

No. \_\_\_\_\_

---

---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

LEON LITTLE,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

---

On Petition For a Writ of Certiorari  
To the United States Court of Appeals  
For the Third Circuit

---

APPENDIX D

---

Susan M. Lin  
*Counsel Appointed Under the CJA*  
KAIRYS, RUDOVSKY, MESSING, FEINBERG & LIN LLP  
The Cast Iron Building  
718 Arch Street, Suite 501 South  
Philadelphia, PA 19106  
(215) 925-4400  
(215) 925-5365 (fax)

---

---

APPENDIX

A. Court of Appeals Opinion (Dec. 2, 2022)..... 1a-14a

B. Judgment in a Criminal Case (Aug. 16., 2018) ..... 15a-24a

C. Third Superseding Indictment..... 25a-52a

D. District Court Sentencing Transcript (Aug. 15, 2018) (separately bound  
due to volume)..... 53a-235a

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA .	Case No. 13-cr-582-1
	.
Plaintiff,	.
	.
v.	U.S. Courthouse
	601 Market Street
	Philadelphia, PA 19106
LEON LITTLE .	.
	.
Defendants.	.
	August 15, 2018
. . . . .	12:13 p.m.

TRANSCRIPT OF SENTENCING HEARING  
BEFORE HONORABLE CYNTHIA M. RUFÉ  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiff	TOMIKA N.S. PATTERSON, ESQ.
United States of	U.S. Attorneys' Office
America:	615 Chestnut Street
	Philadelphia, PA 19106
For Defendant	DAVID SCOTT NENNER, ESQ.
Leon Little:	1500 John F. Kennedy Boulevard
	Suite 620
	Philadelphia, PA 19102
Audio Operator:	E. PRATT
TRANSCRIBED BY:	Eileen Dhondt, CET-807
	Aequum Legal Transcription Services
	6934 East Almeria Road
	Scottsdale, AZ 85257

Proceedings recorded by electronic sound recording, transcript produced by transcription service.

**AEQUUM LEGAL TRANSCRIPTION SERVICES**  
**480-241-2841**

## INDEX

THE COURT:		PAGE:
SENTENCING		174
<b>WITNESSES:</b>		
<b>FOR THE GOVERNMENT:</b>		
<i>JACOB MITCHELL</i>		
Direct Examination by Ms. Patterson		44
Cross-Examination by Mr. Nenner		64
 <i>JEFFREY LAURIHA</i>		
Direct Examination by Ms. Patterson		93
Cross-Examination by Mr. Nenner		99
Continued Direct Examination by Ms. Patterson		124
 <b>EXHIBITS</b>		
	<b>MARKED</b>	<b>ADMITTED</b>
<b>FOR THE GOVERNMENT</b>		
Exhibit 1	--	104
Exhibit 2	--	104

**AEQUUM LEGAL TRANSCRIPTION SERVICES**  
**480-241-2841**

PROCEEDINGS

(Proceedings commence at 10:54 a.m.)

DEPUTY CLERK: All rise. Court is now in session for the United States District Court of the Eastern District of Pennsylvania. The Honorable Cynthia Rufe now presiding.

THE COURT: Good morning, everyone.

MS. PATTERSON: Good morning, Your Honor.

MR. NENNER: Good morning, Your Honor.

THE COURT: Please be seated. Counsel, are we ready to proceed with the sentencing for Mr. Leon Little?

MS. PATTERSON: Yes, Your Honor. The Government is ready to proceed.

MR. NENNER: Yes, Your Honor. Mr. Little is ready, likewise.

THE COURT: Thank you. Then we will start by addressing Mr. Little and the presentence report. I would like Mr. Little to rise to be sworn in, please.

DEPUTY CLERK: Please raise your right hand.

(Defendant is Sworn)

DEPUTY CLERK: Please state your full name for the record.

THE DEFENDANT: Leon Little.

THE COURT: Good morning, Mr. Little. You may be seated. I'll hear you better if you speak directly into the microphone. I would like to ask you if you have had the

1 opportunity to read the presentence report that was prepared by  
2 the probation officer in this matter?

3 THE DEFENDANT: Yes.

4 THE COURT: And did you review it with your attorney?

5 THE DEFENDANT: Yes.

6 THE COURT: Now, I noted objections that were filed by  
7 Mr. Nenner to various portions of the presentence report and we  
8 will address them momentarily. We can't calculate properly an  
9 advisory guideline range for the sentence under the sentencing  
10 guidelines if we haven't addressed all outstanding objections.  
11 I will also note for the record that, Mr. Little, you have filed  
12 on your own another document and you've done that several times  
13 since the trial. That is called defendant's supplemental brief  
14 to sentencing memorandum, Document 464. And as I have ruled in  
15 all of your other filings while you've been represented by  
16 counsel that it's really up to counsel to raise these matters.  
17 Some of them do cross over with the objections Mr. Nenner has  
18 raised on your behalf.

