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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

15 CR 243 (NRB)

5 LOIS BROOKS,

6 Defendant.

7 -----x

8 New York, N.Y.

9 June 28, 2016

3:00 p.m.

10 Before:

11 HON. NAOMI REICE BUCHWALD,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA

United States Attorney for the

16 Southern District of New York

NOAH SOLOWIEJCZYK

17 Assistant United States Attorney

18 DONALD DUBOULAY

Attorney for Defendant Brooks

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1 (Case called).

2 MR. SOLOWIEJCZYK: Good afternoon, your Honor.

3 Noah Solowiejczyk. I am joined by AUSA Jonathan
4 Rebold and FBI agent Stacy Shahlani.

5 MR. DUBOULAY: Donald DuBoulay, for Lois Brooks, who
6 is present.

7 THE COURT: Judging from the documents in front of me,
8 Ms. Brooks is intending to plead guilty this afternoon to a
9 superseding information; is that correct?

10 MR. DUBOULAY: Yes, your Honor.

11 THE COURT: Ms. Brooks, would you stand for a moment,
12 please. Would you raise your right hand.

13 (Defendant Lois Brooks sworn)

14 THE COURT: Could you tell me your full name please.

15 THE DEFENDANT: Lois Jessica Brooks.

16 THE COURT: How old are you please?

17 THE DEFENDANT: 30 years old.

18 THE COURT: What was the highest grade in school that
19 you completed?

20 THE DEFENDANT: Eleventh grade.

21 THE COURT: OK. Are you now or have you recently been
22 under the care of a doctor or mental health professional?

23 THE DEFENDANT: Yes.

24 THE COURT: Which?

25 THE DEFENDANT: I go to the mental health every week.

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1 THE COURT: OK. And do you know what diagnosis you've
2 received?

3 THE DEFENDANT: Right now?

4 THE COURT: What are you being treated for?

5 THE DEFENDANT: Mood disorder and bipolar depression.

6 THE COURT: Are you on any medication for these
7 conditions?

8 THE DEFENDANT: Yes.

9 THE COURT: What medication are you now on?

10 THE DEFENDANT: I'm not clear of the name right now.
11 It's been changed a lot. So we're trying to figure out what
12 method works for me right now.

13 THE COURT: OK. Does the medication that you're
14 taking affect your ability to understand and have conversations
15 with people?

16 THE DEFENDANT: No.

17 THE COURT: OK. If at any time in the course of this
18 afternoon's proceeding you have any difficulty understanding
19 anything I am saying, would you let me know?

20 THE DEFENDANT: Yes.

21 THE COURT: OK. Why don't you sit down by the way.
22 Have you ever been hospitalized or treated for
23 alcoholism or narcotics addiction?

24 THE DEFENDANT: No.

25 THE COURT: Are you under the influence of any drug

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1 other than the one that whose name you can't recall your
2 taking?

3 THE DEFENDANT: No.

4 THE COURT: Have you signed the waiver of indictment
5 form?

6 THE DEFENDANT: Yes.

7 THE COURT: And before you signed it did you discuss
8 it with Mr. DuBoulay?

9 THE DEFENDANT: Yes.

10 THE COURT: And did he explain to you that you are
11 under no obligation to waive indictment and if the government
12 wanted to prosecute you on these particular charges that they
13 would have to present your case to a grand jury which might or
14 might not indict you on these particular charges?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you understand by that by signing
17 that waiver of indictment that you have given up your right to
18 have your case presented to a grand jury?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand what a grand jury is?

21 THE DEFENDANT: Yes.

22 THE COURT: Have you seen a copy of the superseding
23 information in your case?

24 THE DEFENDANT: Yes.

25 THE COURT: Would you like me to read it out loud or

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1 do you waive its public reading?

2 THE DEFENDANT: No.

3 THE COURT: And by the way, have you had sufficient
4 time to discuss the charges against you and your plea with
5 Mr. DuBoulay?

