in order to receive something of value from them in return.
- Intimidating or bullying other inmates is not permitted.
- Staff will be moving throughout the unit on a regular basis; do not hinder, oppose, or interfere with any staff member.
- Do not interfere with a staff member during a count.
- Do not block or prop an open door.
- Gang activity including emblems, tags, colours and gestures will not be tolerated.
- Follow all visit rules.
- Follow all meal time rules.
- Do not run a "store" in the living unit.
- Multiple and ongoing breaches of Class 3 rules will result in a Class 2 sanction.

CLASS 1 RULES

- No misuse of the phone, including no annoying, harassing or obscene calls.
- Follow Court orders if not permitted to use the phone.
- Threatening or assaulting other inmates or staff is not permitted.
- Attempting to escape is not permitted.
- Lying or providing false statements to any staff person is not allowed.
- Proceed to your cell in an emergency or as directed.
- Follow all directions provided to you by staff
- When given a razor, do not tamper with it or fail to turn it in.
- Do not organize disruptive behaviour or engage in disruptive behaviour.
- Go directly to your cell if a fight or disturbance happens on the unit.
- Go directly to your cell in the event of a Code Blue or medical alert.
- Do not set a fire.
- Do not flood your cell or the dayroom area.
- Contraband of any kind is not permitted; contraband includes any item that does not belong to you, any weapons, extra clothing etc.
- Do not possess or make a sharpened object or anything else that can be used as a weapon.

- Possible placement on an Indirect Supervision Unit and then have to reapply to be considered for placement on a Direct Supervision Unit

CLASS 1 SANCTIONS

The Unit Officer, Sergeant and Administration will determine the Sanction which may include:

- Placement in segregation
- Misconduct
- Possible loss of earned remission or the right to earn remission
- If Class 1 is a violation of the Criminal Code of Canada, police are contacted and possible charges laid
- Classification review
- Mandatory placement on an Indirect Supervision Unit
- If a Class 1 violation resulted in damage to institution property, you may be responsible for replacement/repair costs to put the damaged property back to its original state

- Do not behave in a manner that may cause injury to yourself or others.
- Inmates will not tamper with any locking device, security equipment or safety equipment.
- Damage to the unit and writing on cell walls is not permitted.
- Do not purposely plug any plumbing fixtures.
- Do not attempt to manipulate housing assignment by using a threat of personal harm.

The OHRC was also directed to a document entitled "Other Direct Supervision Resources" (Other DS Resources) which appears to be geared to correctional officers and states:

All officers must treat clients with justice and fairness. The unit office must be consistent in their treatment of clients and not appear to have favourites.

When determining what sanction to give a client it is important to individualize a sanction. Some clients may find certain sanctions more deterring than others. Make sure the sanction warrants the infraction.

The document sets out possible sanctions and encourages officers to "Be creative" [emphasis original].

The Other DS Resources document notes that all clients who receive a unit sanction other than a warning will have "incentive face-to-face visits revoked for 30 days and will be unable to attend recreation for 14 days." It also states that officers are expected to "document all Sanctions given on the Behaviour Tracking document found in the Direct Supervision folder" and to "notify the floor Sergeant of all sanctions."

In relation to lockdowns, the Other DS Resources document states that when imposing 24- or 48-hour lockups/lockdowns as a sanction, officers must complete the "manual segregation tracker." This seems inconsistent with other information provided by SOLGEN which states that "if a lockdown is imposed as a sanction, and an inmate is out of his cell for a minimum of two hours per day" the sanction will not be considered or tracked as segregation.

SOLGEN did not provide any other documentation that purports to justify the use of sanctions in living units that are not direct supervision units, even though the data from ISDC outlined below shows that sanctions were used in many specialized units.

Use of sanctions

We asked SOLGEN for data tracking how sanctions are being used, including a list of all sanctions imposed over a three-month period. SOLGEN compiled this information from unit logbooks and provided the following data on the use of sanctions at TSDC from November 1, 2019, to January 31, 2020.

Table C shows that during a three-month period, prisoners were sanctioned through lockdowns of varying durations up to 72 hours, whether individually or as an entire unit, on 962 occasions. Warnings were used 494 times, while other sanctions were only used 274 times. These lockdowns were in addition to lockdowns of entire units that were tracked and noted above.

Table C: Lockdown sanctions by duration (November 1, 2019 – January 31, 2020)

Unit	Lockdown sanctions by duration					
	Less than 24 hours	24 hours	48 hours	More than 48 hours	72 hours	Unknown duration

Direct supervision	118	286	78	50	1	49
Intake	29	93	47	38	0	38
Behavioural	0	14	8	0	0	0
Mental health	7	3	9	2	0	2
Medical (direct supervision)	1	17	3	10	0	10
SCUB	2	11	7	2	0	2
SHU	0	14	3	4	0	4
Subtotal	157	438	155	106	1	105

Table D: Other sanctions (November 1, 2019 – January 31, 2020)

Units	Other sanctions				
	Locked out of cell	Secured in cell	Segregation	Warning	Other (loss of privileges)
Direct supervision	95	4	1	235	90
Intake	0	2	4	77	13
Behavioural	0	0	2	19	5
Mental health	0	26	0	33	8
Medical (direct supervision)	0	0	1	14	6
SCUB	0	0	0	11	7
SHU	0	3	1	105	6
Subtotal	95	35	9	494	135

Family and community contact

According to SOLGEN, visits generally take place using video technology wherein the visitor attends the public area of TSDC and videoconferences with the prisoner who remains on their unit. Video visits are available up to four times per week but are cancelled during lockdowns.

Many prisoners said that they find the video visits impersonal and only marginally preferable to phone calls. Since visitors must still attend TSDC to participate in video visits, and are turned away if there is a lockdown, some prisoners said that their family and friends have stopped visiting. Prisoners with children noted that the video visits are not conducive to maintaining parent-child interactions and relationships. One TSDC staff member candidly acknowledged that video visits "suck."

Face-to-face visits through a glass partition can be arranged. However, staff noted that these were only available as a "reward" for good behaviour. The "Face to Face Visit Incentive" form notes that to be eligible for a face-to-face visit the prisoner must have:

- Been in a direct supervision housing unit for at least 30 days
- A positive history of following staff direction and unit rules
- A history of above-satisfactory cell inspections
- Completed their cleaning duties to expected standards and without staff direction
- Gone at least 30 days without a sanction or misconduct.

Given these pre-conditions, including the high rate of lockdowns and sanctions at TSDC, it is not surprising that face-to-face visits are relatively infrequent. Between November 2019 and January 2020, there were 10,970 video visits and only 333 face-to-face visits. After our tour, SOLGEN told us that "face-to-face visits are in the process of being expanded to provide more opportunities for inmates in the Direct Supervision Units to be rewarded for positive behaviour."

Prisoners also noted several difficulties in terms of staying in touch with family and friends by telephone. Prisoners can only make collect calls to land lines and cannot use calling cards. This effectively means that many people cannot afford or access their families by phone on any regular basis. Moreover, there are only two phones on each living unit and we were told that there is a prison hierarchy in terms of who is allowed to access the phones and for how long.

Given the importance of family and community connection to rehabilitation and reintegration, as well as the legal duty to accommodate family status to the point of undue hardship, we are concerned about the significant obstacles that prisoners face when trying to maintain pro-social relationships with their families and children.

Finally, it is worth noting that the relative absence of opportunities to meaningfully engage with people outside of the jail is reinforced by the physical structure of TSDC. All external windows are frosted, which makes it impossible for prisoners to see outside. The "yards" on each unit are artificially-lit rooms with concrete floors, walls and ceilings and panels that allow fresh air into the space but do not permit prisoners to see outside.

Health and safety

Hygiene and sanitation

For the most part, TSDC appeared clean and well-maintained. A notable exception was the shower areas which had visible black mold, a foul smell and were infested with sewer or drain flies. Because TSDC was built as a public-private partnership, maintenance is contracted to a private third party and we heard that there are significant delays in rectifying maintenance-related concerns.

Beyond the building itself, nearly all the prisoners we spoke to expressed concerns about infrequent changes of bedding and clothing, especially socks and underwear. Several prisoners also complained about lack of access to adequate blankets to keep warm. One prisoner wrote us after our visit to outline these concerns in extensive detail.

Documents received from TSDC confirm that several items, including underwear and socks, are on back-order from the supplier. However, SOLGEN maintained that while there may be "unique circumstances" where there is insufficient supply to provide a change of clothing, "there are no circumstances that management can identify where the same individual/unit would miss being provided with changes of items such as socks multiple times in the same month."

Public health

We also heard about scabies in the institution. One prisoner wrote to tell us that after his unit was initially quarantined for scabies, he was screened, tested negative and then returned to the same unit where he eventually contracted scabies. Over the next 13 months he was treated for scabies on eight occasions. The prisoner claimed that he did not receive adequate changes of bedding or clothing as per SOLGEN's "Scabies Management Policy." There are likely some lessons to be learned here in relation to the management of COVID-19 within TSDC.

Medical care

Staff gave us extensive information about the medical services available at TSDC, including mental health, health, dental and nursing services. We also toured the medical unit and infirmary, which appeared clean and well-equipped.

That said, prisoners uniformly complained both about the accessibility and quality of medical care at TSDC. It is difficult to assess these claims since we did not access individual health files. Based on information provided by TSDC, the wait times for 20 "randomly selected" inmate medical files showed that wait times were 10 days or less, and significantly shorter for newly admitted prisoners.

Accommodating creed-related needs

We were able to visit the pilot "Indigenous Healing Unit" which SOLGEN states is "a dedicated unit that provides a safe place to practice Indigenous cultural ceremonies and teachings" facilitated by a Native Inmate Liaison Officer (NILO). We understand that this pilot project is unique to TSDC and is not offered in any other Ontario correctional facility.

Overall, we were impressed with this holistic approach to accommodating the creed and cultural needs of Indigenous prisoners. During our visit, OHRC staff took part in a sharing circle with prisoners, the NILO and correctional officers. During the circle, prisoners connected their experience of incarceration with colonization and inter-generational trauma. We were able to close the circle with a smudge led by one of the prisoners.

While appreciative of the opportunities provided on the Indigenous Healing Unit, many of the prisoners, as well as the NILO, noted the need for the guidance and teachings of an Indigenous Elder. We understand that TSDC has issued a "request for Elder services" and been approved for the same. We hope that these services will be put in place as soon as possible to further deepen the opportunities available to Indigenous prisoners.

In our interviews with other prisoners, we were told about unequal and inconsistent access to smudging kits. TSDC notes that "smudge kits are currently provided to five units" and that while additional supplies have been received, there is a process of reviewing their ability to provide kits for all other units.

Finally, some prisoners noted that there was no regular access to an Imam for Muslim prisoners. Given the high proportion of Muslim prisoners at TSDC, we encourage SOLGEN to make arrangements for regular visits by an Imam.

Community oversight

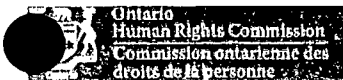
Community Advisory Boards (CABs) established under s. 14.1 of the *Ministry of Correctional Services Act* play an important role in increasing transparency and accountability through submitting an annual report to the Minister.

We note that the terms of the two members of the TSDC CAB who accompanied us on our tour were not renewed and that only two members remain (with their terms expiring on March 16, 2020). As a result, we were told that the TSDC CAB did not have the required quorum to submit a report for the 2018 – 2019 year. We sought, received and reviewed the 2015 – 2017 CAB reports submitted to SOLGEN.

We encourage SOLGEN to work collaboratively with its CABs and to draw on their unique insights to improve conditions of confinement for prisoners and working conditions for front-line staff.

Conclusion

The OHRC thanks SOLGEN for facilitating its tours and access to information about TSDC. As always, we welcome the opportunity to discuss our findings and concerns with SOLGEN leadership.



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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CLERK'S MINUTES - GENERAL

CASE NO.:	8:15-cr-320-SDM-MRM	DATE:	January 18, 2023
HONORABLE STEVEN D. MERRYDAY		INTERPRETER:	
UNITED STATES OF AMERICA		LANGUAGE:	
v.		GOVERNMENT COUNSEL	PATRICK SCRUGGS, AUSA
AKOHOMEN IGHEDOISE		DEFENSE COUNSEL	WESLEY E. TROMBLEY, CJA
COURT REPORTER: Rebekah Lockwood		DEPUTY CLERK:	Derek Young
TIME: 9:25 AM – 10:40 AM	TOTAL: 1hr 15 mins	PROBATION:	Wilmarisa Martinez
		COURTROOM:	15A

PROCEEDINGS: SENTENCING

All parties present and identified for the record.

The defendant previously pled guilty to Count One of the Superseding Indictment and is adjudged guilty of this offense.

Imprisonment: 210 MONTHS

The court has no objections to the defendant receiving full credit from the time of his initial detention in Canada on related charges.

Supervised Release: 3 YEARS

The defendant is prohibited from incurring new credit charges, opening additional lines of credit, or obligating himself for any major purchases without approval of the probation officer

The defendant must provide the probation officer access to any requested financial information

If the defendant is deported, he must not re-enter the United States without the express permission of the appropriate governmental authority.

The defendant is to cooperate in the collection of his DNA.

The mandatory drug testing requirements of the Violent Crime Control Act are suspended. However, the defendant must submit to random drug testing not to exceed 104 tests per year

Restitution: \$4,389,340.97 - This restitution obligation shall be payable to the Clerk, U.S. District Court, for distribution to the victim(s). Restitution shall be paid jointly and severally with codefendants Ikechukwu Derek, Priscilla Ann Ellis, Perry Don Cortese, Stacey Merritt, and Kenietta Rayshawn Johnson. Further restitution shall be jointly and severally with coconspirators Muhammad Naji, in docket no.: 8:15-cr-126-SDM-JSS; Dana Marie Jewesak, in docket no.: 8:16-cr-149-CEH-AEP; Michelle Ann Scalley in docket no.: 8:16-cr-259-VMC-JSS; Dean Morgan in docket no.: 8:17-cr-254-CEH-AEP;

Frederic Miscoe in docket no.: 8:18-cr-13-SDM-TGW; and Okechukwu Desmond Amadi in docket no.: 8:17-cr-447-JSM-AEP

While in Bureau of Prisons custody, the defendant must either (1) pay at least \$25 quarterly if he has a non-Unicor job or (2) pay at least 50% of his monthly earnings if he has a Unicor job. Upon release from custody, you shall pay restitution at the rate of \$200 per month. At any time during the course of post-release supervision, the victim, the government, or the defendant, may notify the Court of a material change in the defendant's ability to pay, and the Court may adjust the payment schedule accordingly. The Court finds that the defendant does not have the ability to pay interest and the Court waives the interest requirement for the restitution.

Fine: WAIVED

The forfeiture order (Doc. 1141) is finalized.

Special Assessment: \$100 due immediately

Count Two of the Superseding Indictment is dismissed in accord with the plea agreement.

The defendant is hereby remanded to the custody of the United States Marshal to await designation by the Bureau of Prisons.

The court recommends housing the defendant at Fort Dix or any facility where the defendant can have gainful employment.

The defendant is advised of his right to appeal and of his right to counsel.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

AKOHOMEN IGHEDOISE

JUDGMENT IN A CRIMINAL CASE

Case Number: 8:15-cr-320-SDM-MRM
USM Number: 74906-509

Wesley E. Trombley, CJA

The defendant, who pleaded guilty to Count One of the Superseding Indictment, is adjudicated guilty of this offense:


<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. §§ 1341, 1343, 1349	Conspiracy to Commit Mail and Wire Fraud	October 7, 2015	One

As provided in this judgment, the defendant is sentenced in accord with 18 U.S.C. § 3553(a) and the Sentencing Reform Act of 1984, to the extent applicable after *United States v. Booker*, 543 U.S. 220 (2005).