19 So, I'm not certain that it's a good idea to try to  
20 cover everything in your sentencing memoranda that your attorney  
21 hasn't already raised. But as some of the objections do touch  
22 on it, we will of course -- and have reviewed your sentencing  
23 memo -- we will, of course, in the natural procedure of doing  
24 those objections and ruling on them be addressing most of your  
25 brief. But that's not because we're permitting hybrid

1 representation.

2           So, I would like now to turn to the objections. And  
3 before we start, I do see that there are a number of persons in  
4 the courtroom that are here probably to support you, Mr. Little.  
5 And I will be asking Mr. Nenner if this is a good time to have  
6 them identify themselves, stand, identify themselves please,  
7 because I'm not sure whether any or all of them will be called  
8 to testify, but you may do so at your discretion. But I would  
9 like to identify who is here in court.

10           MR. NENNER: Do you want each one to stand up, Your  
11 Honor?

12           THE COURT: I think that would be a good idea. And  
13 they should state their name clearly.

14           MR. NENNER: Why don't we start with the young man?  
15 Isaiah (phonetic), Your Honor.

16           THE COURT: Isaiah. Thank you.

17           MS. JONES: My name is Corey Jones.

18           THE COURT: I have to hear you clearly.

19           MR. NENNER: Speak up.

20           MS. JONES: Corey Jones.

21           THE COURT: Thank you.

22           MS. ST. FORT: Sabrina St. Fort.

23           MS. LITTLE: Kiara (phonetic) Little.

24           MS. WATERS: Early (phonetic) Waters.

25           MS. ST. FORT: Kimberly St. Fort.

1 MS. REAGAN: Ciara Reagan (phonetic).

2 MR. FRANKLIN: Malik Franklin (phonetic).

3 MS. CAMPS-RAMOS: Rose Camps-Ramos.

4 MR. RAMOS: Manuel Ramos.

5 MS. FRANKLIN: Sarah Franklin.

6 MS. VESTEBUL: Krista Vestebul (phonetic)

7 THE COURT: I'm sorry, I didn't catch that.

8 MS. VESTEBUL: Krista Vestebul.

9 THE COURT: Thank you.

10 MS. MONTGOMERY: Karina Montgomery (phonetic).

11 MS. HOLMAN: Tara Holman (phonetic).

12 MS. LITTLE: Isha (phonetic) Little.

13 MS. WILLIAMS: Ellen Williams (phonetic).

14 MR. PRATT: Kelly Pratt (phonetic).

15 THE COURT: Thank you. And I'll just remind everyone  
16 that the recording that we're making of this proceeding is  
17 official. And no telephones, cell phones, iPads or any  
18 electronic devices may be used by anyone in the courtroom other  
19 than court personnel. So, if you do start getting your phones  
20 out for whatever reason, it will be removed -- you will be  
21 removed from the courtroom and your phone will be taken from you  
22 as well. So, I don't think we need to go into that this  
23 morning. You should remember -- some of you were at the trial.  
24 You should remember the rules. They are the same. And anyone  
25 who is called to testify, the testimony comes from the podium,



1 the witness stand, and it is directed to the court and I hope  
2 that everyone is respectful. And by that, I mean no comments.  
3 And I appreciate you following those directions. It's a very  
4 important proceeding for Mr. Little and he needs my undivided  
5 attention. All right, Mr. Nenner --

6 MR. NENNER: Yes, Your Honor.

7 THE COURT: -- your first objection?

8 MR. NENNER: Yes, Your Honor. Would you prefer that I  
9 stand here or come up to the --

10 THE COURT: You may stand there, but that's your  
11 choice.

12 MR. NENNER: All right. Thank you.

13 THE COURT: I'm not going to confine you to a space.

14 MR. NENNER: Thank you. Your Honor, the first  
15 objection that we raised, Your Honor, as indicated in the  
16 presentence report, Your Honor, is that Mr. Little's juvenile  
17 record it is -- overstates the seriousness of his prior  
18 offenses, Your Honor. And what we're asking the court to do is  
19 look at all of the circumstances which led to those convictions.  
20 And I'd like to start, Your Honor -- and we can probably just  
21 incorporate this into my later argument because I think I have  
22 to go into Mr. Little's background a little to substantiate my  
23 objections --