6 THE DEFENDANT: Yes.

7 THE COURT: And are you ready to plead at this time?

8 THE DEFENDANT: Yes.

9 THE COURT: What is your plea to the superseding
10 information, guilty or not guilty?

11 THE DEFENDANT: Guilty.

12 THE COURT: OK. All right. Ms. Brooks, in order to
13 determine whether your plea is voluntary and made with a full
14 understanding of the charges against you and the consequences
15 of your plea, I am going to make certain statements to you and
16 I am going to ask you certain questions. I want you to
17 understand that I need not accept your plea unless I am
18 satisfied that you are in fact guilty and that you fully
19 understand your rights.

20 Now, Count One of the information charges you with
21 conspiracy to commit sex trafficking of a minor over the age of
22 14 and less than the age of 18. The maximum term of
23 imprisonment for this crime is life. There is a maximum term
24 of supervised release of life. There's also a typo in this.
25 There's a mandatory minimum term of supervised release of five

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1 years. The maximum fine is the greatest of \$250,000 or twice
2 the monetary gain derived from the offense or twice the gross
3 monetary loss to a person other than yourself as a result of
4 the offense. Restitution of the victim's losses is mandatory
5 and there's a mandatory \$100 special assessment.

6 Do you understand that those are the charges in Count
7 One of the information and the maximum possible penalties
8 applicable to those charges?

9 THE DEFENDANT: Yes.

10 THE COURT: Count Two charges you with use of
11 interstate commerce to promote unlawful activity. And this
12 crime carries a maximum term of imprisonment of five years, a
13 maximum term of supervised release of three years, a maximum
14 fine identical to Count One and also a \$100 mandatory special
15 assessment and restitution is mandatory as well.

16 Do you understand that those are the charges in Count
17 Two of the information and the maximum penalties applicable to
18 those charges?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand that in consideration of
21 your plea of guilty that the government has agreed not to
22 further prosecute you except for a possible criminal tax
23 violations for having participated from in or about
24 November 2012 up to and including at least April of 2013 in a
25 conspiracy to commit sex tracking of minors and having used the

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1 facilities in interstate commerce therefore in as found in
2 Counts One and Two. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you know that it is part of your plea
5 agreement to admit the forfeiture allegation in connection with
6 the two counts in the information? And that you've also agreed
7 to make restitution to Minor Victim One at least, including
8 Minor Victim One?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand that you have the right
11 to plead not guilty and the right to a trial on the charges
12 against you and in fact the right to a jury trial?

13 THE DEFENDANT: Yes.

14 THE COURT: I'd ask the government please to recite
15 the elements of the crimes charged.

16 MR. SOLOWIEJCZYK: Yes, your Honor. Count One sex
17 tracking conspiracy of a minor, the government would have to
18 show with respect to conspiracy the existence of an unlawful
19 agreement, here the agreement to commit sex tracking. And
20 second, that the defendant knowingly became a member of the
21 conspiracy. Here, the object is violation of 18 U.S.C.
22 1591(A)(1) which makes it a crime to recruit, entice, harbor,
23 transport, provide, obtain or maintain a person by any means
24 who is a minor. That crime has the following elements.

25 First, that the defendant knowingly transported or

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1 recruited or enticed or harbored or provided or obtained or
2 maintained a person by any means.

3 Second, that the defendant knew or was in reckless
4 disregard of that fact that the victim was under the age of 18
5 or alternatively that the defendant had a reasonable
6 opportunity to observe the victim who in fact was under the age
7 of 18.

8 Third, that the defendant knew or was in reckless
9 disregard of the fact that this person would be engaged in a
10 commercial sex act.

11 And fourth, that the defendant's conduct was in or
12 affecting interstate or foreign commerce.

13 That's count one.

14 Count Two charges 18 U.S.C. 1952 which is a violation
15 of Travel Act. That crime has the following elements:

16 First, that the defendant traveled or caused someone
17 to travel or used or caused someone else to use in interstate
18 facility.