Count Two of the Superseding Indictment is dismissed in accord with the plea agreement.

Until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid, the defendant must notify the United States Attorney for this district within thirty days after any change of name, residence, or mailing address. If ordered to pay restitution, the defendant must notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Sentence imposed on January 18, 2023


STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE

January 20th, 2023

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons for imprisonment for **210 MONTHS**.

The court has no objections to the defendant receiving full credit from the time of his initial detention in Canada on related charges.

The Court recommends to the Bureau of Prisons:

Housing the defendant at Fort Dix, New Jersey, or any facility where he can receive gainful employment.

The defendant is remanded to the custody of the United States Marshal to await designation by the Bureau of Prisons.

RETURN

I have executed this judgment as follows:

The defendant was delivered to _____

on _____ and was given a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

SUPERVISED RELEASE

Upon release from imprisonment, the defendant must serve **THREE YEARS** on supervised release.

MANDATORY CONDITIONS

1. The defendant must not commit another federal, state, or local crime.
2. The defendant must not unlawfully possess a controlled substance.
3. The defendant must refrain from any unlawful use of a controlled substance. The defendant must submit to one drug test within 15 days after release from imprisonment and submit to at least two periodic drug tests thereafter, as determined by the court.
4. The mandatory drug testing requirements of the Violent Crime Control Act are suspended. However, the defendant must submit to random drug testing not to exceed 104 tests per year.
5. The defendant must cooperate in the collection of his DNA as directed by the Probation Officer.
6. The defendant must make restitution in accord with 18 U.S.C. §§ 3663 and 3663A and with any other applicable statute authorizing a sentence of restitution.
7. The defendant must comply with the standard conditions adopted by the Middle District of Florida.
8. Also, the defendant must comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, the defendant must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by Probation Officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. The defendant must report to the Probation Office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the Probation Officer instructs you to report to a different Probation Office or within a different time frame. After initially reporting to the Probation Office, the defendant will receive instructions from the court or the Probation Officer about how and when the defendant must report to the Probation Officer, and the defendant must report to the Probation Officer as instructed.
2. After initially reporting to the Probation Office, you will receive instructions from the court or the Probation Officer about how and when the defendant must report to the Probation Officer, and the defendant must report to the Probation Officer as instructed.
3. The defendant must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the Probation Officer.
4. The defendant must answer truthfully the questions asked by your Probation Officer.
5. The defendant must live at a place approved by the Probation Officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), the defendant must notify the Probation Officer at least 10 days before the change. If notifying the Probation Officer in advance is not possible due to unanticipated circumstances, the defendant must notify the Probation Officer within 72 hours of becoming aware of a change or expected change.
6. The defendant must allow the Probation Officer to visit you at any time at your home or elsewhere, and the defendant must permit the Probation Officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. The defendant must work full time (at least 30 hours per week) at a lawful type of employment, unless the Probation Officer excuses you from doing so. If you do not have full-time employment the defendant must try to find full-time employment, unless the Probation Officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), the defendant must notify the Probation Officer at least 10 days before the change. If notifying the Probation Officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant must notify the Probation Officer within 72 hours of becoming aware of a change or expected change.
8. The defendant must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, the defendant must not knowingly communicate or interact with that person without first getting the permission of the Probation Officer.
9. If you are arrested or questioned by a law enforcement officer, the defendant must notify the Probation Officer within 72 hours.
10. The defendant must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. The defendant must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the Probation Officer determines that you pose a risk to another person (including an organization), the Probation Officer may require you to notify the person about the risk and the defendant must comply with that instruction. The Probation Officer may contact the person and confirm that you have notified the person about the risk.
13. The defendant must follow the instructions of the Probation Officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. Probation Officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand that I can find further information about these conditions at *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature: _____

Date: _____

ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

1. The defendant is prohibited from incurring new credit charges, opening additional lines of credit, or obligating himself for a major purchase without approval in advance by the probation officer
2. The defendant must provide the probation officer access to any requested financial information
3. If the defendant is deported, he must not re-enter the United States without the express permission of the Attorney General of the United States or the Attorney General's delegate.

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties in accord with the schedule of payments.

<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment</u>	<u>JVTA Assessment</u>
\$100.00	\$4,389,340.97	WAIVED	N/A	N/A

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee must receive an approximately proportionate payment, unless specified otherwise in the priority order or percentage payment column below. However, with 18 U.S.C. § 3664(i), all non-federal victims must be paid in full before the United States receives any payment.

<u>Name of Payee</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>
Clerk U.S. District Court ATTN:DCU 401 W Central Blvd Suite 12000 Orlando, Florida 32801	\$4,389,340.97	\$4,389,340.97

FOR THE BENEFIT OF:

Avenue Bank	\$200,000	\$200,000
F.S.	\$38,000	\$38,000
L.A.	\$83,600	\$83,000
NexTid	\$255,000	\$255,000
Capital Title & Closing Service	\$97,000	\$97,000
Ferguson, Braswell & Fraser Kubasta	\$200,000	\$200,000
L.M. & E.M.	\$30,460	\$30,460

P.T.	\$60,000	\$60,000
C.F.	\$20,000	\$20,000
F.C.	\$175,000	\$175,000
L.T.	\$132,000	\$132,000
P.C.H	\$96,250	\$96,250
C.H.	\$112,000	\$112,000
Green & Gold Dot, Inc.	\$314,000	\$314,000
L.F.	\$85,000	\$85,000
Radford and Wandrei	\$97,000	\$97,000
D.S.	\$50,000	\$50,000
JM Lowe & Co	\$75,000	\$75,000
B.S., N.L. and K.N. for L.S.	\$225,000	\$225,000
SunTide Agency	\$180,000	\$180,000
D.L.	\$143,000	\$143,000
J.A.	\$97,150	\$97,150
M.B.	\$112,500	\$112,500
United Escrow Co.	\$261,500	\$261,500
E.B.	\$227,500	\$227,500
K.C.	\$53,600	\$53,600
M.T.	\$144,000	\$144,000
U.S. Bank	\$183,286	\$183,286
E.F.N.	\$28,600	\$28,600
K.G.	\$40,000	\$40,000
M.J.	\$101,700	\$101,700

M.U.	\$94,944.97	\$94,944.97
Ellyson Abstract & Tide	\$190,000	\$190,000
K.M.	\$90,000	\$90,000
M.M.	\$96,250	\$96,250

Joint and Several

Restitution is joint and several with the following co-defendants and cases.

<u>Co-Defendant Names</u>	<u>Total Amount</u>	<u>Joint and Several Amount</u>
8:15-cr-320-SDM-TGW Ikechukwu Derek USM number: 72249-018	\$4,389,340.97	\$4,389,340.97
8:15-cr-320-SDM-TGW Priscilla Ann Ellis USM number: 03260-180	\$4,389,340.97	\$4,389,340.97
8:15-cr-320-SDM-TGW Perry Don Cortese USM number: 57791-380	\$4,389,340.97	\$4,389,340.97
8:15-cr-320-SDM-TGW Stacey Merritt USM number: 18022-006	\$4,389,340.97	\$4,389,340.97
8:15-cr-320-SDM-TGW Kenietta Rayshawn Johnson USM number: 25488-031	\$4,389,340.97	\$4,389,340.97
8:15-cr-126-SDM-JSS Muhammad Naji USM number: 61872-018	\$4,389,340.97	\$4,389,340.97
8:16-cr-149-CEH-AEP Dana Marie Jewesak USM number: 66849-018	\$4,389,340.97	\$4,389,340.97
8:16-cr-259-VMC-JSS Michelle Ann Scalley	\$4,389,340.97	\$4,389,340.97

USM number: 66988-018

8:17-cr-254-CEH-AEP Dean Morgan USM number: 68936-018	\$4,389,340.97	\$4,389,340.97
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8:18-cr-13-SDM-TGW Frederic Miscoe USM number: 69984-018	\$4,389,340.97	\$4,389,340.97
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8:17-cr-447-JSM-AEP Okechukwu Desmond Amadi USM number: 81378-053	\$4,389,340.97	\$4,389,340.97
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SCHEDULE OF PAYMENTS

In accord with his ability, the defendant must pay the total criminal monetary penalty as follows:

Special Assessment must be paid in full and is due immediately.

While in Bureau of Prisons' custody, the defendant must either (1) pay at least \$25 quarterly if he has a non-Unicor job or (2) pay at least 50% of his monthly earnings if he has a Unicor job. Upon release from custody, the defendant must pay restitution at the rate of \$200 per month. At any time during the course of post-release supervision, the victim, the government, or the defendant, may notify the Court of a material change in the defendant's ability to pay, and the Court may adjust the payment schedule accordingly. The Court finds that the defendant does not have the ability to pay interest and the Court waives the interest requirement for the restitution.

Unless expressly ordered otherwise in the special instructions above and if this judgment imposes imprisonment, the defendant must pay a criminal monetary penalty and during the time of imprisonment. A criminal monetary penalty, except a payment through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, is payable to the Clerk of the Court, unless otherwise directed by the Court, the Probation Officer, or the United States Attorney.

The defendant must receive credit for any previous payment toward any criminal monetary penalty imposed.

Payments must apply in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTa assessment, and (9) penalties, and (10) costs, including cost of prosecution and court costs.

FORFEITURE

The defendant must forfeit to the United States those assets previously identified in the Order of Forfeiture, that are subject to forfeiture.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 8:15-cr-320-SDM-MRM

AKOHOMEN IGHEDOISE,

Defendant.

FINAL ORDER OF FORFEITURE

Ighedoise pleaded guilty to a conspiracy to commit mail and wire fraud and in the plea agreement admitted to collecting \$10,632,546.36 from the conspiracy. (Doc. 1121 at 5) The United States moves (Doc. 1135) for an order forfeiting the admitted proceeds from the conspiracy.

The motion (Doc. 1135) is **GRANTED**. Ighedoise forfeits to the United States \$10,632,546.36. Because the money was transferred to third parties, under 21 U.S.C. § 853(p) the United States may pursue — as a substitute asset in satisfaction of this judgment — forfeiture of \$10,632,546.36 of Ighedoise's property.

ORDERED in Tampa, Florida, on December 2, 2022.


STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 8:15-cr-320-SDM-MRM

AKOHOMEN IGHEDOISE,

Defendant.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendant, Akohomen Ighedoise, appeals to the United States Court of Appeals for the Eleventh Circuit from the judgment (Doc. 1150) and all other orders in this case.

Respectfully submitted,

/s/ Thomas Burns
Thomas A. Burns (FBN 12535)
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*Court-appointed appellate counsel for
Akohomen Ighedoise*

DIGITAL TRANSCRIPTION

1 APPEARANCES OF COUNSEL:
 2 ON BEHALF OF PLAINTIFF:
 3 UNITED STATES ATTORNEY'S OFFICE
 4 BY: MR. PATRICK SCRUGGS, ESQ.
 5 400 N. Tampa Street
 6 Tampa, FL 33602
 (813) 274-6000
 7
 8 ON BEHALF OF DEFENDANT:
 9 TROMBLEY & HANES
 10 MR. WES E. TROMBLEY
 11 707 N. Franklin Street, 10th Floor
 12 Tampa, Florida 33603
 13 (813) 229-7918
 14
 15
 16
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UNITED STATES DISTRICT COURT ~ FLMD ~ TAMPA DIVISION

DIGITAL TRANSCRIPTION

1 (Court in session at 1:40 p.m.)
 2 COURTROOM DEPUTY CLERK: 8:15-cr-320-SDM-MRM.
 3 United States of America versus Akohomen Ighedoise.
 4 THE COURT: Good afternoon. Counsel, please state
 5 your appearances.
 6 MR. SCRUGGS: Patrick Scruggs for the United States
 7 and also present at counsel table is Special Agent Kevin
 8 William with the FBI.
 9 THE COURT: Good afternoon to you both.
 10 MR. TROMBLEY: Wes Trombley for Mr. Akohomen
 11 Ighedoise.
 12 THE COURT: Good afternoon.
 13 THE DEFENDANT: Good afternoon.
 14 THE COURT: Good afternoon Mr. -- excuse me, I'm
 15 going to make mistakes with this. Ighedoise? I'm sorry,
 16 how do you pronounce your name, sir?
 17 THE DEFENDANT: Ighedoise.
 18 THE COURT: Ighedoise. I apologize. Good
 19 afternoon, sir.
 20 THE DEFENDANT: Good afternoon.
 21 THE COURT: Counsel, as I understand it, we're here
 22 because Mr. Ighedoise wishes to plead guilty to Count One of
 23 the Superseding Indictment pursuant to the Plea Agreement
 24 filed with the court at docket entry 1121.
 25 Do I have the posture correct from the Government's

UNITED STATES DISTRICT COURT ~ FLMD ~ TAMPA DIVISION

DIGITAL TRANSCRIPTION

1 perspective?

2 MR. SCRUGGS: Yes, Your Honor.

3 THE COURT: Thank you. And, Mr. Trombley, from the
4 Defense's perspective?

5 MR. TROMBLEY: Yes, Your Honor.

6 THE COURT: I understand you do not have a copy of
7 the original Plea Agreement; is that correct?

8 MR. SCRUGGS: Yes, Your Honor. I apologize. I
9 didn't bring the original to court, and in addition
10 Mr. Trombley and I believe Mr. Ighedoise had signed it and
11 scanned it, and then we printed it from that version and
12 then I signed it along with my supervisor as well, so we
13 don't have one wet signature copy of the document. It
14 was -- ultimately it was scanned and then re-signed.

15 THE COURT: I assume there's no objection to
16 proceeding with the plea hearing today on the basis of the
17 version of the Plea Agreement filed with the Court at docket
18 entry 1121. Mr. Scruggs?

19 MR. SCRUGGS: Yes, Your Honor. And I don't believe
20 there will be any corrections or additions or annotations to
21 the Plea Agreement.

22 THE COURT: Thank you. Mr. Trombley?

23 MR. TROMBLEY: Yes, Your Honor. No objection.

24 THE COURT: Sir, in a moment, my Courtroom Deputy is
25 going to place you under oath. I'm telling you that because

DIGITAL TRANSCRIPTION

1 it's important that you understand the consequences of
2 taking the oath this afternoon. If in responding to any of
3 my questions today you should provide any false or
4 misleading information or answers, you could be charged with
5 additional crimes such as perjury or obstruction of justice.
6 Those crimes would carry additional penalties beyond any of
7 the penalties you are facing in this case.

8 Sir, do you understand these things?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: At this time, sir, please stand.

11 Madam Deputy, please administer the oath.

12 COURTROOM DEPUTY CLERK: Yes, Your Honor. Please
13 raise your right hand.

14 (Defendant sworn under oath.)

15 THE DEFENDANT: Yes, I swear.

16 COURTROOM DEPUTY CLERK: Thank you.

17 THE COURT: You may have a seat, sir. Sir, if you
18 need to reposition that microphone for any reason including
19 your physical comfort, feel free to do so. Everything we
20 say today is being electronically recorded, so whenever you
21 speak to the Court, I have to ask you to speak loudly and
22 clearly into that microphone. Thank you in advance for your
23 cooperation.

24 Let's start with this. Would you please state your
25 full and complete name for the record.

DIGITAL TRANSCRIPTION

1 THE DEFENDANT: Akohoren Ighedoise.

2 THE COURT: Sir, it's my understanding that you wish
3 to plead guilty to Count One of the Superseding Indictment
4 against you pursuant to the terms of the Plea Agreement
5 filed with the Court; is that correct?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Sir, the purpose of this hearing this
8 afternoon is to allow me to ask you questions about your
9 decision to plead guilty so that I can ensure that your
10 decision is being made knowingly and voluntarily and that
11 there's a factual basis for your plea. So I'm going to have
12 a number of questions for you but also some questions for
13 your attorney and for the Government's attorney. It's very
14 important that you understand everything we're going to
15 discuss this afternoon. If you do not understand something,
16 please feel free to interrupt me and let me know so that
17 either I or your lawyer can explain it to you.