24 THE COURT: All right.

25 MR. NENNER: -- and tell you why I brought them. Your

1 Honor, Mr. Little, as you may have read from his submission,  
2 actually, was 14 years old at the time of -- mostly three out of  
3 the four offenses, he was 14 years old. Two are for car thefts.  
4 One was a robbery. All three of those offenses occurred within  
5 the span of approximately three months, Your Honor. And I think  
6 we got to look about -- look a little bit at Mr. Little's  
7 childhood and some of the things he faced and some of the  
8 failures of the system as it applied to him.

9 And this is why I say this, Your Honor. My client was  
10 literally conceived in a jail. His mother -- and I mean no  
11 disrespect to her. She's in the courtroom -- and his father,  
12 biological father, met in prison. And actually -- don't ask me  
13 how or why, but he was conceived in prison.

14 And his father primarily was not in his life, Your  
15 Honor, because most of his life was spent behind bars, to put it  
16 candidly. His mother had her own demons like a lot of people  
17 that you heard in this case. She had drug addictions. She was  
18 addicted to drugs. She was often not present during his  
19 childhood as Your Honor read.

20 When he was 14 years old, he was literally living on a  
21 park bench outside of the community where he lived. One -- a  
22 neighbor, you heard, was kind and took him in for a little bit,  
23 but I'd like the court to focus on what was going on in his life  
24 at age 14. Age 14, he drops out of school. He's in 9th grade  
25 and there's no parent. There's no support system. There's

1 nothing to guide him as to what he should do at that point in  
2 time.

3 Now, clearly, he's living on the street. Clearly, his  
4 mother who was surviving by benefits from the government -- and  
5 again, I mean no disrespect to her, but that money is not going  
6 to her children. That money is going basically to feed a  
7 horrible habit that she's had. And to her credit, she beat that  
8 problem. It took her a while but she beat the problem. And  
9 I -- and I bring this up, Your Honor, because at age 14 -- and  
10 I'm telling you I've been practicing for over 30 years.

11 I had never seen a juvenile court certify somebody as  
12 an adult at that age when there's no prior contacts with the  
13 legal system. And Your Honor should be concerned about that.  
14 And I know there's nothing we can do about that. It is what it  
15 is. But think about that. The system -- the way it's supposed  
16 to work is if you certify somebody as an adult in a criminal  
17 court, you have to first reach the position that he's not  
18 amenable to any treatment at all as a juvenile. And frankly, no  
19 disrespect to whoever was handling this case, but I don't know  
20 how you make that call on a -- on a 14-year-old -- okay -- who's  
21 never been in trouble before.

22 THE COURT: I thought the same when I read it.  
23 Knowing juvenile court, it isn't typical at all to have  
24 certification introduced for other than someone that they have  
25 tried to rehabilitate. What's not in this report is anything

1 prior to age 14 and I don't know if there was. I can't tell. I  
2 have no way of knowing. But it would seem to me that he was  
3 apprehended on a string of violent and -- because the robbery  
4 was violent. And the thefts -- one was of a car so that's a  
5 felony. And it would look like to me that the certification was  
6 based on something that we don't know because it couldn't be  
7 based on your first arrest.

8 MR. NENNER: I can't -- well, you would think not, but  
9 here is my feeling on that and if I can respectfully disagree in  
10 one respect. As I said, all three of these came in the span of  
11 three months if you look at it. Two were car thefts, you're  
12 correct, and one was a robbery where he was arrested and there  
13 was other people involved in that robbery.

14 My point simply is -- he indicates to me that he had  
15 no prior juvenile record before age 14. I don't have any  
16 documentation to support that. I don't know that anybody in the  
17 courtroom does or doesn't. But the point is they could have  
18 certified him, Your Honor, because of the robbery offense.  
19 Because a robbery offense in the -- in the state system is, if  
20 it's a violent crime and there's a weapon used, that can be a  
21 basis to certify somebody on their own.

22 The problem I have with it and I'm asking the Court to  
23 have a problem with is that they took all three of these cases,  
24 two of which were not violent offense. Okay? They were car  
25 thefts. And I get it, it's a low-grade felony, but they're not

1 certification offenses and they seem to have certified him on  
2 all three cases. And if you look at the dispositions of those  
3 cases, it's pretty clear that that's exactly what happened.