19 Second, that this travel or use of an interstate
20 facility was done with the intent to promote, manage, establish
21 or carry on an unlawful activity.

22 Third, after the interstate travel or use of an
23 interstate facility defendant performed or attempted to perform
24 any act in furtherance of this same unlawful activity.

25 With travel with respect to both counts, your Honor,

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1 the government would have to prove venue by a preponderance of
2 the evidence.

3 THE COURT: Ms. Brooks, do you understand that if you
4 pled not guilty and went to trial that the burden would be on
5 the government to prove each and every element of the crimes
6 charged beyond a reasonable doubt in order to convict you?

7 THE DEFENDANT: Yes.

8 THE COURT: And do you know that at a trial you would
9 have the right to be represented by an attorney at all stages
10 of the proceeding and if necessary an attorney would be
11 appointed for you?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that at a trial you
14 would have the right to confront and cross-examine the
15 witnesses against you and the right not to be compelled to
16 incriminate yourself?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that at a trial you
19 would be presumed innocent until such time, if ever, that the
20 government established your guilt by competent evidence to the
21 satisfaction of the trier of facts beyond a reasonable doubt?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that at a trial you
24 would have the right to testify and would also be entitled to
25 compulsory process, in other words, the right to call other

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1 witnesses on your behalf?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that if your plea is
4 accepted that there will be no further trial of any kind so
5 that by pleading guilty you are waiving your right to a trial?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand that if you are
8 sentenced to a period of supervised release and if you violate
9 the terms of your supervised release that an additional period
10 of jail time may be imposed without credit for time that you
11 had spent on, had previously spent on supervised release?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that in connection with
14 your plea of guilty that the Court may ask you certain
15 questions about the offense to which you've pled and if you
16 answer these questions under oath and on the record and in the
17 presence of your lawyer that your answers if false may later be
18 used against you in a prosecution for perjury or false
19 statement?

20 THE DEFENDANT: Yes.

21 THE COURT: Ms. Brooks, what country are you a citizen
22 of?

23 THE DEFENDANT: United States.

24 THE COURT: Did you sign a plea agreement earlier
25 today?

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1 THE DEFENDANT: Yes.

2 THE COURT: Before you signed this plea agreement did
3 you discuss it with Mr. DuBoulay?

4 THE DEFENDANT: Yes.

5 THE COURT: Before you signed it did you read it?

6 THE DEFENDANT: Yes.

7 THE COURT: OK. Putting the plea agreement to one
8 side separate and apart from the plea agreement, have any
9 threats or promises been made to you to make you plead guilty?

10 THE DEFENDANT: No.

11 THE COURT: Again, separate and apart from the plea
12 agreement, have any understandings or promises been made to you
13 concerning the sentence that you will receive?

14 THE DEFENDANT: No.

15 THE COURT: Is your plea voluntary and of your own
16 free will?

17 THE DEFENDANT: Yes.

18 THE COURT: OK. I'd like to review certain portions
19 of the plea agreement with you.

20 First, do you understand that the plea agreement
21 contains a stipulated sentencing guidelines range of from 87 to
22 108 months with a fine range from \$15,000 to \$150,000?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that you have agreed,
25 both parties have agreed that neither an upward nor a downward

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1 departure from the sentencing guidelines range is appropriate
2 but that either party may seek a sentence outside of the
3 stipulated guidelines range?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you understand that the government's
6 reserved the right to seek a denial of the adjustment for
7 acceptance of responsibility if you fail to clearly demonstrate
8 acceptance of responsibility and also that the government has
9 reserved the right to seek an enhancement for obstruction of
10 justice should it turn out that you have engaged in conduct
11 currently unknown to the government that constitutes an
12 obstruction of justice or if you commit other crimes after
13 signing this agreement? And do you understand that neither the
14 probation office, nor the Court is bound by the guideline
15 stipulation and that the sentence to be imposed upon you is
16 determined solely by the Court?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that if you receive a
19 sentence within or below the stipulated guidelines range that
20 you waive the right to appeal or otherwise challenge the
21 sentence?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you pleading guilty because you are in
24 fact guilty?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you understand that under the Sex
2 Offender Registration and Notification law that you must
3 register and keep the registration current in any place that
4 you reside or where you're employed or where you're a student?