18 Additionally, sir, you can talk to your attorney
19 about any matter we discuss today. If necessary, I'll take
20 a break in these proceedings and give you as much time as
21 you may need to speak privately with your attorney to have
22 all of your questions answered.

23 Sir, do you understand these things?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Mr. Scruggs, does the current Victim

DIGITAL TRANSCRIPTION

1 Rights Act apply, and, if so, has the Government complied
2 with it?

3 THE DEFENDANT: It does, and we have, Your Honor.

4 THE COURT: Thank you.

5 Mr. Ighedoise, before we go any further, I need to
6 explain to you that if at the end of this hearing you do
7 decide to enter a plea of guilty and your plea is accepted
8 by the Court, it will become very difficult, if not
9 impossible, for you to later change your mind.

10 Do you understand that, sir?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Now, at this time, I need to ask you
13 some questions that you may consider to be personal in
14 nature. I'd like you to understand the reason I'm asking
15 you these questions is to ensure for the record that you are
16 competent to enter a plea of guilty today.

17 Do you understand what I mean by that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Let's start with this, sir. How old are
20 you?

21 THE DEFENDANT: I'm 49.

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

23 THE DEFENDANT: Second year in college.

24 THE COURT: I'm sorry. Second year of college?

25 THE DEFENDANT: Yes, sir.

DIGITAL TRANSCRIPTION

1 THE COURT: Sir, can you read, write and understand
2 the English language?

3 THE DEFENDANT: Yes.

4 THE COURT: Is English your native language?

5 THE DEFENDANT: English is my second language.

6 THE COURT: What is your native language?

7 THE DEFENDANT: My native language is Pidgin, like
8 Kaduna, like creole.

9 THE COURT: Would it assist you to have an
10 interpreter today or are you comfortable moving toward with
11 this hearing without the assistance of an interpreter?

12 THE DEFENDANT: I'm comfortable without the need of
13 an interpreter.

14 THE COURT: Sir, if at any point you feel that an
15 interpreter would be helpful to you, please let me know. We
16 would then pause the hearing and likely schedule it over to
17 another day and make arrangements for an interpreter, an
18 appropriate interpreter to be here to assist you, but let me
19 know if that becomes the case, otherwise we'll move forward
20 without an interpreter. Do you understand?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Sir, did you understand your Plea
23 Agreement?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Are you under the influence of any

DIGITAL TRANSCRIPTION

1 drugs, alcohol, medication or other intoxicant?

2 THE DEFENDANT: No.

3 THE COURT: In the past 24 hours, have you taken any
4 drugs or any medication of any kind?

5 THE DEFENDANT: Just my diabetic medication. It
6 does not impede my understanding of what's happening.

7 THE COURT: For the record, what is that medication?

8 THE DEFENDANT: Metformin.

9 THE COURT: You're taking that for diabetes?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Is it prescribed to you by a licensed
12 medical practitioner?

13 THE DEFENDANT: Required.

14 THE COURT: When did you last take it?

15 THE DEFENDANT: This morning at 3:30 in the morning.

16 THE COURT: I believe you've answered this question
17 already, sir, but I'm obligated to ask it directly. Is
18 there anything about that medication or your underlying
19 condition for which you're taking it that would prevent you
20 from thinking clearly or concentrating or understanding
21 these proceedings today?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Other than the medication you just
24 mentioned, have you taken any other drugs or medication in
25 the past 24 hours?

DIGITAL TRANSCRIPTION

1 You have the right to plead not guilty and to
 2 maintain that plea. If you maintain a plea of not guilty,
 3 you would have the following rights under the Constitution
 4 and the laws of the United States. You would have the right
 5 to a speedy and public trial, and to be tried by a jury of
 6 12 persons or by the District Judge if you waive a jury
 trial.

8 If you are tried by a jury, sir, all 12 of the
 9 jurors would have to unanimously agree on your guilt before
 10 you could be convicted.

11 Sir, you are presumed innocent, and before you could
 12 be found guilty, the burden of proof is on the United States
 13 to prove your guilt by competent and sufficient evidence
 14 beyond a reasonable doubt. You do not have to prove that
 15 you are innocent.

16 At your trial, the witnesses for the United States
 17 have to come to Court and testify in front of you. You have
 18 the right to confront those witnesses against you. That
 19 means you have the right to see, hear, question and
 20 cross-examine them.

21 Sir, you have the right to present witnesses and
 22 evidence of your own. If any witnesses were to refuse to
 23 appear voluntarily, the Court could enter orders to make
 24 them appear. That means the Court could compel their
 25 attendance.

UNITED STATES DISTRICT COURT ~ FLMD ~ TAMPA DIVISION

DIGITAL TRANSCRIPTION

1 Sir, you have a right to testify at your trial, but
 2 you also have the right not to testify; that is, you have a
 3 right to remain silent. No one can force you to incriminate
 4 yourself. The choice to testify would be entirely up to
 5 you.

6 Sir, do you understand your rights as the Court just
 7 explained them to you?

8 THE DEFENDANT: Yes, sir, I do.

9 THE COURT: Do you have any questions about anything
 10 I've explained so far?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Now, sir, if you plead guilty to Count
 13 One of the Superseding Indictment, pursuant to your Plea
 14 Agreement, you will waive and give up those rights I just
 15 told you about. There will not be a trial, and after your
 16 guilty plea, the District Judge will find you guilty of the
 17 offense charged in Count One and will convict you of that
 18 offense.

19 Sir, a plea of guilty admits the truth of the charge
 20 against you, but a plea of not guilty denies the charge.
 21 Has your attorney explained that difference to you and do
 22 you understand the difference between a plea of guilty and
 23 not guilty?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Sir, if you choose to plead guilty, you

UNITED STATES DISTRICT COURT ~ FLMD ~ TAMPA DIVISION

DIGITAL TRANSCRIPTION

1 must give up the right not to incriminate yourself because I
 2 have to ask you questions about the crime to which you're
 3 pleading guilty to satisfy myself that there's a factual
 4 basis for your plea. By pleading guilty, you also waive and
 5 give up your right to trial, to confrontation and
 6 cross-examination of Government witnesses and the compulsory
 7 process for attendance of defense witnesses at trial.

8 Because there would be no trial in your case, sir,
 9 the next proceeding would be the sentencing hearing in front
 10 of the District Judge. Sir, you may have defenses to the
 11 charge against you, but if you plead guilty, you will waive
 12 and give up your right to assert any defenses.

13 Has your attorney explained to you the defenses you
 14 might have in this case?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: By pleading guilty, sir, you also waive
 17 and give up your right to challenge the way in which the
 18 Government obtained any evidence, statement or confession in
 19 your case. In addition, by pleading guilty, you may lose
 20 the right to challenge on appeal any rulings that this Court
 21 has made in your case.

22 Sir, do you fully understand all of the rights that
 23 you have and the rights that you waive by pleading guilty?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you have any questions about anything

DIGITAL TRANSCRIPTION

1 I've explained so far?

2 THE DEFENDANT: No, Your Honor.

3 THE WITNESS: Now, sir, by pleading guilty to this
 4 felony, you may lose certain civil rights such as the right
 5 to vote, to hold public office, to serve on juries and to
 6 own and possess firearms. A felony conviction may also
 7 prevent you from obtaining or keeping certain occupational
 8 licenses.

9 If convicted, a Defendant who is not a United States
 10 citizen may be removed from the United States, denied
 11 citizenship and denied admission into the United States in
 12 the future.

13 Sir, do you fully understand these consequences of
 14 pleading guilty?

15 THE DEFENDANT: Yes, sir, I do.

16 THE COURT: And, sir, did you receive a copy of the
 17 Superseding Indictment, that's the operative document
 18 setting forth the charge against you in this case?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Has your attorney explained the charge
 21 or charges to you?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Have you discussed the charge or charges
 24 and the case in general with your attorney?

25 THE DEFENDANT: Yes, Your Honor.

DIGITAL TRANSCRIPTION

1 THE COURT: Did your attorney answer all of your
 2 questions, sir?
 3 THE DEFENDANT: Yes, Your Honor.
 4 THE COURT: Did you explain everything you know
 5 about your case to your lawyer?
 6 THE DEFENDANT: Yes, Your Honor.
 7 THE COURT: Sir, the charge against you in Count One
 8 of the Superseding Indictment to which you intend to plead
 9 guilty charges you with conspiracy to commit mail and wire
 10 fraud in violation of Title 18 United States Code Section
 11 1349.
 12 Sir, do you fully understand the charge to which you
 13 intend to plead guilty?
 14 THE DEFENDANT: Yes, Your Honor.
 15 THE WITNESS: Do you have any questions about it?
 16 THE DEFENDANT: No, Your Honor.
 17 THE COURT: Now, sir, the necessary elements the
 18 Government would have to prove beyond a reasonable doubt for
 19 you to be convicted of that offense are as follows. And at
 20 this time I'm going to read directly in your Plea Agreement
 21 from page two, paragraph three under the heading Elements of
 22 the Offense, if you want to follow along with me.
 23 Mr. Trombley, am I correct in understanding that you
 24 have a copy of the Plea Agreement in front of your client at
 25 this time?

DIGITAL TRANSCRIPTION

1 MR. TROMBLEY: Yes, Your Honor. We've filed a copy
 2 of the Plea Agreement.
 3 THE COURT: Thank you. Again, Mr. Ighedoise, I'm
 4 reading from page two, paragraph three under the heading
 5 Elements of the Offense, if you want to follow along.
 6 The elements of the offense alleged in Count One
 7 are, first, that two or more persons in some way or manner
 8 agreed to try to accomplish a common and unlawful plan to
 9 commit mail or wire fraud as charged in the Superseding
 10 Indictment; and, second, the Defendant knew the unlawful
 11 purpose of the plan and willfully joined in it.
 12 Mr. Ighedoise, sir, do you understand the elements
 13 of the charge that the United States would have to prove
 14 beyond a reasonable doubt for you to be convicted?
 15 THE DEFENDANT: Yes, Your Honor.
 16 THE COURT: Do you have any questions about them?
 17 THE DEFENDANT: No, Your Honor.
 18 THE COURT: Now, sir, the crime with which you've
 19 been charged in Count One and to which you intend to plead
 20 guilty is punishable as follows: And at this time I'm going
 21 to read again from your Plea Agreement, but this time, sir,
 22 I'm reading from page one, paragraph A.2 under the heading
 23 of Minimum and Maximum Penalties, if you want to follow
 24 along.
 25 Count One is punishable by a maximum term of

DIGITAL TRANSCRIPTION

1 imprisonment of 20 years, a fine of up to \$250,000, a term
2 of supervised release of up to three years and a special
3 assessment of \$100.

4 With respect to certain offenses, the Court shall
5 order the Defendant to make restitution to any victim of the
6 offense, and with respect to other offenses, the Court may
7 order the Defendant to make restitution to any victim of the
8 offense or to the community as set forth in the Plea
9 Agreement.

10 In addition, Mr. Ighedoise, the Court may assess and
11 require that you pay the cost of your imprisonment, the cost
12 of your supervised release and the cost of your probation if
13 any.

14 Sir, the Court is obligated to impose that \$100
15 special assessment that I just mentioned. If you violated
16 any supervised release condition, you would face additional
17 prison time and supervised release.

18 If applicable, the District Judge may order you to
19 pay restitution to any victim of the crime, and if
20 applicable, the District Judge may require you to forfeit
21 certain property to the United States. And, in fact, your
22 Plea Agreement does contain both restitution and forfeiture
23 provisions which we'll address a little bit more in detail
24 later in the hearing.

25 If the crime involved fraud, deceit or other

DIGITAL TRANSCRIPTION

1 intentionally deceptive practices, the District Judge may
2 order you to provide notice of your conviction to the
3 victims of the crime.

4 Mr. Scruggs, have I accurately stated the maximum
5 penalties associated with Count One?

6 MR. SCRUGGS: Yes, Your Honor.

7 THE COURT: Thank you. Mr. Trombley, same question
8 sir?

9 MR. TROMBLEY: Yes, Your Honor.

10 THE COURT: Thank you.

11 Mr. Ighedoise, sir, do you understand the maximum
12 penalties applying to the count to which you intend to plead
13 guilty?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Do you understand that these penalties
16 are the logical consequences of your guilty plea?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you have any questions about anything
19 I've explained so far, sir?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Now, sir, the United States Sentencing
22 Guidelines apply in your case. Have you discussed the
23 guidelines with your attorney and how they might apply?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: I want to make sure that you understand

DIGITAL TRANSCRIPTION

1 certain things about how the sentencing process works. To
 2 begin with, as I mentioned earlier, I'm not the judge who
 3 will preside over your sentencing hearing. The judge who
 4 will preside over your sentencing hearing is District Judge
 5 Stephen D. Merryday. Judge Merryday will not be able to
 6 determine your guideline sentence, sir, until after the
 7 United States Probation Office has finished preparing a
 8 Presentence Investigation Report for your case.

9 After the District Judge determines what guidelines
 10 apply to your case, he has the authority to impose any -- a
 11 sentence that is more severe or less severe than the
 12 sentence that the guidelines recommend.

13 In fact, he has the authority to impose any sentence
 14 up to the maximum allowed by law. In other words, sir, the
 15 District Judge is not bound by the sentencing guidelines
 16 because those guidelines are only advisory.

17 And, sir, has your attorney explained to you the
 18 various factors that the Court can consider in determining a
 19 guidelines range in your case which would include your
 20 criminal history, whether there were victims, the role you
 21 played in the offenses, the amount of any monetary loss and
 22 whether you've accepted responsibility for your acts?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Sir, the United States may appeal the
 25 sentence the District Judge imposes in your case. That

DIGITAL TRANSCRIPTION

1 means the United States may ask the Court of Appeals to
 2 reverse your sentence as being too low or as being based on
 3 a guidelines miscalculation.

4 Parole has been abolished, and if the District Judge
 5 sentences you to prison, you will not be released on parole.

6 Sir, the sentence that the District Judge imposes in
 7 your case may be different than any estimated sentence that
 8 your attorney or anyone else has given you. In fact, it
 9 might be higher than you expect. If that happens, you will
 10 still be bound by your guilty plea and you will not have the
 11 right to withdraw it.

12 Sir, do you understand all these things that I just
 13 explained to you about the sentencing process?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Do you have any questions at all?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: And, sir, do you understand that there
 18 were discussions and negotiations between your attorney and
 19 the United States Attorney's Office that resulted in a
 20 written Plea Agreement in your case?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Mr. Trombley, so that I am clear, you
 23 have the as-filed version of the Plea Agreement as it
 24 appears at docket entry 1121 in this case?

25 MR. TROMBLEY: Yes, Your Honor.

DIGITAL TRANSCRIPTION

1 THE COURT: Thank you.

2 Mr. Ighedoise, I need to ask you to take a look at
3 that document that your Counsel has put in front of you and
4 confirm for me on the record that that is, in fact, your
5 Plea Agreement.

6 THE DEFENDANT: The whole thing? Your Honor, the
7 Plea Agreement was given to me?

8 THE COURT: I'm sorry, sir.

9 THE DEFENDANT: The Plea Agreement that's in front
10 of me?

11 THE COURT: Your attorney has given you the Plea
12 Agreement that's been filed with the Court, and I am asking
13 you to take a look at it now and just tell me for the record
14 that that is your Plea Agreement.