4 At age 15, Your Honor -- 15 years old, for a young man  
5 who's living on the streets, he is given 11 and a half to 23  
6 months as an adult in an adult prison. That was his first  
7 contact with the legal system. And, of course, he got probation  
8 on the other two cases, Your Honor, and I understand that. But  
9 in reality, from age 14 to age 22, he did over four years and  
10 some of that was hard state time before he was even 18 years of  
11 age, Your Honor.

12 And when you look at the points that are being  
13 attributed to this, I mean we go -- we go from age 14 to 17 and  
14 we had 10 points right there, because he has no adult record  
15 prior to this situation, Your Honor. So I'm asking the Court to  
16 use a little bit of logic here and look at the situation where a  
17 child -- okay -- who comes from, you know, being homeless and  
18 the system right away instead of getting him the care he needs  
19 and things like that, they lock him up as an adult -- okay --  
20 because of two car thefts and a robbery at the age of 14.

21 THE COURT: I just want to go --

22 MR. NENNER: Sure.

23 THE COURT: -- to one specific paragraph, 61, because  
24 he was found guilty but not sentenced yet. He was found guilty  
25 on that robbery earlier. Then he was --

1 MR. NENNER: Sentenced.

2 THE COURT: -- pleading guilty to the other two  
3 thefts. He was already certified on that case and the other two  
4 then joined him. I'm not certain that the other two had to  
5 be --

6 MR. NENNER: Well, Judge, I'm --

7 THE COURT: -- done as an adult. But there is a  
8 motion for extraordinary relief floating here that I don't know  
9 about which was ultimately filed by his attorneys and then  
10 withdrawn and the case was remanded back to juvenile court. And  
11 then that was withdrawn -- I'm sorry. It was withdrawn after it  
12 was remanded and it went back up. So I don't know what happened  
13 there, except that -- somebody made that argument, Mr. Nenner,  
14 on the robbery case and then the other two followed.

15 MR. NENNER: Well, Judge, if I can just point  
16 something out in 59 -- okay? The earliest date of offense was  
17 the car theft case, which was July 16th of '94. The second --

18 THE COURT: Yes.

19 MR. NENNER: -- chronological offense was July 20th.

20 THE COURT: And that makes sense. It makes sense  
21 because they didn't certify him on those two thefts until he  
22 committed the robbery.

23 MR. NENNER: Right. But the offenses occurred -- and  
24 this is the only point I'm trying to make. Those two car theft  
25 offenses occurred when he was 14 years old before the robbery

1 offense occurred. So, what I'm suggesting to the Court is how  
2 this should have been handled is that instead of grouping all  
3 three of these cases for a disposition, which is what happened  
4 in adult court, those two theft cases because they happened  
5 earlier in time should have been his chance to be amenable to  
6 treatment in the juvenile system. And he didn't get that  
7 chance, Your Honor, and that's the only point I'm bringing up.  
8 You know, 14 years old, he's in jail, like I said, four plus  
9 years, part of which is in state custody as a child. And you  
10 could do the math and you could look at the things.

11 But the point is he's got 10 points generated from  
12 criminal conduct. Okay? Well, I should say seven points.  
13 That's not accurate. Seven points generated from these three  
14 offenses. And then the last one, Your Honor, of course, is when  
15 he's 17 years of age. So he's still technically not an adult,  
16 other than the system made him an adult, and I understand that.  
17 But what I'm saying, Your Honor, I'm asking the court to look at  
18 his situation as a child and what he was confronted with which  
19 most people never have to undergo.

20 I'm sure a lot of the people in this case, Your Honor,  
21 also had similar situations because, frankly, they grew up in  
22 poverty and they didn't grow up with much. And that was evident  
23 in this case not, you know, with some of the users, and I can go  
24 on and on and on. But, Your Honor, to issue him 10 points in a  
25 prior record score from age 14 to 17 under these

1 circumstances -- okay -- which clearly, the majority of the time  
2 he got were violations. He started out with the two thefts with  
3 eight -- I think it was eight year -- what was it -- probation  
4 of -- I'm sorry, Your Honor.

5 THE COURT: The thefts were probation.

6 MR. NENNER: Yes, originally. And then you could see  
7 they keep going up. I mean, basically for car thefts, if you  
8 look at it, he did almost four years for car thefts when it was  
9 all said and done because of violations from age 14 to 17. And  
10 I think it's -- you know, it's unfair -- frankly, it's just  
11 unfair and unjust to attribute 10 points to somebody who was in  
12 that situation and got disposed of basically three cases  
13 together and then there's a fourth case. And he's still 17  
14 years old, Your Honor.