5 THE DEFENDANT: Yes.

6 THE COURT: And that the failure to comply with the
7 obligations under that law would subject you to another
8 prosecution?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand that this plea agreement
11 does not affect any other prosecuting authority other than the
12 United States Attorney's Office for the Southern District of
13 New York?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that this agreement
16 takes the place of any prior understanding that you may have
17 had with the U.S. Attorney's Office and that this plea
18 agreement cannot be modified except in a writing signed by all
19 parties but that provision that the agreement supersedes any
20 prior understandings does not apply to any written proffer
21 agreements?

22 THE DEFENDANT: Yes.

23 THE COURT: Ms. Brooks, did you commit the offenses
24 that you have been charged with?

25 THE DEFENDANT: Yes.

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1 THE COURT: OK. Could you tell me what you did.

2 THE DEFENDANT: Around November 2012 to April 2013, I
3 unknowingly agreed with another person to hereby transport an
4 individual who I later learned that was 17 years old to engage
5 in a commercial sex act. This occurred in the Bronx and the
6 other use of a website called Backpage to post ads to
7 facilitate this crime.

8 THE COURT: I know it is upsetting but you do need to
9 keep your voice up otherwise we can't get this down.

10 THE DEFENDANT: OK. I had the reasonable opportunity
11 to observe the individual as the individual lived with me for a
12 period of time. I used the Internet to facilitate an
13 international commercial and arrange dates for the individual.

14 THE COURT: Is she done reading?

15 MR. DUBOULAY: I think my client has a little
16 difficulty reading but she's finished. I hope the AUSA is
17 satisfied.

18 MR. SOLOWIEJCZYK: Is it possible to get the court
19 reporter to do a read back for us to make sure that we actually
20 got it all?

21 THE COURT: OK.

22 (Testimony read back)

23 THE COURT: Did you understand that it was against the
24 law for you to engage in this activity?

25 THE DEFENDANT: Yes.

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1 THE COURT: And did you receive any economic benefit?

2 THE DEFENDANT: Yes.

3 THE COURT: Mr. Solowiejczyk, is there anything else
4 you would like me to ask?

5 MR. SOLOWIEJCZYK: No, your Honor. I believe she has
6 satisfied all of the elements.

7 THE COURT: OK. Ms. Brooks, do you still wish to
8 plead guilty?

9 THE DEFENDANT: Yes.

10 THE COURT: Mr. DuBoulay, do you know of any reason
11 why Ms. Brooks ought not to plead guilty?

12 MR. DUBOULAY: No, your Honor.

13 THE COURT: All right. Ms. Brooks, I'm satisfied that
14 you understand the nature of the charge against you and the
15 consequences of your plea and that your plea is made
16 voluntarily and knowingly and that there is a factual basis for
17 it. Accordingly, I will accept your plea of guilty and direct
18 that a presentence report be prepared. By our calculations the
19 presentence report ought to be done by September 19th. We
20 propose the following schedule: The defendant's submission on
21 September 26th doesn't quite work.

22 All right. Propose that the defendant's submission be
23 submitted by September 28th, the government's by October 7th
24 and that sentencing be on October 17 at 2:45. Is that OK?

25 MR. DUBOULAY: That's fine, judge. Thank you.

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1 MR. SOLOWIEJCZYK: That's fine.

2 THE COURT: Is there anything else at this time?

3 MR. SOLOWIEJCZYK: Not from the government, your

4 Honor.

5 MR. DUBOULAY: No, your Honor. Thank you.

6 (Adjourned)

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