15 THE DEFENDANT: Yes, sir. It is my Plea Agreement.

16 THE COURT: Is that your signature appearing on the
17 last page of the document?

18 THE DEFENDANT: Yes, Your Honor. It is my
19 signature.

20 THE COURT: Are those your initials appearing in the
21 lower left-hand corner of each and every page of the
22 document?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Mr. Trombley, for the record, is that
25 also your signature appearing on the last page of the Plea

DIGITAL TRANSCRIPTION

1 Agreement at document entry 1121?

2 MR. TROMBLEY: Yes, Your Honor.

3 THE COURT: Mr. Scriggs, is that also your signature
4 appearing on the last page of the Plea Agreement at docket
5 1121, as well as the signature of one of your colleagues on
6 behalf of Cherie I. Krigsmann?

7 MR. SCRUGGS: Yes, Your Honor. It's a signature of
8 AUSA Jim Preston on behalf of Ms. Krigsmann.

9 THE COURT: I haven't been here long enough to
10 decipher some of these signatures, so I appreciate the
11 clarification.

12 So, Mr. Ighedoise, did you read the entire Plea
13 Agreement before you signed it?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Did you read every page?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Every word?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Did your attorney go over the Plea
20 Agreement with you and answer any questions you may have had
21 before you signed it?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Did you understand every part of your
24 Plea Agreement before you signed it?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: Do you have any questions about your
2 Plea Agreement at this time?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Mr. Trombley, were there any other
5 formal offers made to your client in this case?

6 MR. TROMBLEY: No, Your Honor.

7 THE COURT: Mr. Scruggs, do you agree with the
8 representation?

9 MR. SCRUGGS: That's correct, Your Honor.

10 THE COURT: Mr. Ighedoise, at this time I'm going to
11 review certain provisions of your Plea Agreement with you
12 just to ensure that you understand them and that you are
13 willing to be bound by them. But it's important, sir, that
14 you understand that you will be bound by all of the terms of
15 your Plea Agreement whether or not we discussed some of them
16 today.

17 Do you understand that, sir?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. Sir, if you'll please turn now to
20 page two, paragraph five which is titled, "No Further
21 Charges." Sir, this paragraph states that if the Court
22 accepts this Plea Agreement, the United States Attorney's
23 Office for the Middle District of Florida agrees not to
24 charge you with committing any other federal criminal
25 offenses known to the United States Attorney's Office at the

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1 time of the execution of this Agreement related to the
2 conduct giving rise to this Plea Agreement.

3 Sir, do you understand these things?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Please turn with me now to page three,
6 paragraph six which is titled, "Mandatory Restitution to
7 Victims of Offense of Conviction." Sir, this section of the
8 Plea Agreement states that pursuant Title 18 United States
9 Code Sections 3663A(a) and (b), you agree to make full
10 restitution to all victims of the offense who suffered
11 pecuniary harm.

12 Sir, do you understand these things?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Do you agree to them?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Please look with me now on page three,
17 paragraph seven which is titled "Adjusted Offense Level."
18 Sir, this paragraph states that pursuant to Federal Rule of
19 Criminal Procedure 11(c) (1) (B), the United States will
20 recommend to the Court that your adjusted offense level be
21 calculated at level 33 as determined by the calculations
22 appearing on the chart on this page of the Plea Agreement.

23 The paragraph at the bottom of this page, sir,
24 states that you understand that this recommendation or
25 request is not binding on the Court, and if it's not

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1 accepted by the Court, you will not be allowed to withdraw
2 from your plea.

3 Sir, do you understand these things?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Do you agree to them?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Please look with me now on page four,
8 paragraph eight which is titled, "Credit for Time Served in
9 Canadian Custody Pending Extradition."

10 Mr. Ighedoise, sir, this section of the Plea
11 Agreement states that pursuant to Title 18 United States
12 Code Section 3585(b), at the time of sentencing, the United
13 States will not oppose your request that you be given credit
14 toward the service of a term of imprisonment for any time
15 that you have spent in official detention pending
16 extradition to the United States from Canada in connection
17 with the charges in the Superseding Indictment which time
18 has already not been credited against another sentence.

19 Sir, do you understand these things?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Sir, do you also understand this
22 particular request is not binding on the Court. If it's not
23 accepted by the Court, you will not be allowed to withdraw
24 from your plea of guilty or your plea agreement?

25 THE DEFENDANT: Yes, Your Honor.

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1 THE COURT: Remaining on page four but this time
2 looking at paragraph nine, Mr. Ighedoise, this paragraph is
3 titled, "Acceptance of Responsibility Three Levels." In
4 this section of the Plea Agreement, sir, the United States
5 agrees to recommend to the Court that you received a
6 two-level downward adjustment to your guidelines offense
7 level if the Government doesn't later receive any adverse
8 information indicating that that recommendation would be
9 unwarranted. Moreover, provided certain conditions are met,
10 this section of the Plea Agreement states that the United
11 States also agrees to consider filing a motion for another
12 one-level downward adjustment to your guidelines offense
13 level, but, sir, the Plea Agreement explains here that the
14 decision to file such a motion will rest solely with the
15 United States Attorney and you agree that you will not
16 challenge that decision.

17 Sir, do you understand all these things?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you agree to them?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Please turn with me now to page five,
22 paragraph ten which is titled, "Low End."

23 Sir, in this section of the Plea Agreement, it
24 states that at the time of sentencing and in the event that
25 no adverse information is received suggesting such a

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1 recommendation to be unwarranted, the United States will
2 recommend to the Court that you receive a sentence at the
3 low end of the applicable guideline range as calculated
4 above in section A.7, adjusted offense level of the Plea
5 Agreement.

6 The section goes on to state that you understand
7 that this recommendation or request is not binding on the
8 Court, and if it's not accepted by the Court, you will not
9 be allowed to withdraw from the plea.

10 Sir, do you understand these things?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you agree to them?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Remaining on page five, but this time
15 looking at paragraph 11, sir. This paragraph or this
16 section of the Plea Agreement, rather, is titled,
17 "Forfeiture of Assets."

18 In this section of the Plea Agreement, you agree to
19 forfeit to the United States immediately and voluntarily any
20 and all assets and property or portions thereof that are
21 subject to forfeiture pursuant to federal statute. This
22 section goes on to state on page five that the assets to be
23 forfeited specifically include, but are not limited to, the
24 10,632,446.36 in proceeds that you admit were obtained as a
25 result of the commission of the offense to which you are

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1 pleading guilty.

2 The section goes on to state that you acknowledge
3 and agree that, one, you obtained this amount as a result of
4 the commission of the offenses; and, two, as a result of the
5 acts and omissions of you, the proceeds have been
6 transferred to third parties and cannot be located by the
7 United States upon the exercise of due diligence.

8 This section goes on to state, sir, on page eight at
9 the top of that page in the first full paragraph that you
10 agree that in the event the Court determines that you have
11 reached this section of the Plea Agreement, you may be found
12 ineligible for a reduction in the guideline calculation for
13 acceptance of responsibility and substantial assistance, and
14 you may be eligible for an obstruction of justice
15 enhancement.

16 Sir, do you understand these things?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Do you agree to them?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Please turn with me now to page Eight,
21 Paragraph B.1 which addresses among other things
22 restitution.

23 Sir, restitution is normally limited to the conduct
24 in the count to which you plead guilty. Here, however, you
25 are waiving that limitation and you are agreeing to make

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1 restitution to all victims.

2 Sir, do you understand these things?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you agree to them?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Please turn with me now to page nine,
7 paragraph two which is titled, Supervised Release. Sir,
8 this paragraph states that you understand that the offense
9 to which you are pleading guilty provides for imposition of
10 a term of supervised release upon release from imprisonment,
11 and that if you should violate the conditions of release,
12 you would be subject to a further term of imprisonment.

13 Sir, do you understand these things?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Remaining on page nine but looking at
16 paragraph three which is titled, "Immigration Consequences
17 of Pleading Guilty," sir, this paragraph states that you
18 have been advised and understand that upon conviction, a
19 Defendant who's not a United States citizen may be removed
20 from the United States, denied citizenship and denied
21 admission to the United States in the future.

22 Sir, do you understand these things?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Please turn with me now to page eleven,
25 paragraph six, which is titled, "Sentencing

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1 Recommendations." Here, Mr. Ighedoise, I want to emphasize
2 to you that the District Judge is not bound by any of the
3 sentencing recommendations that your attorney or the United
4 States may make, and if the District Judge does not accept
5 any particular recommendation, you will still be bound by
6 your guilty plea, and you will not have the right to
7 withdraw it.

8 Sir, do you understand these things?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Please turn with me to page twelve,
11 paragraph seven which is titled, Defendant's Waiver of Right
12 to Appeal the Sentence." Here, Mr. Ighedoise, you agree
13 that the Court has jurisdiction in your case and can
14 sentence you up to the statutory maximum. You also waive
15 your right to appeal your sentence on any ground, including
16 the ground that the District Judge made a mistake in
17 calculating your sentencing guidelines range.

18 Normally, sir, a defendant can appeal his sentence
19 on any ground. Here, however, you are waiving your right
20 appeal your sentence except on very narrow grounds.
21 Specifically, your Plea Agreement states here that you
22 expressly waive the right to appeal your sentence on any
23 ground, including the ground that the Court erred in
24 determining the applicable guidelines range pursuant to the
25 sentencing guidelines except, A, the ground that the

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1 sentence exceeds your applicable guidelines range as
 2 determined by the Court pursuant to the sentencing
 3 guidelines; B, the ground that the sentence exceeds the
 4 statutory maximum penalty, or, C, the ground that the
 5 sentence violates the Eighth Amendment to the Constitution.

6 Provided, however, that if the Government exercises
 7 its right to appeal the sentence imposed as authorized by
 8 statute, then you are released from your waiver and may also
 9 appeal your sentence also as authorized by statute.

10 Mr. Ighedoise, sir, do you understand what you're
 11 giving up here?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Have you discussed your sentence and
 14 appeal waiver with your attorney?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you make that waiver freely and
 17 voluntarily?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you have any questions about your
 20 sentence appeal waiver?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Now, sir, your Plea Agreement involves
 23 the dismissal of the charge against you in Count Two of the
 24 Superseding Indictment, and also as we discussed earlier, it
 25 involves an agreement not to pursue other charges against

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1 you.

2 It's important that you understand that the District
 3 Judge can only accept a plea agreement that involves the
 4 dismissal of some charges and an agreement not to pursue
 5 other charges if the District Judge finds that the plea and
 6 the agreement will not undermine the statutory purposes of
 7 sentencing and that the count to which you are pleading
 8 guilty adequately reflects the seriousness of your actual
 9 offense behavior.

10 Sir, if charges are to be dismissed pursuant to your
 11 Plea Agreement, you still may be held accountable under the
 12 sentencing guidelines for that conduct even though the
 13 charges have been dismissed.

14 Sir, do you understand these things?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Mr. Scruggs, are there any other
 17 provisions of the Plea Agreement the Government would like
 18 to review with the Defendant?

19 MR. SCRUGGS: No, Your Honor. Thank you.

20 THE COURT: Thank you. Mr. Trombley, are there any
 21 other provisions of the Plea Agreement that you'd like me to
 22 review with your client?

23 MR. TROMBLEY: No, Your Honor.

24 THE COURT: Thank you.

25 Mr. Ighedoise, sir, do you understand all of the

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1 provisions in your Plea Agreement?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Are you willing to be bound by all of
4 the provisions of your Plea Agreement?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Have any promises or assurances been
7 made to you by anyone that are not otherwise reflected in
8 your Plea Agreement?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: To summarize, sir, do you understand
11 everything we've discussed up to this point including your
12 rights, the rights that you give up by pleading guilty, the
13 charge against you, the potential penalties, the potential
14 consequences, the sentencing guidelines and your Plea
15 Agreement?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Let me ask you directly then, sir, how
18 do you plead, guilty or not guilty to Count One of the
19 Superseding Indictment?

20 THE DEFENDANT: Guilty, Your Honor.

21 THE COURT: At this time, sir, the Court will hear
22 from the prosecutor a proffer of facts that the United
23 States would have to prove beyond a reasonable doubt for you
24 to be convicted in this case as to Count One of the
25 Superseding Indictment. Please listen very carefully to

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1 everything the prosecutor is about to say, because when he's
2 done speaking, I'll turn to you and ask you whether you
3 admit those facts are true and whether you admit to doing
4 the things he says you've done.

5 Now, sir, I anticipate that the prosecutor will be
6 reading directly from the factual basis section of your Plea
7 Agreement beginning on page 14 under the heading "facts,"
8 you want to follow along as he's reading, but please do
9 listen very carefully to everything he says because he may
10 add to or amplify the facts in his presentation to the Court
11 today. I want to make sure that you are also hearing
12 everything he says. Thank you.

13 Mr. Scruggs, when you're ready.

14 MR. SCRUGGS: Thank you, Your Honor. Were this case
15 to go to trial, the United States would prove these facts
16 and others beyond a reasonable doubt.

17 From at least in or around January of 2012 and
18 continuing through and including October 2015, the Defendant
19 Akohomen Ighedoise conspired to devise a scheme and artifice
20 to defraud and to obtain money and property by means of
21 false and fraudulent pretenses, representations, and
22 promises that related to material facts and for the purpose
23 of executing such scheme and artifice to transmit and cause
24 to be transmitted by means of wire, radio and television
25 communication in interstate or foreign commerce and any

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1 writing, signs, pictures, signals and sounds in violation of
2 Title 18 United States Code Sections 1343 and 1349.

3 Ighedoise was a member of a large international
4 fraud and money laundering organization that operated in the
5 United States, Canada, Nigeria and other countries
6 throughout the club.

7 Ighedoise, who resided in Ontario, Canada targeted
8 and helped other individuals target victims in connection
9 with fraud schemes. The fraud schemes took several forms.
10 Many victims were lawyers who were solicited to perform fake
11 legal work, unwittingly provided counterfeit cashiers'
12 checks for deposit into their firms' trust accounts, and
13 then were directed to wire money to bank accounts in the
14 name of shell companies that co-conspirators controlled.

15 Other victims were title companies defrauded with
16 counterfeit checks and phony real estate transactions.

17 Still other victims were widowed, divorced or single
18 women who were targeted and defrauded by fake suitors on
19 dating websites offering sham investment opportunities.

20 The conspiracy also employed hackers who compromised
21 or skewed email accounts ordering or directing wire
22 transfers from brokerage and business accounts to shell bank
23 accounts controlled by co-conspirators.

24 Victims were instructed to wire money interstate
25 into funnel accounts held by co-conspirators, colloquially

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1 known as money mules in the names of shell companies.

2 The co-conspirators then quickly moved the victims'
3 proceeds to other accounts in the United States and around
4 the world before the victims could discover their fraud.
5 The co-conspirators in Canada, Nigeria, South Africa, China,
6 Senegal and elsewhere helped coordinate the fraud and money
7 laundering activity from abroad.

8 Co-defendant Ikechuwku Amadi was Ighedoise's main
9 point of contact for money laundering activity that occurred
10 in the United States. Ighedoise used phone, email and other
11 forms of interstate and foreign commerce to advance the
12 goals of the conspiracy and to coordinate the fraud activity
13 that his fellow conspirators, including individuals located
14 in Nigeria and South Africa carried out.

15 Ighedoise's email and text message records contained
16 extensive communication in which he exchanged information
17 with Amadi about specific victims, including their
18 personally identifiable information and bank accounts, and
19 the manner in which the victim's funds were to be moved.

20 In total, during the period alleged in the
21 Superseding Indictment, Ighedoise and his co-conspirators
22 unlawfully obtained and attempted or intended to obtain at
23 least approximately 16,492,213.16 from victims of the
24 various fraud schemes. Ighedoise's specific conduct and
25 objectives during the conspiracy involved at least

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1 16,492,213 -- 16,492,213.16 in actual or intended fraud
2 proceeds and it was reasonably foreseeable to Ighedoise that
3 the conspiracy would involve a total actual or intended loss
4 in that amount.

5 Ighedoise did not provide any legitimate services or
6 enter into any legitimate commercial activity relating to
7 the attainment or receipt or transfer of those funds.