15 You know, I could tell you and Your Honor knows this  
16 from your prior career in Bucks County. Okay. Jails don't --  
17 jails -- adult jails are not going to rehabilitate someone who  
18 is 15, 16, 17 years old. You're putting them in an environment  
19 really and punishing them for something he had no control of,  
20 okay, as a child.

21 He didn't have any control over how he was brought up  
22 or any control over what his mother and father's situation was.  
23 And really, the system -- and I know we're here for a different  
24 purpose today, but I think this is important for this issue.  
25 The system really did fail him. And, Your Honor, I don't



1 believe -- and I'll take my client's word for it. And if the  
2 Government has something to the contrary -- 14 -- other than not  
3 coming home and going to school, which clearly, that was a part  
4 of his life because he dropped out at age 14. Other than that,  
5 he didn't have any criminal conduct. And it's pretty clear that  
6 the criminal conduct he had as a juvenile was while he was  
7 living on the streets, okay, of North Philadelphia. All right?

8           And I'm not going to rehash everything that's in the  
9 presentence report, but it was a pretty dramatic childhood, a  
10 very dramatic childhood for Mr. Little. You know, again, he  
11 spent the majority of his youth from 14 up in prisons, county  
12 prison, then state prison, Your Honor. To his credit -- and I  
13 will give him a little credit in this. He has no adult record  
14 before this. So, you know, I say to his credit because at least  
15 for that span of time, Your Honor, he avoided -- he appeared to  
16 avoid any kind of criminal convictions in that -- in that light,  
17 Your Honor.

18           And, you know, these juvenile offenses, as Your Honor  
19 knows, if they weren't -- if he wasn't certified as an adult, we  
20 wouldn't even be having this argument. And I'm asking the Court  
21 to take a look at the totality of the circumstances from age 14.  
22 Again, I think he was paroled -- he was paroled a couple of  
23 times, but he was ultimately paroled when he was 22. So, you  
24 see how much time he spent in custody in those years.

25           THE COURT: Mr. Nenner?

1 MR. NENNER: Yes?

2 THE COURT: If I should even consider that his  
3 criminal history category over-represents his life of crime,  
4 where does that get you on the guideline?

5 MR. NENNER: Well, Judge, I know we have to start with  
6 the guidelines and they're advisory --

7 THE COURT: Yeah. Well, this is an objection to the  
8 presentence --

9 MR. NENNER: Yes.

10 THE COURT: -- report calculations. So, as I see the  
11 grid that we are using, this is based on the 2016 guidelines  
12 which are still in effect. A category 42 of offense level still  
13 has 360 to life straight across the board whether it's criminal  
14 history category 1, 2, 3, 4, 5 or 6.

15 MR. NENNER: Right. And --

16 THE COURT: So it goes nowhere, really --

17 MR. NENNER: Well, it may not go in --

18 THE COURT: -- in terms of that --

19 MR. NENNER: Correct.

20 THE COURT: -- calculation.

21 MR. NENNER: I don't disagree with that. I'm asking  
22 the Court to consider it obviously for, you know, consideration  
23 when we get to the argument of the guidelines and whether this  
24 Court should apply the guidelines in this particular case.

25 THE COURT: All right.

1 MR. NENNER: Okay.

2 THE COURT: I certainly would use this information in  
3 the 3553 factors because someone's personal history and  
4 characteristics are uppermost in that consideration.

5 MR. NENNER: Correct. And that's the gist of my  
6 argument on that, Your Honor.

7 THE COURT: Thank you.

8 MR. NENNER: All right.

9 THE COURT: Let me just hear the government out on  
10 this particular objection first.

11 MS. PATTERSON: Thank you, Your Honor. The Government  
12 agrees with probation's position as set forth in the PSR that  
13 each of these convictions fall within the guideline calculation  
14 for criminal history. And while we can only sit and wonder what  
15 happened over at the District Attorney's office years ago when  
16 the defendant engaged in these -- in the convictions that he now  
17 is facing high guidelines as a result of, the one thing I do  
18 agree with the defense attorney is that we do have to take into  
19 consideration the totality of the circumstances. You have to  
20 look at each of these convictions.

21 And, yes, he was 14 years old when each of -- when he  
22 was arrested for each of these convictions. But I don't believe  
23 that we can sit here and say that the system didn't give him a  
24 chance because each arrest didn't result in him going to prison.  
25 He did not go to prison after his first arrest and we know that

1 because he was able to go and commit his second offense. And  
2 that was within, I believe, very close in time. His first  
3 conviction arrest occurred on July the 16th, four days later.  
4 After he has sat in jail, been processed, allowed to get back on  
5 the street, he goes out and he engages in the exact same conduct  
6 that results in the exact same offenses.