8 During the period alleged in the Superseding
9 Indictment, Ighedoise had authority and control over at
10 least \$10,632,546.36 in proceeds attained from victims of
11 the various fraud schemes. Ighedoise was aware that the
12 victims were sending these funds to bank accounts that his
13 co-conspirators oversaw and controlled. Specifically,
14 Ighedoise and his co-conspirators provided the bank account
15 information to the co-conspirators who defrauded the victims
16 and he directed co-conspirators, including Amadi, where to
17 send victim's money once it had been received and routed.

18 Thank you, Your Honor.

19 THE COURT: Mr. Scruggs, for the record, you are
20 reading from the factual basis section of the Plea
21 Agreement; is that correct?

22 MR. SCRUGGS: Yes, Your Honor, beginning on page 14.

23 THE COURT: Mr. Trombley, are there any objections
24 to the facts summarized by the prosecutor here today or as
25 set forth in the factual basis sections of the Plea

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1 Agreement at docket entry No. 1121?

2 MR. TROMBLEY: No objection, judge.

3 THE COURT: Mr. Ighedoise, sir, did you hear
4 everything the prosecutor just said?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Sir, do you admit that those facts are
7 true?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Do you admit to doing the things he says
10 you've done?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Did you read the factual base section of
13 your plea agreement before you initialed each page and
14 signed the last page of the agreement?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Did you discuss the factual basis
17 section of your Plea Agreement with your attorney before you
18 initialed each page and signed the last page?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Sir, do you admit the truth of the
21 factual basis of your Plea Agreement?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And do you admit that the factual basis
24 satisfies all of the essential elements of the offense to
25 which you are pleading guilty in Court. One of the

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1 Superseding Indictment?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: As I mentioned earlier, sir, in order
4 for the Court to accept your guilty plea, I do have to ask
5 you questions about the crime to which you're pleading
6 guilty to satisfy myself that there's a factual basis for
7 your plea. And I do have some more specific questions for
8 you now.

9 Sir, do you admit that from at least January 2012
10 and continuing through and including October 2015, you and
11 one or more other persons in some way or manner agreed to
12 try to accomplish a common and unlawful plan to commit mail
13 or wire fraud as charged in Count One of the Superseding
14 Indictment and described in the factual basis section of
15 your Plea Agreement?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Sir, do you also admit that you knew the
18 unlawful purpose of the plan and you willfully joined in it
19 as charged in the Superseding Indictment and described in
20 the factual basis section of your Plea Agreement?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Sir, do you admit you do these things in
23 the Middle District of Florida and elsewhere?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Mr. Scruggs, if it's there, I'm not

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1 seeing it. I don't see a fact in the factual basis section
2 that alleges the connection to the Middle District of
3 Florida. Is that part of the Government's proffer as to the
4 facts?

5 MR. SCRUGGS: Yes, Your Honor. And I'll proffer
6 specifically that there were at least three co-defendants,
7 co-conspirators I should say located in the Middle District
8 of Florida who were engaged in money laundering activity,
9 including Muhammad Naji who's mentioned in paragraph 8, page
10 two of the Superseding Indictment who was convicted and
11 operated in the Middle District of Florida to carry out
12 financial activity.

13 THE COURT: Mr. Trombley, any objection to that
14 further proffer?

15 MR. TROMBLEY: No, Your Honor.

16 THE COURT: Mr. Ighedoise has already admitted to
17 the Court that the conduct alleged occurred in the Middle
18 District of Florida and elsewhere. I think that's
19 sufficient in terms of the Court's inquiry on the issue of
20 venue. Counsel, do you agree, Mr. Scruggs?

21 MR. SCRUGGS: Yes, Your Honor.

22 THE COURT: Mr. Trombley?

23 MR. TROMBLEY: Yes, Your Honor.

24 THE COURT: Based on the unobjected to facts
25 summarized by the prosecutor today and the unobjected to

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1 facts set forth in the factual basis section of the Plea
2 Agreement at docket entry 1121, as well as Mr. Ighedoise's
3 responses to the Court's direct questions on the record
4 under oath today, I find that there's an independent factual
5 basis for a finding of guilty to enter the plea as to Count
6 One of the Superseding Indictment.

7 Mr. Ighedoise, sir are you pleading guilty freely
8 and voluntarily and because you believe it is in your best
9 interest to do so?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Sir, are you pleading guilty because you
12 are guilty?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Has anyone threatened you, forced you,
15 coerced you or intimidated you in any way regarding your
16 decision to plead guilty?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Other than what's in your Plea
19 Agreement, has anyone made any promises or assurances to you
20 of any kind to induce you to plead guilty?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Other than what's in your Plea Agreement
23 and understanding the maximum penalties that apply, are you
24 relying on any agreement, discussion, promise or
25 understanding with anyone about what sentence will be

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1 imposed if you plead guilty?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: As you sit here today, sir, do you
4 believe you know what sentence you will receive?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Has anyone promised you that you will
7 receive a light sentence or otherwise be rewarded for
8 pleading guilty other than the representations in your Plea
9 Agreement?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Counsel, do you each assure the Court
12 that as far as you know, no assurances, promises or
13 understandings have been given to Mr. Ighedoise as to the
14 disposition of his case that are different from or contrary
15 to what's in his Plea Agreement, Mr. Scruggs?

16 MR. SCRUGGS: Yes, Your Honor. There are no other
17 promises or representations that I'm aware.

18 THE COURT: Mr. Trombley?

19 MR. TROMBLEY: No, no other promises or
20 representations.

21 THE COURT: Mr. Ighedoise, sir, you are represented
22 by Mr. Trombley in this case. Have you discussed your case
23 fully with him and explained everything you know about your
24 case to him?

25 THE DEFENDANT: Yes, Your Honor.

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1 THE COURT: Have you had enough time to talk with
 2 your attorney before entering a guilty plea?
 3 THE DEFENDANT: Yes, Your Honor.
 4 THE COURT: Is there anyone else you want to talk to
 5 about your case before you enter a guilty plea today?
 6 THE DEFENDANT: No, Your Honor.
 7 THE COURT: Has your attorney done everything you've
 8 asked him to do for your case before your decision to enter
 9 a guilty plea?
 10 THE DEFENDANT: Yes, Your Honor.
 11 THE COURT: Are you satisfied with your attorney and
 12 the way he has represented you in this case?
 13 THE DEFENDANT: Yes, Your Honor.
 14 THE COURT: Do you have any complaints about the way
 15 the attorney has represented you in this case?
 16 THE DEFENDANT: No, Your Honor.
 17 THE COURT: Do you have any complaints about the way
 18 you've been treated by the Court or anyone else?
 19 THE DEFENDANT: No, Your Honor.
 20 THE COURT: Has anyone coached you or suggested that
 21 you answer untruthfully to any of the questions I've asked
 22 you today?
 23 THE DEFENDANT: No, Your Honor.
 24 THE COURT: Have you told the truth today?
 25 THE DEFENDANT: Yes, Your Honor.

UNITED STATES DISTRICT COURT ~ FLMD ~ TAMPA DIVISION

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1 THE COURT: Sir, do you fully understand all the
 2 rights and procedures that you waive and give up by pleading
 3 guilty?
 4 THE DEFENDANT: Yes, Your Honor.
 5 THE COURT: Having heard everything I've said, sir,
 6 is it your final desire to plead guilty to Count One of the
 7 Superseding Indictment pursuant to your Plea Agreement?
 8 THE DEFENDANT: Yes, Your Honor.
 9 THE COURT: Now is your last chance to speak up or
 10 to ask any questions you may have, sir, before I make my
 11 recommendation.
 12 Is there anything you'd like to say or anything
 13 you'd like to ask?
 14 THE DEFENDANT: No, Your Honor.
 15 THE COURT: Mr. Scruggs, is the United States
 16 satisfied with the colloquy?
 17 MR. SCRUGGS: Yes. Thank you, Your Honor.
 18 THE COURT: Mr. Trombley, is the defense satisfied
 19 with the colloquy?
 20 MR. TROMBLEY: Yes, Your Honor.
 21 THE COURT: And, sir, are you satisfied that your
 22 client knows what he's charged with, that you have had
 23 sufficient time to counsel with your client, and that he is
 24 pleading guilty freely and voluntarily with full knowledge
 25 of the consequences of his plea?

UNITED STATES DISTRICT COURT ~ FLMD ~ TAMPA DIVISION

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1 MR. TROMBLEY: Yes, Your Honor.

2 THE COURT: Mr. Ighedoise, sir, please listen very
3 carefully to my findings because when I'm done speaking I'll
4 turn to you and ask whether you agree with everything I've
5 said.

6 I find that you, Akohomen Ighedoise, are alert and
7 intelligent, that you understand the nature of the charge
8 against you and the possible penalties, and that you
9 appreciate the consequences of pleading guilty. I also find
10 that the facts that the United States is prepared to prove,
11 which by your guilty plea you admit based on the unobjected
12 to facts summarized by the prosecutor here today, and the
13 unobjected facts set forth in the factual basis section of
14 your Plea Agreement at docket entry No. 1121, as well as
15 your responses to the Court's direct questions on the record
16 under oath today all state the essential elements of the
17 offense to which you have pled guilty in Count One of the
18 Superseding Indictment.

19 I further find, sir, that your decision to plead
20 guilty is freely, voluntarily, knowingly and intelligently
21 made and that you have had the advice and counsel of a
22 competent attorney with whom you say you are satisfied.

23 Sir, do you agree with all those findings?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: I will make a written report to the

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1 District Judge recommending that he accept your guilty plea.
2 Sir, you have 14 days to object to that recommendation. The
3 United States has the same 14-day period to object to the
4 recommendation.

5 If you do not object to my recommendation, in all
6 likelihood the District Judge will accept it and will find
7 you guilty of the offense charged in Count One and convict
8 you of that offense. Your case at that point would proceed
9 to the sentencing hearing in front of the District Judge.

10 As I indicated earlier, sir, the United States
11 Probation Office will prepare a Presentence Investigation
12 Report to help the District Judge determine a reasonable
13 sentence in your case. You will be required to provide
14 information for that report.

15 Your attorney may be present during your Presentence
16 Investigation Report interview by the United States
17 Probation Office and your attorney will represent you in the
18 preparation of that report at sentencing.

19 Sir, you and your attorney will be permitted to
20 speak on your behalf at the sentencing hearing, and you and
21 your attorney will be allowed to read the Presentence
22 Investigation Report before the sentencing hearing and to
23 make objections to it if you have any objections.

24 Your sentencing will be set in approximately 75 to
25 90 days and will be set by separate notice from the District

DIGITAL TRANSCRIPTION

1 Judge.

2 Unless there's anything further in this matter, I
3 remand Mr. Ighedoise to the custody of the United States
4 Marshals pending further proceedings in this case, and I'll
5 ask the Clerk of the Court to scan and docket the notice and
6 consent form provided to the Court today as well as the
7 consent to institute a Presentence Investigation Report that
8 was signed by the Defendant and his Counsel as well before
9 we started the hearing today.

10 Anything further from the United States?

11 MR. SCRUGGS: No, Your Honor. Thank you.

12 THE COURT: Thank you. Anything further from the
13 defense?

14 MR. TROMBLEY: No, Your Honor. Thank you.

15 THE COURT: Thank you. We're in recess.

16 (Proceedings adjourned at 2:31 p.m.)
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UNITED STATES DISTRICT COURT ~ FLMD ~ TAMPA DIVISION

DIGITAL TRANSCRIPTION

1 UNITED STATES DISTRICT COURT)
2)
3 MIDDLE DISTRICT OF FLORIDA)
4)

5 I, SHARON A. MILLER, Official Court Reporter for the
6 United States District Court, Middle District of Florida, do
7 hereby certify that pursuant to Section 753, Title 28,
8 United States Code that the foregoing is a true and correct
9 transcript of the stenographic notes taken by computer-aided
10 transcription taken in the above-entitled cause by the
11 undersigned and that the transcript format is in conformance
12 with the regulations of the Judicial conference of the
13 United States.

14 /S/Sharon A. Miller, CSR, RPR, CRR, RMR

15 Official Court Reporter
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25

UNITED STATES DISTRICT COURT ~ FLMD ~ TAMPA DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AKOHOMEN IGHEDOISE,

Defendant.

Case No.: 8:15-CR-320

SENTENCING PROCEEDINGS
BEFORE THE HONORABLE STEVEN D. MERRYDAY

January 18, 2023
9:25 a.m. to 10:40 a.m.

APPEARANCES:

FOR THE PLAINTIFF: PATRICK SCRUGGS, ESQUIRE
Office of the United States Attorney
400 North Tampa Street
Suite 3200
Tampa, Florida 33602

FOR THE DEFENDANT: WESLEY E. TROMBLEY, ESQUIRE
Trombley & Hanes
707 North Franklin Street
Tenth Floor
Tampa, Florida 33602

ALSO PRESENT: AKOHOMEN IGHEDOISE, DEFENDANT

(Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.)

REPORTED BY:

Rebekah M. Lockwood, RDR, CRR
Official Court Reporter
(813) 301-5380 | r.lockwooduscr@gmail.com
P.O. Box 173496, Tampa, Florida 33672

(Call to Order of the Court at 9:25 a.m.)

THE COURT: Good morning. Perhaps counsel will step
forward to the clerk's table, along with the defendant, please.

Good morning. We are together in Case
15-Criminal-320, United States of America vs. Akohomen
Ighedoise.

Who speaks for the United States?

MR. SCRUGGS: Good morning, Your Honor. Patrick
Scruggs for the United States.

THE COURT: Good morning, Mr. Scruggs.

And who speaks for the defense?

MR. TROMBLEY: Good morning, Your Honor. Wes
Trombley for Mr. Ighedoise.

THE COURT: Good morning, Mr. Trombley.

You are Akohomen Ighedoise?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Good morning.

Mr. Ighedoise, on September 13 of 2022, you pleaded
guilty to Count 1 of a superseding indictment. Count 1 charges
you with conspiracy, in particular, a conspiracy to commit
and wire fraud, in violation of parts of Sections 1341, 1343,
and 1349 of Title 18 of the United States Code. I earlier
entered an order that accepts your plea of guilty, and that
adjudges you guilty of the conspiracy offense charged in
Count 1. So as of the entry of that order, your guilt was

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1 determined, and it remains this morning to determine your
2 sentence.

3 As I know Mr. Trombley has explained, I will
4 determine your sentence by first determining an advisory
5 sentence in accord with the United States Sentencing
6 Guidelines. And by next inviting both the United States and
7 the defense to direct my attention to any matter, including
8 those at 18 U.S.C. 3553(a), that I should consider in arriving
9 at a final and reasonable sentence in accord with applicable
10 law.

11 I'll begin by asking Mr. Scruggs if he's had an
12 opportunity on behalf of the United States to review and
13 evaluate the presentence report, and if so, whether the United
14 States objects either to the factual content of the presentence
15 report or to the application of the Sentencing Guidelines that
16 is recommended by the United States Probation Office?

17 MR. SCRUGGS: Yes, Your Honor, I have. And the
18 United States has no objections to either the factual portion
19 or the application of the Guidelines.

20 THE COURT: Mr. Trombley, have you and Mr. Ighedoise
21 had an opportunity together to review and evaluate the
22 presentence report?

23 MR. TROMBLEY: Yes, Your Honor.

24 THE COURT: Mr. Ighedoise, have you seen the
25 presentence report and discussed it with your counsel?

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1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: First, Mr. Trombley, is there any
3 objection the factual content of the presentence report?

4 MR. TROMBLEY: No, there's not.

5 THE COURT: Then the factual content is adopted
6 without objection for the purpose of the advisory Guideline
7 range, and, of course, before considering any other applicable
8 factors, is there any objection to the offense level of 33 and
9 a criminal history category I, as recommended by the probation
10 office?