7 THE COURT: I can't assume that he was processed --

8 MS. PATTERSON: It might not be the same --

9 THE COURT: He might have been treated as a juvenile  
10 at first and I think he was because he had to be certified. So  
11 those two first thefts --

12 MS. PATTERSON: Your Honor, you are absolutely  
13 correct. But --

14 THE COURT: So, he probably didn't even get notice to  
15 go to juvenile court. And then, being homeless, where would  
16 that notice go?

17 MS. PATTERSON: That's correct, Your Honor. But at  
18 least he's had --

19 THE COURT: It's not the system's fault though. Yeah.

20 MS. PATTERSON: Not the system's fault but -- and the  
21 one thing we do know is that he clearly knows that he's engaged  
22 in some conduct that has put him in the eyes of the criminal  
23 justice system and we know he's knows that as of July 16th. And  
24 then he goes and engages in the next offense that brings him  
25 back into the eyes of the juvenile justice system.

1 But what I think is being missed here is the fact that  
2 he's escalating. He goes from the theft of the car to the  
3 second offense, which is also a theft case, to suddenly using a  
4 weapon. The third offense is pretty egregious, Your Honor. He  
5 along with other individuals with a handgun robs an individual  
6 who is simply trying to deposit money into an ATM, trying to  
7 deposit checks, and they nonetheless went and robbed this  
8 person. So that's evidence of escalation up to that point. So  
9 -- and it wasn't until after the third offense that he gets  
10 certified as an adult on November 1st of 1994 for all three  
11 offenses.

12 And what's even more telling, Your Honor, is that  
13 while he is awaiting resolution of the October 17th, 1994 case  
14 after he's adjudged guilty and even after he has -- right before  
15 he is found guilty of the first two convictions, we have to get  
16 to paragraph 62 because he's then found in contempt of court.  
17 So, all of this is happening before he even gets to his October  
18 1996 hearing where he's then sentenced to 11 and a half to 23  
19 months.

20 And while I appreciate the fact that he is young at  
21 this time -- but there is some indirect evidence that the system  
22 is trying to help him by keeping him out on the street. But he  
23 nonetheless keeps engaging in illegal activities that are  
24 bringing him into the criminal justice system. But what's most  
25 troubling about his criminal history, Your Honor, isn't what

1 happens between the ages of 14 and 17, it's what happens after  
2 that point. Because he's in the criminal justice system, he  
3 gets this 11 and a half to 23-month sentence for his third  
4 conviction, but he gets out on parole. He gets out. After  
5 going through what he's gone through, you would think he would  
6 try to stay on the straight and narrow.

7 But what we find is that not between the ages of 14  
8 and 18, but once he becomes an adult, he still cannot conform to  
9 any sort of conditions that the system was trying to impose on  
10 him because he continues to violate. He violates repeatedly and  
11 ultimately results in having his parole expiring in April of  
12 2010. And that's important, Your Honor, because the conduct in  
13 this case starts three months after that. So, while we might be  
14 discussing convictions that happened when he was 14, his conduct  
15 -- his inability to conform to conditions of probation and  
16 parole led him to be a part of the system unabated for over 15  
17 years. And it was only after he got paroled that he suddenly  
18 got into the -- started the pill scheme that he was involved in  
19 in this circumstance.

20 On the face of the guidelines, Your Honor, his  
21 convictions qualify. And I would submit to you, Your Honor,  
22 that when you look at the totality of his criminal history, not  
23 just the age at which he committed them, not just the things  
24 that were going on in his life at that time, but his inability  
25 to take those experiences of being in jail as a young man, his

1 inability to realize that that's not where he needs to be, he  
2 just simply engaged in more conduct that kept putting him back  
3 and back in jail. So for those reasons, Your Honor, the  
4 Government's position is that this objection should be denied.  
5 Each of these convictions qualify based on the expressed  
6 language within the guidelines.

7 And as Your Honor indicates, even if Your Honor were  
8 to grant this request, it does not change the fact that Mr.  
9 Little is looking at an extremely high guideline range of 360 to  
10 life, with life being modified, Your Honor, based on the  
11 maximums that apply in this case.

12 THE COURT: Correct.

13 MR. NENNER: Can I just respond to one thing, Your  
14 Honor?

15 THE COURT: Yes.

16 MR. NENNER: We're back at trial.

17 Your Honor, just so it's clear for the record, my  
18 client was 14 years old, as I already said, when he got three  
19 cases, but I wanted to set forth the times here so Your Honor  
20 understands. On July 12th of '95 when he's 15 years old, that's  
21 when he gets the 11 and a half to 23 months for that first  
22 robbery case. He is paroled on December 16th of '96 at age 16  
23 years of age. Less than a year later on November 14th of 1997  
24 is when he gets the firearm offense at age 17. As a result of  
25 all that, Your Honor, on the firearm offense, he got two to

1 four-year state time plus he got one to two on two of those  
2 older cases consecutive to each other.

3 THE COURT: Right.

4 MR. NENNER: So, that's why I say it overstates the  
5 conduct, Your Honor. Basically, you look at a car theft and  
6 he's doing over three years for violations that I know that's  
7 his fault in the sense that he gets out and he doesn't conform  
8 himself. But what opportunities did he really have? I take  
9 issue with that, Your Honor. When you're in a jail, whether  
10 it's county prison or state prison with hardened adults, okay,  
11 and you get out of jail to get out and be back on a park bench,  
12 okay, because that's exactly what happened how is that  
13 indicative in fairness of who this individual is when it's -- he  
14 never even had an opportunity as a young man in his formative  
15 years to adjust his ways. He certainly didn't have the support  
16 system from his mother and father. We know that. A kindly  
17 neighbor who --

18 THE COURT: That's not a guideline departure argument.  
19 Okay? So you --

20 MR. NENNER: I understand.

21 THE COURT: Up to that point --

22 MR. NENNER: I understand that, Your Honor.

23 THE COURT: I understand --

24 MR. NENNER: And that's why I started --

25 THE COURT: -- the guideline departure argument. The



1 rest is the totality of the sentencing under the sentencing  
2 factors. So, I appreciate pointing that out to me because I did  
3 the same thing when I prepared -- when I reviewed this. I'm  
4 looking at the dates. I'm comparing the new offenses to when  
5 the violations were -- occurred and what he got. And I, too, am  
6 looking for what would he have gotten if he stayed in the  
7 juvenile system because I think that's natural to try to look  
8 for anything that might be beneficial to Mr. Little facing the  
9 time that he is. On the other hand, the reality is there was a  
10 string of crimes for which he was apprehended, still committed  
11 more, and even after prison -- regardless of not being in a  
12 treatment facility, but a prison, he went out and committed more  
13 with a weapon.

14 I don't understand where the intelligence was  
15 suppressed because he obviously, and I know this because I've  
16 read everything, is intelligent. He's articulate. He got his  
17 GED. He manages to communicate well and ran a high-powered  
18 intricate conspiracy here. And I'm saying, where did the  
19 deficit occur? I'm not willing to say in this objection that  
20 the points accumulated are wrong because of the violations. I  
21 am not willing to blame it on the system either, although I  
22 think, as a child, he deserved better. So if there is  
23 consideration, that's where I'm going to make it.

24 MR. NENNER: Understood.

25 THE COURT: And so, I'm overruling this objection.

1 And I appreciate the arguments because they lead to many of the  
2 issues that I am facing in this sentencing. Let's get to  
3 objection number two because, while the first objection could  
4 not possibly inure to even if sustained would not change a  
5 recommenced guideline, being 360 to life, I'd like to see how  
6 objection number two might do that. So, Mr. Nenner, address  
7 this, please.

8 MR. NENNER: Yes, Your Honor. And this was -- I'm  
9 sure Your Honor does remember. This was an issue that was  
10 addressed quite often and frequently at the trial of the cases  
11 as well as after the trial of the case. Your Honor, here is Mr.  
12 Little's position on that. And I did incorporate this  
13 objection. If you note, there are some objections that he had  
14 that I did not incorporate.

15 THE COURT: You're talking about his supplemental --

16 MR. NENNER: Yes.

17 THE COURT: -- brief.

18 MR. NENNER: Right, the acceptance of responsibility  
19 as an example. I'm not going to insult the Court and make that  
20 argument. And I told Mr. Little I was not going to make that  
21 argument because I don't think it's a proper argument. But his  
22 position on the quantities and the weight, Your Honor, really  
23 haven't changed since the trial.

24 THE COURT: Yes.

25 MR. NENNER: His position is that in the indictment

1 there was allegations of a certain amount that was directly  
2 attributed to him. And he believes under the law that the  
3 Government should be confined by the four corners of the  
4 indictment and that when Your Honor considers the weight -- and  
5 obviously it's a very important factor in the offense gravity  
6 score in the calculations that it overstates his culpability.