11 MR. TROMBLEY: No, Your Honor. No objection.

12 THE COURT: All right. Then, preliminarily, that is
13 adopted as the advisory Guideline calculation.

14 Mr. Scruggs, is there a motion on behalf of
15 Mr. Ighedoise under 5K1 or otherwise?

16 MR. SCRUGGS: There is not, Your Honor.

17 THE COURT: Okay. In that case, Mr. Trombley, I'll
18 recognize you to advance any matter in mitigation, any matter
19 under 3553, after which I'll recognize Mr. Ighedoise to speak
20 on his own behalf, if he chooses to do so.

21 I note that I did receive your sentencing memorandum
22 and the several attachments. I read the memorandum in which
23 you listed the several certificates. I think about 70 that --
24 maybe that many -- that the defendant has earned during his
25 detention in recent years.

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1 And I read the other material, not all of it with the
2 same precision, but I did review all the material that you
3 provided. That's not to discourage you from making a complete
4 statement, but just to let you and Mr. Ighedoise know that I
5 did review all the material that was available to me.

6 MR. TROMBLEY: Understood, Your Honor. And I don't
7 intend to go through everything. I had hoped that Your Honor
8 would have received the memo, as you did, and thank you for
9 going through that.

10 Just to restate, we did file on January 10th of this
11 year a sentencing memorandum on Mr. Ighedoise's behalf, which
12 we've both been through a good length, at least at two
13 meetings, and we feel comfortable with the arguments obtained
14 within the memorandum. So we will rely mostly on those -- on
15 that filing for the request for variance.

16 And, Judge, that, just very briefly is, as you
17 pointed out, is extraordinary educational and what I've called
18 rehabilitative efforts while incarcerated. I haven't been
19 doing this that long, but I've been doing it long enough, it
20 seems, that he is one of the only -- he is the only defendant
21 where I've seen that, to the extent of certificates and ability
22 to kind of broaden his horizons and expand his mind in
23 education while incarcerated, which I thought was impressive
24 and worthy of note.

25 The second, Your Honor, Mr. Ighedoise spent

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1 approximately six years in this Toronto South Detention Centre,
2 which I knew nothing about until this case.

3 Then we supplied the Court a series of articles,
4 investigative articles and so forth, as well as a investigative
5 report or analysis by the Ontario Department of Health, I
6 believe it was.

7 THE COURT: Yes.

8 MR. TROMBLEY: That set forth a lot of very trouble
9 issues within the Toronto South Detention facility, and we
10 brought that to the Court's attention with the argument that is
11 included in the memorandum that the time he spent there did
12 appear to be convincingly more difficult and harsh than the
13 time he would have spent either in a better run facility in
14 Canada or here in the United States under our laws and our
15 facilities.

16 And, Judge, along those lines, sorry to back up, for
17 his credit for the time while he was incarcerated, his good
18 works, there was a letter from a sergeant at the facility.

19 THE COURT: Yes.

20 MR. TROMBLEY: Which I thought was impressive.
21 Again, I've never seen someone in a prison facility write a
22 letter for an inmate anticipating sentencing.

23 And then third, Your Honor, this is something I,
24 again, have never experienced, kind of this little bit of
25 difficulty determining how to apply credit for the time he has

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1 served in Canadian custody, which appears to be about 74
2 months. Because the extradition paperwork, I think, came much
3 later, and then his federal custody date and arrest over to the
4 United States reflects a much later date, November 17th of
5 2021, when in fact his arrest was October 7th, 2015. So
6 there's a very, very --

7 **THE COURT:** His arrest in Canada?

8 **MR. TROMBLEY:** Arrested in Canada, and as I outlined
9 in the memorandum, Your Honor --

10 **THE COURT:** What triggered that arrest?

11 **MR. TROMBLEY:** So, Your Honor, my understanding and
12 I've spoken with Mr. Scruggs and also had some correspondence
13 with the agent in this case, that in conjunction with US --
14 with the US agent on this case, they, together, sharing
15 information and facts and information that was used in this
16 case later, used that to effect an arrest in Canada. Arrested
17 him under Canadian purposes or reasons, but then later dropped
18 that case in favor of the US indictment.

19 So there is an acknowledgment, I think, by the
20 government, and Mr. Scruggs certainly can clarify that that
21 arrest was really this case, and that was October 2015.

22 Your Honor, so for those reasons, and kind of that
23 odd amount of time where we're requesting this large variance
24 in Canada, we've asked for a sentence of 34 months, which would
25 be an actual time of incarceration of 108 months. That's all I

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1 have for the Court.

2 Mr. Ighedoise did prepare a statement that I know he
3 would like to read.

4 **THE COURT:** Let me just say one thing. The
5 assignment of credit is initially within the domain of the
6 Bureau of Prisons. So just so Mr. Ighedoise will know that
7 when he is sentenced and remanded to the custody of the United
8 States Marshal, he'll remain in custody here for a brief time
9 while the Bureau of Prisons designates him to a facility and at
10 that time determines a date of release from that facility and
11 from federal custody. So in determining the date of that
12 release, they will consider the extent to which he is entitled
13 to credit in their view. And then they will adjust the release
14 date that they convey to his designated facility, and it will
15 include credit for that, and he has an internal Bureau of
16 Prisons remedy available to contest that credit determination.

17 During my term on the bench, I've never had an
18 occasion to have someone come back here, which I think you have
19 the right to do, ultimately, because it has to do with the
20 legality of the tail end of your sentence, I've never had
21 anybody come back here and lodge a habeas writ or its
22 equivalent based on that credit determination.

23 How to say this, the Bureau of Prisons is not
24 interested in unduly detaining people at their expense. So,
25 generally, they're -- what I'm saying is, it's a very

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1 straightforward and fair process of determination.

2 **MR. TROMBLEY:** Understood, Your Honor. This just
3 struck me as one that perhaps was slightly different and
4 concerning for when they may begin the time. We hope --
5 obviously hope that's not the case. To the extent we can make
6 it very clear, either in the PSR or on the record or both,
7 obviously, that's enormously important to Mr. Ighedoise.

8 **THE COURT:** I think the recommendation of the United
9 States with respect to that credit is probably of some
10 significance as well. Anyway, so you had finished with your
11 presentation.

12 And, Mr. Ighedoise, you do have an opportunity to
13 speak on your own behalf this morning.

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** You're not required to say anything, but
16 if you'd like to say something, this is the time for you to do
17 that. Yes, you may go get your notes if you've made them.

18 **THE DEFENDANT:** Your Honor, I would like to read
19 something to the Court.

20 Your Honor, first I would like to thank you for the
21 opportunity to address this Court. I would like to say I
22 apologize to the victims of my crime. I was -- I am very sorry
23 for the pain my actions have brought upon all of you and your
24 loved ones. No day passes by that I do not regret what I've
25 done. I was thinking about myself only. Failing to think and

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1 care about others, not taking into consideration the suffering
2 and heartaches my actions were causing the victims, and I
3 became a narcissistic human being.

4 Since my incarceration, I've taken a lot of time to
5 reflect and understand the gravity of my offense and I'm very
6 ashamed of the person I became. I take full responsibility for
7 my actions, and I'm truly sorry.

8 I also realize that my involvement in the criminal
9 justice system has been a source of pain and embarrassment to
10 my family, and they have expressed their complete repugnance by
11 refusing to have anything to do with me going forward. There's
12 not enough apologies I can offer that will be at wording for
13 all that I have done, and I do not offer any excuse or defense
14 of any kind to minimize my responsibilities for the offenses to
15 which I have pled guilty for.

16 During this several-plus years of my incarceration in
17 Canada, I cannot help but think every day how my very selfish
18 and destructive ways have negatively impacted the life of my
19 daughter, who has to grow up without a father.

20 I know my actions have caused irreparable harm and
21 loss to the victims of my offense and to my family. But I
22 promise this Court from this day forward, I will continuously
23 find ways to fix all that I have done, and I wish there are
24 other means available to me that I wish I could show to this
25 Court how very regretful I am.

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1 Your Honor, I know you must be familiar with this
 2 kind of voice in your courtroom. And most times, it probably
 3 does not amount to anything, but throughout the several-plus
 4 years of my incarceration, all I have done is to find ways to
 5 positively apply myself seeking out avenues where I can make
 6 amends.

7 In conclusion, Your Honor, I accept whatever sentence
 8 you would impose on me, but I pray for mercy, and I ask this
 9 Court to be lenient as possible, taking into consideration my
 10 remorsefulness and my effort to better myself, please and
 11 thank you.

12 THE COURT: All right. Thank you. Just an aside,
 13 which has nothing to do with what you just said, it says in the
 14 presentence report, I just wanted to check, your primary
 15 language is what?

16 THE DEFENDANT: Pidgin English, but I'm also fluent
 17 in regular English.

18 THE COURT: Well, English is the national language of
 19 Nigeria. It's the official language of Nigeria.

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Nigeria is, of course, remarkable because
 22 it has several hundred distinct dialects that are identifiable.
 23 Some of them, like Hausa and Igbo, and those are more dominant.
 24 Sometimes the generic phrase Nigeria pidgin is mentioned by
 25 English speakers. Is that a term that you recognize, Nigerian

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1 pidgin?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Is that what you would call your second
 4 language?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Okay. I'd like to amend -- I noticed
 7 this in the PSR. And with all due respect, it doesn't make
 8 sense the way it is. So in Paragraph 100, that should say the
 9 defendant's primary language is Nigerian pidgin. Pidgin is a
 10 term like Creole or dialect or vernacular that describes the
 11 state of a spoken or almost surely a spoken language.

12 And the other term is patois, p-a-t-o-i-s, that you
 13 see occasionally. But you need some word in front of pidgin
 14 for it to make sense. That should be Nigerian pidgin which
 15 isn't certainly a widespread phenomenon in Nigerian, the
 16 official language of which is English.

17 I thought so. Thank you.

18 Mr. Scruggs, what says the United States, should I
 19 say in closing, with respect to a reasonable sentence? And I
 20 think that Mr. Trombley draws a fair question is what to make
 21 of this 108 months, I think it was, that he spent in Canada.
 22 You don't think of Canada as a place that houses -- or that
 23 supports particularly onerous prison facilities. Then, again,
 24 you don't like to think of the United States as that. Recent
 25 events suggests that there are some -- confirms that there are

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1 some facilities in the United States, even maintained by the
2 United States that are substandard, to say the least.

3 So what do you say with respect to a reasonable
4 sentence here?

5 **MR. SCRUGGS:** Thank you, Your Honor. I'll -- let me
6 address, if I can, the second question first about the credit.
7 I agree with what Mr. Trombley said, which is that
8 Mr. Ighedoise was arrested in, I believe, October of 2015 on
9 the Canadian charges.

10 **THE COURT:** Yes.

11 **MR. SCRUGGS:** Those are distinct charges.

12 **THE COURT:** Yes.

13 **MR. SCRUGGS:** In terms of a legal analysis, they're
14 separate sovereigns. We did not bring that prosecution. It
15 wasn't centered principally on our evidence. The Canadians had
16 collected their own evidence.

17 **THE COURT:** Of events in Canada?

18 **MR. SCRUGGS:** That was in Canada.

19 **THE COURT:** Excuse me, the evidence that the Canadian
20 authorities had collected was evidence of events in -- that
21 occurred in Canada?

22 **MR. SCRUGGS:** Correct. Mostly events in Canada.
23 There was an international impact as well, but --

24 **THE COURT:** My recollection is there was only one
25 isolated event in the evidence in this case that occurred in

1 Canada. That was something that originated in the northwest
2 and oozed over into Canada. Is that correct?

3 **MR. SCRUGGS:** I believe that's right, Your Honor.
4 Although the Canadians did identify, I believe, certain
5 Canadian victims. I want to say these were these romance-scam,
6 elderly victims from Canada. But I can't --

7 **THE COURT:** Oozed, by the way, is a technical legal
8 term.

9 **MR. SCRUGGS:** Yes, Your Honor. But, ultimately, I
10 can't say with a straight face to the Court that
11 Mr. Ighedoise's arrest at that time was not brought about
12 because of the United States' investigation.

13 In other words, we, along with the Toronto police
14 service and the FBI here, coordinated a joint takedown where we
15 arrested a number of people in the United States, including
16 Ms. Ellis, Mr. Cortese, and then we were able to arrest
17 Mr. Ighedoise. And we understood at the time that the
18 Canadians were effectively pursuing this charge to get him in
19 custody or to have some sort of release conditions if he was
20 released in Canada in anticipation of him being extradited to
21 the United States. Again, I think in all candor and being an
22 officer of the Court, Your Honor, I think it's fair to say that
23 the Canadians acted really at our request to push those
24 charges. Even though they had a separate case and separate
25 evidence, that was really at the United States' request, and it

1 was in furtherance of our ultimate extradition.

2 For reasons beyond our control, meaning the United
3 States Attorney's Office's control, the extradition process
4 took several months just to get the paperwork completed.
5 Canada, to my surprise, is a very, I think, onerous -- it's a
6 very -- there's a lot of due process that's afforded to
7 defendants in Canada. So it took some time to get that package
completed.

9 Ultimately, from the documentation I received from
10 the Bureau of Prisons, and from the Office of International
11 Affairs at the Department of Justice, which I sent to
12 Mr. Trombley, they do not right now appear to give
13 Mr. Ighedoise credit from before when the ex --

14 THE COURT: Too many pronouns. Hold on just one
15 second. Who is "they"?

16 MR. SCRUGGS: I'm sorry. The Canadians -- not the
17 Canadians. The Department of Justice, based on their
18 calculation, starts the calculation at the filing of the
19 extradition paperwork in Canada. So for the year, about 18
20 months or so before that, he was -- Mr. Ighedoise was in
21 custody, but there was no extradition paperwork filed, so as of
22 now, it doesn't appear that he is guaranteed to receive credit
23 for that time. We do not have the -- the United States does
24 not --

25 THE COURT: "That time" being the 18 months or so

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1 before when he was -- when he was in detention, but before the
2 filing of the extradition?

3 MR. SCRUGGS: Correct, Your Honor. The United States
4 does not have an objection to noting that in the judgment and
5 for Mr. Ighedoise to receive credit for that. He's served that
6 time, we believe effectively under our process or our
7 investigation, so we're not opposed to him getting credit for
8 that. I don't know what the best mechanism of doing that, if
9 it's noted in the judgment, if that is sufficient for BOP. But
10 as you noted previously, Your Honor, this may be an issue where
11 we just have to see how BOP calculates it, and if there's an
12 error, then the parties can pursue some sort of correction or
13 remedy after that.

14 THE COURT: I think that's right. But I think it's
15 also right that where there's a colorable basis to credit him
16 with something, they tend to do it. So I expect that that will
17 come out well for him.

18 What they won't do, and which I think maybe
19 Mr. Trombley was gently suggesting, was that a day-for-day
20 credit might not be quite equal to the conditions that he --
21 and they won't do that. They'll make a one-to-one deduction,
22 but they're not going to say, well, this was unusually harsh
23 and therefore we're going to give him 120 months or 130 months
24 credit for 108 months served. I've never -- I say they won't
25 do that; I've never known them to do that.

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1 **MR. SCRUGGS:** Yes, Your Honor. I agree. I think
 2 that's right. And I can't speak to the conditions. I was
 3 surprised. I'm not contesting them. But I was frankly
 4 surprised to see what Mr. Trombley pointed out about the
 5 conditions in Canada, because I think the general assumption is
 6 that the Canadians, in some respects, have a different
 7 incarceration system than the United States, and perhaps they
 8 have more resources for that. And so I was surprised to see
 9 the documentation of the conditions in Toronto. So the United
 10 States isn't disputing that. I just have nothing to add to
 11 that beyond what Mr. Trombley has already pointed out.

12 In terms of a reasonable sentence, though, Your
 13 Honor, I think it's fair just to note sort of the two sides of
 14 the balance here. On the one hand, we have Mr. Ighedoise, who
 15 I think in some respects, and I don't say this in a derogatory
 16 term, but I think it's fitting, he was sort of the bogeyman of
 17 this case for many years.

18 Part of that was because he wasn't here. He was the
 19 last defendant who was extradited. Part of that was because
 20 Mr. Ighedoise was the one member, the actual member of this
 21 transnational organized crime group, the Black Axe group. He
 22 was, from what we understand, the Ihaza, I-h-a-z-a, or
 23 treasurer of this North American chapter in Toronto. So he had
 24 a fairly significant position within this group.

25 Mr. Amadi, who is his codefendant, was, I think, more

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1 intimately involved in the money laundering and some of the
 2 fraud activity, but Mr. Ighedoise was the tie to the criminal
 3 organization that was orchestrating all of this. He was the
 4 affiliated, full-fledged member of that group.

5 Having said that, Your Honor, in terms of our
 6 evidence of what Mr. Ighedoise's involvement is, we didn't get
 7 as much of a -- I think a complete picture of exactly what his
 8 role was in this investigation. We know he worked with Amadi.
 9 We know he helped coordinate where the money was going to;
 10 helped coordinate some of the fraud.

11 But we don't have as many communications from
 12 Mr. Ighedoise that we did for -- as we did for Mr. Amadi. We
 13 don't have a sense, I think, of the full scope of his
 14 activities. And that's in a way to his benefit. He has this
 15 title. He was certainly part of the Black Axe. He was a
 16 significant player in this scheme, and I think it's appropriate
 17 to hold him accountable for that.

18 But he did ultimately come to the United States. He
 19 agreed to cooperate and plead guilty relatively quickly. He
 20 did not --

21 **THE COURT:** Stop just a second. He agreed to plead
 22 guilty. You say he agreed to cooperate?

23 **MR. SCRUGGS:** Not cooperate. He agreed to -- well, I
 24 suppose he's been cooperative in a sense, but he hasn't
 25 specifically agreed to --

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1 THE COURT: Well, he gets credit for that with the
2 acceptance points.

3 MR. SCRUGGS: Yes, Your Honor.

4 THE COURT: You didn't mean cooperation in the 5K1.
5 You didn't mean substantial assistance.

6 MR. SCRUGGS: Correct, Your Honor. In this case,
7 it's so old now.

8 THE COURT: Because that's why one of the defendants
9 has such a low sentence compared to some others is because of
10 his -- I think he got a total of -- maybe the United States
11 wound up asking for a total of seven levels for Naji, if I
12 remember correctly.

13 MR. SCRUGGS: Yes, Your Honor.

14 THE COURT: Or his sentence would have been much
15 worse.

16 MR. SCRUGGS: That's correct. It's probably -- I
17 think it's fair to say he was our most significant cooperating
18 witness in the case, as well as our venue tie to Tampa, because
19 he was doing the activity here for the group.

20 THE COURT: There were some other factors in that
21 reduction that we don't need to repeat here this morning. And
22 just in addition to those -- those what amounted to seven
23 formal levels.

24 MR. SCRUGGS: Yes, Your Honor. Mr. Ighedoise didn't
25 have really an opportunity to cooperate much or provide

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1 information, because by the time he got here, the investigation
2 was really over. There weren't any more targets that we were
3 pursuing in the United States. So he didn't really have an
4 opportunity.

5 But he, I think, has shown remorse. He has not put
6 the government to its burden of proof at trial, and that's a
7 significant factor here. As I think the Court is aware, we had
8 some, I think, very convincing victims who testified, not only
9 in this trial, in the trial of Ms. Ellis and Mr. Cortese and
10 Ms. Johnson, which was before Your Honor. Those are the
11 codefendants here.

12 But there was the separate trial of Okechukwu Amadi
13 who is Ikechukwu Amadi's brother. He was also money launderer
14 working with Ikechukwu Amadi in the United States to help move
15 the funds. And we had a number of victims testify in that
16 trial as well, some different victims from Ellis, et al. trial.
17 And I think, hands down, these victims, it was devastating for
18 most of them. Some of them were fine. Some of them recovered.
19 But the vast majority of the victims suffered quite a bit.

20 And on the one hand, you can look at that and say,
21 well, Mr. Ighedoise should be punished appropriately for the
22 scale of the crime and the effect it had on the victims, and I
23 don't deny that. But at the same time, we were faced -- the
24 United States was faced with a dilemma of if we do not offer a
25 plea agreement, if we do not resolve this case, we're going to

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1 have to bring those victims back for a trial.

2 And I can tell you, I still speak to these victims
3 after seven years, some of them still contact me about the
4 restitution process, which, unfortunately, has been delayed by
5 the codefendants' appeals in this case. And I -- they don't
6 want to testify, Your Honor. That's the bottom line.

7 **THE COURT:** I understand.

8 **MR. SCRUGGS:** They don't want to come back. I don't
9 want to put them through that. I did not want to put them
10 through that.

11 **THE COURT:** I understand.

12 **MR. SCRUGGS:** Again, some of them have testified
13 twice in federal court, and these are people, as Your Honor
14 knows, some of the romance victims in particular never told
15 their families, or until they were subpoenaed, had not told
16 them. They kept it as a secret. It was a big shame for a lot
17 of them. And one of the victims passed away since the trial,
18 Ms. Sparks, who testified in the Ellis case. So we didn't want
19 to bring the victims back if we didn't have to.

20 To that extent, Your Honor, the government does
21 appreciate we could resolve this case by plea agreement so we
22 didn't have to relive that and have the victims relive it in
23 court and bring them here.

24 And Mr. Trombley was timely with reaching out to
25 resolve the case before we got to any advanced preparations or

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1 discussion about a trial. The United States recognizes that.

2 So I think balancing it, the equation, Your Honor, if
3 you look at Mr. Ikechukwu Amadi, who received a slightly longer
4 sentence than what the government would be recommending here,
5 which is the low end of 135 months, Mr. Ighedoise and Ikechukwu
6 were similarly situated, I think, in terms of their
7 culpability. Our evidence indicates, however, that Ike Amadi
8 had, I think, more of a hands-on role in managing these money
9 mules who were opening the bank accounts, in terms of
10 coordinating the fraud. We have just much more extensive
11 evidence of Mr. Amadi's involvement.

12 And although Mr. Ighedoise has the title of treasurer
13 and he was part of the Black Axe, I don't know that we can say
14 with confidence exactly what his role was throughout the
15 conspiracy. We know he was giving direction to Ike Amadi, but
16 he doesn't seem to have been as directly involved in a lot of
17 the activity.

18 I think it's appropriate if Mr. Ighedoise receive
19 something of a lesser sentence than what Mr. Amadi receive, Ike
20 Amadi, and taking into account the conditions of his
21 incarceration in Canada and the decision to -- to plead guilty
22 and resolve his case short of trial.

23 **THE COURT:** When you say Ike Amadi, you mean
24 Ikechukwu?

25 **MR. SCRUGGS:** Ikechukwu Amadi.

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1 THE COURT: Ah, yeah. All right. Anything further
2 from the United States?

3 MR. SCRUGGS: No, thank you, Your Honor.

4 THE COURT: Any reason not to proceed with sentence?

5 MR. SCRUGGS: No, Your Honor.

6 THE COURT: Mr. Trombley, anything further from the
7 defense?

8 MR. TROMBLEY: Nothing further, other than certainly
9 take no issue with the facts. He has lived this, as Your Honor
10 has lived this case much longer than I have.

11 THE COURT: Yes, sir.

12 MR. TROMBLEY: The only -- again, I know you've
13 explained the position with BOP is if the Department of
14 Justice, we have documents that's giving him credit for 2017
15 rather than 2015, there is still that concern there from our
16 end. I don't know if there's any more we can do to clarify it.
17 And I don't know if the other defendants in their -- the DOJ
18 reflection for the credit of their time was accurate, and
19 that's the date that probation and BOP used. But if there is
20 kind of that missing link, it's unique to his case, that does
21 cause me still some concern. I don't know what we can do about
22 it today.

23 THE COURT: Any reason not to proceed to sentence?

24 MR. TROMBLEY: No, Your Honor.

25 THE COURT: Mr. Ighedoise, in imposing a sentence in

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1 the district court, a judge must consider a number of factors,
2 including, for example, the policies and Guidelines of the
3 United States Sentencing Commission, the advisory Guideline
4 range, which was determined earlier, the applicable statutory
5 penalties. I believe the applicable statutory penalty here is
6 a maximum of 20 years, 240 months.

7 I consider the written and oral submissions of
8 counsel, including, of course, the sentencing memorandum and
9 exhibits that Mr. Trombley filed on your behalf. And I
10 consider your statement on your own behalf in allocution, as
11 the lawyers say, and also the factors at 18 U.S.C. 3553(a).
12 Generally, none of us address them all, but we address the ones
13 we think are most salient in a particular case, as your counsel
14 did ably in his sentencing memorandum on your behalf. And I
15 will discuss those in a bit.

16 People tend to phrase these things differently, and I
17 can't quote the statute, but, generally, the first statutory
18 factor is the nature and characteristics of the offense. And
19 this was -- although, unfortunately, not a perfectly singular
20 offense, it was in the upper echelon of the category of
21 offenses, which it is rightly described. It was unusual in its
22 diversity in the sense that there were a number of different
23 concepts, fraudulent concepts that were deployed in a number of
24 different ways. They're described very ably, I thought, in the
25 presentence report. It's difficult to summarize so much

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1 evidence in so many cases with reasonable brevity. But the
2 probation officer made a heroic effort.

3 But unlike you, Mr. Ighedoise, I had an opportunity //
4 to sit right here in this courtroom and listen to some of your //
5 victims and some of your lieutenants, some operatives in this //
6 organization, some with leadership roles, and some, the //
7 ultimate end-of-the-line operatives, doing the dirty work, //
8 actually walking into the bank and opening the accounts that //
9 would be used to funnel money and things like that. //

10 And I'll have to say that I'm a crusty, old veteran
11 of trials. I've seen people testify about their broken dreams
12 and their broken lives and their broken hearts. But even that,
13 some of these stories were painful to hear. Watching the jury //
14 respond in shock, occasionally, in -- with the obvious emotion //
15 controlled, witnesses crying on the witness stand, humiliated,
16 embarrassed, broke, couple of street-level drug addicts that
17 had been hired for little or nothing to open bank accounts as
18 if they had any money to put in them and such. It was sad. It
19 was pathetic. It was painful.

20 And as professionals, as much as, I suppose, an
21 emergency room physician can't afford to scream in horror at
22 some of the things that are brought before them in the
23 emergency room, because they have work to do and need to do it
24 well and need to do it under control, still, they see them,
25 they see the agony, and they see the blood, and they see the

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1 people go flatline and die in front of them.

2 So in that same sense that an emergency room
3 physician needs to maintain their balance, it's necessary for
4 prosecutors and judges and defense lawyers to do the same, but
5 we still see and experience the pain and suffering that's been
6 caused by the crimes that are tried in our courts. And we can
7 reasonably conclude that something definitive needs to be done
8 in response to those egregious harms if the opportunity in
9 law permits.

10 And I think it's a fair statement to say that any
11 reasonable person who observed the consequences of the schemes
12 that you and your colleagues deployed would come precisely to
13 that conclusion. People, for one reason another -- one reason
14 or another who were vulnerable, having some person whose
15 expertise is spotting vulnerability and exploiting it for their
16 own gain, well, that's a cold-blooded business. It's a
17 calculated business. It's probably not emotional. I don't
18 have any reason to think that you hated any of those people
19 that were the victims of these scams. Their agony is just,
20 what do we say these days, collateral damage, to enrich you
21 your friends.

22 You know, if I had a jury sitting right there in that
23 box right now, make it as big a jury as you want, make it a
24 hundred, make it a thousand, make it the members of Congress
25 that enacted this law, and we put the facts of this case to

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1 them, say just go back there in that room and deliberate a
2 while and come back and tell me what the sentence should be.
3 Do you have any doubt what the sentence would be that they
4 would arrive at? I don't think any of us does.

5 They would probably think that I should, with a
6 certain amount of detachment, assess these facts, call them
7 exactly as they are, no more and no less, and design a
8 proportionate sentence, which is what I'll do, to the best of
9 my ability, without undue -- without any sense of vengeance, *← caught himself about admin bias*
10 because that has no place in the law, but also without any lack
11 of determination or like to see to it that these types of scams
12 are deterred, if possible, suppressed where possible, and
13 rightly punished where possible, because there's the tears and
14 heartbreak and misery all over between every two lines in this
15 presentence report. It just oozes out to those of us who know
16 the facts. Again, oozing being a technical term.

17 And I want to say something else to you,
18 Mr. Ighedoise. I've been doing this a good, long time, and
19 I've sentenced a lot of cases that involved using the term in
20 its broadest, most generic sense, fraud, some of it generated
21 by organized crime, some of it generated by a couple people who
22 think they have a bright idea, sometimes economically proves
23 successful for a while. I assume there are ones that prove
24 successful and I don't know about them. But I know about a lot
25 that prove successful for a while, if success means that the

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1 inventors and propounders of the scheme made money.

2 So I've had a lot of people stand in front of me who
3 have committed fraud. And I think it's fair to say people who
4 have committed large-scale fraud are fraudsters. Most of them
5 smart, like you. Most of them -- many of them able to make
6 persuasive statements.

7 But because they are who they are, and because
8 they've done what they've done, and because things have worked
9 for them the way they have worked for them, it's difficult to
10 believe a thing they say.

11 I know that some of them probably are telling me the
12 truth. I'm certain that many of them aren't. I have no
13 100-percent reliable way to tell one from the other, but I will
14 tell you this. I am much more suspicious of a statement from a
15 polished fraudster, as any experienced jurist would be, as any
16 experienced law enforcement officer or investigator would be,
17 as any experienced defense lawyer would be, more suspicious of
18 a polished and savvy fraudster who understands human emotions
19 and vulnerabilities enough to exploit them successfully time
20 after time after time.

21 Again, without making any finding with respect to
22 this, I will say that I have seen -- although I've seen
23 examples of every, I think, form of conduct after arrest, I
24 would say there's a discernible tendency for defendants who are
25 crafty to understand exactly what they should do during their

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1 incarceration to prepare not for a life, but for sentencing.

2 Again, I can't tell -- I know there are some who -- I
3 know there are legitimate examples of persons who experienced
4 remorse and a sort of self-actuated rehabilitation, and I know
5 there are people who are seemingly incorrigible fraudsters and
6 manipulators. Again, I -- even though I know there are
7 examples of both, I don't have any ironclad way to tell the
8 difference between one and the other.

9 And basing that decision on using the term, again, in
10 its sort of generalized sense, personality, is dangerous,
11 especially with fraudsters, because they're very persuasive
12 generally. It's how they came to be -- how they came to be
13 successful. They've been recruiting cohorts and targeting
14 victims.

15 So I consider, as I was saying, the nature and
16 characteristics of the offense and the nature and
17 characteristics of the offender, I'll just say summarily that
18 having a difficult childhood, upbringing, environment, as a
19 youth, is certainly not uncommon among offenders. While it can
20 be said that many offenders have difficult backgrounds and were
21 handed a difficult lot in life, by far, the most people who
22 were handed difficult lot in life are not offenders.

23 And establishing an element of causation between a
24 circumstance and a crime is not an easy thing to do at all.
25 For instance, just to take an obvious example, how many people

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1 who are both criminals and drug addicts, certainly abusers,
2 sometimes it's difficult to know whether the stress and strain
3 of a criminal life created a need to medicate the stress with
4 the drugs, or whether these drugs clouded the judgment and
5 created a need for money and induced crime. It's certainly a
6 very tight relationship. I'm sure there are, again, cases of
7 one, cases of the other, often very difficult to tell which is
8 standing before you.

9 And difficult to know, even that, how much difference
10 it makes how an offender got to be an offender, if that
11 offender is an offender and if released into the community is
12 likely to offend.

13 Victims tend not to care about the details of why
14 someone broke their life, broke their heart, stole their money,
15 ended their dreams, for instance, devastated their child. They
16 tend not to care. Probably if I had 535 members of Congress
17 sitting right there, none of them will care either. They want
18 society to be placid, lawful, and safe. And lest anybody need
19 to be told, we're not doing a very good job of accomplishing
20 that.

21 So, yes, I have considered the nature and
22 characteristics of the offense, and I've read carefully your
23 background that is before me in the writings and in the
24 statements made this morning on your behalf.

25 I also consider other matters, including the

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1 imposition of a judgment that enhances respect for the law.
 2 Just a word about that. It means -- that concept probably
 3 means different things to different people. But one of the
 4 things I think it rightly means is that the sentence should not
 5 be so great as to be viewed as unnecessarily punitive without
 6 reason, nor should it be, as I said a few minutes ago, so
 7 lenient or indulgent as to suggest that the severity of the
 8 crime has not been recognized, that the injury to the victims
 9 has not been recognized, or that society is not sincere in
 10 enforcing its prohibitions.

11 I also consider protection for the community. I
 12 think it -- strike the I think part. Manifestly protection for
 13 the community is a principal consideration in every criminal
 14 case. That is especially so if the offense of conviction in a
 15 particular case is one that randomly targeted the community,
 16 and in this case and in related cases, did so broadly
 17 throughout the United States, and I think we know in Canada.

18 I also consider deterrence. That is a statutory
 19 factor. There are always arguments about deterrence, whether
 20 it is an effective aspect of sentencing. If so, to what
 21 extent, and if so, in which categories of cases, assuming that
 22 perhaps it is more effective. Deterrence is a more effective
 23 component of sentencing in some categories of cases than
 24 others.

25 I think it's fair to say that one area in which

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1 deterrence might have a greater effect is where people plan,
 2 where people assess the means by which they will proceed, place
 3 that they will proceed, targets that they will approach, the
 4 type of personnel they need to recruit in order to effect their
 5 means, and in which it is possible to calculate a probable
 6 range of monetary return so that a reasonable person, such as
 7 yourself, who's literate and can assess risk and reward, and,
 8 of course, probability of apprehension, which is important,
 9 might decide, yes, given X, risk of apprehension, and Y,
 10 vulnerability to incarceration, and, Z, reward, that equation
 11 works for me and I'll commit the crime.

12 Well, you know, you can change that equation by
 13 changing one of those variables. And, of course, that
 14 incarceration variable is changeable right here, right now in a
 15 way that will make this equation not work for others.

16 I also consider the unwarranted -- the avoidance of
 17 unwarranted disparity, as the lawyers tend to say. It's a
 18 fancy way of expressing the common-sense notion that people
 19 have committed about the same offense, have about the same
 20 criminal background, have caused about the same damage, should
 21 get about the same sentence. Yeah, I've simplified it a bit
 22 and generalized it a little bit too much, but that's
 23 essentially what it means.

24 One need not look too far, whether it's the
 25 Sentencing Commission's aggregated data or elsewhere in this

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1 case and in related cases to see that the range of sentences
 2 that we are talking about here is not excessive. I actually
 3 had occasion to review all the sentences and all the related
 4 cases before coming here this morning, and I think the judges
 5 in the Middle District of Florida have together sentenced these
 6 cases in an admirably consistent and moderate manner.

7 Some of these sentences are lengthy. One is
 8 tantamount to a life sentence. One might or might not prove to
 9 be a life sentence. Several others are lengthy. The person
 10 who provided the earliest, most useful substantial assistance
 11 to the United States has a sentence, which if that fact were
 12 not known, would appear to be disparate. But when the sentence
 13 is adjusted for a decision that the United States Congress and
 14 the Sentencing Commission made, which is to reward, as a matter
 15 of United States policy, substantial assistance, that sentence
 16 fits perfectly in line with the others. Just adjust those
 17 factors out, and it all works.

18 So, actually, not that it's my place to do this, but
 19 I was pleased with the results from a sentencing standpoint
 20 of -- in the matter of consistency and balance.

21 I should note that I did not ask if there were any
 22 victims present in the courtroom. I believe that the answer to
 23 that is self-evidently no. So I did not exercise in that -- I
 24 didn't make that invitation. But if I'm wrong about that and I
 25 think that's not possible, if there's any person in the

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1 courtroom who is a victim and wants to be heard, I'll -- if
 2 you'll make your presence known, I'll give you that opportunity
 3 now.

4 There's no response to that, so I just want to make
 5 sure I dotted that I and crossed that T, as the case were.

6 So anyway, Mr. Ighedoise, I've considered all of
 7 that, which is not an easy thing to do, nor is it an exact
 8 thing to do. I want to, in sentencing you, recognize the
 9 matters that have been brought to my attention. But on the
 10 other hand, I don't want to forget other matters that have --
 11 that I mentioned. There are people who are not here who
 12 deserve to be thought of as we do what we do.

13 So I have, pursuant to 18 -- well, to the Sentencing
 14 Reform Act of 1984, to the extent applicable, after the United
 15 States v. Booker and pursuant to 18 U.S.C. 3553, determined
 16 that Akohomen Ighedoise be committed to the Bureau of Prisons
 17 for 210 months. I have varied upwards slightly because of the
 18 reasons I have stated earlier. The rampant injury caused by
 19 this series of crimes, the startling breadth and reach of the
 20 crime, and the other factors that I discussed and need not
 21 limit but summarized them now.

22 I am confident that that sentence is not greater than
 23 necessary to establish -- to advance the statutory purpose of
 24 sentencing and in context of this offense is altogether
 25 reasonable. I have no objection, and I think justice would be

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1 served, given the sentence that I have announced, that
2 Mr. Ighedoise receive full credit from the time of his initial
3 detention in Canada on related charges. And if I'm correct,
4 Mr. Trombley, that would be 108 months.

5 MR. TROMBLEY: Your Honor, I don't think that's
6 correct. I -- the date is October 7th, 2015.

7 THE COURT: All right.

8 MR. TROMBLEY: I'm not sure what --

9 THE COURT: Anyway, the full measure, including the
10 18 months that we discussed. I have no objection to his
11 receiving credit for that. And my expectation is that he will
12 receive credit for that as I calculated this sentence.

13 Upon release, the defendant must serve a three-year
14 term of supervision in which he must comply with the standard
15 conditions adopted in the Court -- by the Court in the Middle
16 District of Florida and as well the following special
17 conditions:

18 First, he must not incur new credit charges, open
19 lines of credit, or obligating himself for a major purchase
without advanced approval by the probation officer.

20 Second, he must provide the probation officer access
21 to any requested financial information.

22 And, third, if he's deported, and I think that is a
23 near eventuality, he must not reenter the United States without
24 the express permission of the United States.
25

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1 And just so you will not be surprised, Mr. Ighedoise,
2 in the United States courts, people who violate the terms of
3 supervision, it's not ignored. It's not considered trivial.
4 They often are brought back into court and are subject to being
5 returned to incarceration for a term, sometimes amounting to
6 years.

7 As a qualifying felon, the defendant must cooperate
8 in the collection of his DNA as directed by the probation
9 officer.

10 Madam officer, has that been accomplished?

11 THE PROBATION OFFICER: I have not verified, Your
12 Honor, but --

13 THE COURT: With all due respect, you are directed to
14 confirm that that DNA has been taken, and if not, to take it
15 yourself. I suggest you take it yourself anyway, but let's
16 make sure that gets done. That's particularly important, as
17 you know, in cases involving persons from outside the United
18 States.

19 Mandatory drug testing requirements of the Violent
20 Crime Control Act are suspended.

21 The defendant must pay restitution in the amount of
22 \$4,389,340.97 to the victims as provided -- as delineated by
23 the government, by the United States. This restitution is
24 payable to the clerk of the United States District Court for
25 the Middle District of Florida for distribution to the victims.

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1 Restitution shall be paid jointly and severally with
2 co-defendants, Ikechukwu -- that's Amadi, isn't it?

3 MR. SCRUGGS: Yes, sir.

4 THE COURT: Derek Amadi?

5 MR. SCRUGGS: Yes.

6 THE COURT: Priscilla Ann Ellis, ⁴⁶⁰⁰ Perry Don Cortese, ³⁰⁰⁰
7 Stacey Merritt, and Kenietta Rayshawn Johnson.

8 Further restitution is jointly and severally payable
9 with coconspirators Muhammad Naji in Case 15-Criminal-126. Let
10 me restate that. In Case Number 8:15-Criminal-126 in the
11 Middle District of Florida. Dana Marie Jewesak in Case Number
12 8:16-Criminal-149 in the Middle District of Florida, Michele
13 Ann Scalley in Case 8:16-Criminal-259 in the Middle District of
14 Florida, Tampa Division. All these are Tampa Division cases.
15 Dean Morgan in Case 8:17-Criminal-254 in the Middle District of
16 Florida, Frederick Miscoe in Case 8:18-Criminal-13 in the
17 Middle District of Florida, and Okechukwu Desmond Amadi in case
18 8:17-Criminal-447.

19 While in the Bureau of Prisons, the defendant must
20 either pay at least \$25 quarterly, if he has a UNICOR job or
21 50 percent of his monthly earnings -- I got that exactly
22 backwards. Sorry, Mr. [sic] Reporter. I'll begin with while
23 in the Bureau of Prisons' custody, the defendant must pay
24 either, one, \$25 quarterly if he has a nonUNICOR job, pay at
25 least 50 percent of his monthly earnings if he has a UNICOR

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1 job.

2 Upon release from custody, the defendant must pay
3 restitution at the rate of \$200 a month at any time after his
4 release, of course. And in the event of a material change in
5 his ability to pay, that monthly payment rate is changeable
6 the Court. I find the defendant lacks the ability to pay
7 interest, and I will waive the interest payment for the
8 restitution.

9 I'll also waive -- well, does the United States want
10 to be heard on a fine?

11 MR. SCRUGGS: No, Your Honor.

12 THE COURT: Seems superfluous.

13 MR. SCRUGGS: Yes, Your Honor.

14 THE COURT: And otherwise we probably go 250.

15 MR. SCRUGGS: Correct, Your Honor. We're not asking
16 for the fine.

17 THE COURT: Seems superfluous. There is a
18 preliminary order of forfeiture at Document 1141 of the docket.
19 That preliminary order is made permanent and will be
20 incorporated into the judgment and commitment.

21 I levied a special assessment of \$100, which is due
22 immediately.

23 For the reasons that I have already stated, I find
24 the sentence to be entirely reasonable in the circumstances.

25 Count 2 of the superseding indictment is dismissed.

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*This Court in a previous panel decision, has
acknowledged that Aggelinos was disposed for
testimony at his codefendant's trial, that he
extradition difficulties - See U.S. v. Ellis,
817 Fed App'x 780, 784 n. 1 (11th Cir., 2020)
(per curiam).*

1 accord with the plea agreement and the underlying indictment.

2 MR. SCRUGGS: Yes, he was not included in the
3 original indictment.

4 THE COURT: That's correct. Doesn't make any
5 difference. All right.

6 Does counsel for the United States or the defense
7 object to the sentence or the manner of its announcement?
8 Mr. Scruggs?

9 MR. SCRUGGS: No, Your Honor.

10 THE COURT: Mr. Trombley?

11 MR. TROMBLEY: No, Your Honor. Nothing more, other
12 than what's in our memorandum and what's been said here today.

13 THE COURT: The defendant is remanded to the custody
14 of the United States Marshal to await designation by the Bureau
15 of Prisons.

16 Was there a request with respect to his residence?
17 The thing that occurs to me first, does he want to make sure
18 he's either with or away from any of the codefendants? Is that
19 a factor here?

20 MR. SCRUGGS: No, Your Honor, it should not be at
21 this point from the government's perspective.

22 MR. TROMBLEY: Your Honor, we've -- he's pretty open
23 to different facilities. I've suggested a lot of people have
24 found success working at Fort Dix in New Jersey.

25 THE COURT: That's right.

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*Brack
Indication*

*Substantive
v. case - abbotross
of Sentence
Indication*

1 MR. TROMBLEY: That, I think, is where he --

2 THE COURT: All right. I'll recommend that he be
3 housed at Fort Dix, New Jersey or another facility where he can
4 engage in gainful employment.

5 In your plea agreement, you have largely waived your
6 right to appeal from this judgment and sentence except in three
7 circumstances, one of which has occurred here, which is I
8 sentenced you above the applicable Guideline range. So you do
9 have a right of appeal.

10 So with respect to that appeal, there are two things
11 I need to tell you.

12 Number one, you -- in a direct appeal you always have
13 a right to counsel. If you can't afford counsel, I would
14 appoint one for you at public expense. As it stands now,
15 Mr. Trombley must preserve and pursue any appeal unless other
16 counsel is substituted for him by an order of the Court.

17 Number two, to begin an appeal, you must file a
18 written notice of appeal that is filed within 14 days, and that
19 is accompanied by a filing fee. If you cannot afford a filing
20 fee, Mr. Trombley can ask the Court to waive the fee, and if
21 that's granted, he can appeal without payment.

22 Mr. Trombley, I think it would be advisable here for
23 you to file a notice of appeal and --

24 MR. TROMBLEY: Your Honor, with all due respect,
25 we've -- he's inquired about what would happen in the event of

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*Crabbs &
page 42*

1 being outside and over the Guideline range. I think that's
 2 probably likely that he is going to want to file an appeal. I
 3 had planned on asking and moving the Court to appoint an
 4 appellate --

5 **THE COURT:** Please do the same. Just make a motion
 6 to waive the filing fee. I guess he can't pay it. Is that
 7 right?

8 **MR. TROMBLEY:** Correct.

9 **THE COURT:** So make a motion to waive the filing fee
 10 and to -- for substitution of appellate counsel.

11 **MR. TROMBLEY:** Okay.

12 **THE COURT:** And the magistrate judge will take care
 13 of that.

14 **MR. TROMBLEY:** Understood, Your Honor.

15 **THE COURT:** Anything further from the United States?

16 **MR. SCRUGGS:** No, Your Honor. Thank you.

17 **THE COURT:** Anything further from the defense?

18 **MR. TROMBLEY:** Nothing, Your Honor. Thank you.

19 **THE COURT:** We are in adjournment.

20 (Proceedings adjourned at 10:40 a.m.)

21
22
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25
UNITED STATES DISTRICT COURT

1 **CERTIFICATE OF REPORTER**

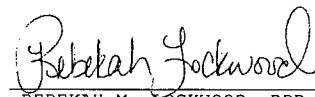
2 STATE OF FLORIDA

3 COUNTY OF HILLSBOROUGH

4 I, Rebekah M. Lockwood, RDR, CRR, do hereby certify
 5 that I was authorized to and did stenographically report the
 6 foregoing proceedings; and that the foregoing pages constitute
 7 a true and complete computer-aided transcription of my original
 8 stenographic notes to the best of my knowledge, skill, and
 9 ability.

10 I further certify that I am not a relative, employee,
 11 attorney, or counsel of any of the parties, nor am I a relative
 12 or employee of any of the parties' attorneys or counsel
 13 connected with the action, nor am I financially interested in
 14 the action.

15 IN WITNESS WHEREOF, I have hereunto set my hand at Tampa,
 16 Hillsborough County, Florida, this 13th day of March 2023.

17
18
19
20
21 
 22 REBEKAH M. LOCKWOOD, RDR, CRR
 23 Official Court Reporter
 24 United States District Court
 25 Middle District of Florida