7 And I think the second reason that he believes that,  
8 Your Honor -- and I am here -- I'm speaking obviously as his  
9 advocate right now. His position is that there was -- as Your  
10 Honor remembers from this case -- I'm sure you can't forget it,  
11 but Leonard Williams (phonetic) -- okay -- was his uncle.  
12 Leonard Williams was the one who initially had that relationship  
13 with the doctor's office.

14 Mr. Little took that relationship and made it a much  
15 bigger operation and organization. There's no doubt about that.  
16 That's been clear in this case from the evidence in this case.  
17 But there are so many hands in the cookie jar, so to speak, Your  
18 Honor, in the sense that this was not a situation over the  
19 course of this two-year conspiracy, because that's really what  
20 it was according to the charges anyway, a two-year conspiracy,  
21 that there weren't other people doing individual things. And  
22 Your Honor knows that. James Alexander (phonetic), he even  
23 admitted that at some point he started to do some things. Now,  
24 I believe he diminished it to some extent, but that's my  
25 opinion.

1 I also think that there was other individuals as Your  
2 Honor heard during trial who had no contacts with Mr. Little who  
3 were at that office distributing amounts of Oxycodine and the  
4 other substances in this case.

5 So Mr. Little's position is, frankly that, to hold him  
6 responsible for all of these drugs with all of the named  
7 individuals that appear in the PSR is not fair. It's just not  
8 fair in this situation because this was not -- you know, this is  
9 not -- even though it was run -- and you're right, he's a highly  
10 intelligent person. I think we can all agree with that. We've  
11 had this conversation before. It's sad. It's really sad that  
12 we're here.

13 But it is also a situation where, although he was the  
14 CEO, if you want to use that language, Your Honor, he wasn't a  
15 CEO who controlled everybody and everything. Because at that  
16 point in his life, you also know that Mr. Little had an extreme  
17 gambling problem and that gambling problem was not a normal  
18 gambling problem. And he went through large amounts of money,  
19 and we can all agree with that. And I'm sure if that money was  
20 still available, they would've found it. We know that. Or they  
21 would've found it, you know, in relatives and friends.

22 So, I think that he thinks -- he believes that the  
23 presentence report overstates the amount of drugs that he should  
24 be held accountable for. And basically, he believes that it's  
25 piling on. For Mr. Little -- and I will say this, Your Honor.

1 It was never an issue of I was -- you know, I didn't do anything  
2 here. That wasn't his problem. His problem was with the  
3 quantities, the weights and of course, ultimately, the offer  
4 that was rendered by the Government in this case. So, he's  
5 taking that same position today, Your Honor, that it overstates  
6 what he should be held responsible for.

7 And, Your Honor, let me say this because I'm going to  
8 say this later so I might as well just say it now if it's okay  
9 with the Court. You know, the -- yes, Mr. Little was the head  
10 of this conspiracy. I'm not here to discount that or try to  
11 argue the impossible. But what I will say to this Court is that  
12 as the -- as the head of this conspiracy, he could not have done  
13 this alone, Your Honor. This is not a situation where there's  
14 one person who could control the whole operation. This could  
15 not have happened and never could've happened, frankly, without  
16 the help of the people in the doctor's office.

17 You know. I may get feedback from this, but I think  
18 the doctor who was obviously elderly -- but he made that choice  
19 with his wife to convert his practice, if you recall, to a pain  
20 management practice. And I think he was in his late 70s or 80s  
21 and he did that. And I think Your Honor has enough common sense  
22 and knowledge to realize that he didn't do that. It may have  
23 been pressure from my wife. I don't know. I wasn't there. But  
24 he didn't do that because, you know, he made a career choice and  
25 he wanted to go out in retirement in a good way. He basically

1 took his career and opened up a pain management situation and  
2 had people -- Ms. Herzstein, okay, who none of this could have  
3 happened with without. Your Honor knows that. She could  
4 have -- he couldn't have gotten into that office without Ms.  
5 Herzstein. And frankly, as I've just said, he wasn't the first  
6 person to do it. Leonard Williams was the first person to do  
7 it. He was a family member. He took it to another level.  
8 There's no doubt about that. There is no doubt -- I'm not here,  
9 as I said, arguing away that he's a leader in this conspiracy.

10 But I think the Court should take into account the  
11 fact that there is a lot of people in this situation, some of  
12 which didn't escape culpability and some that did. And I say  
13 that to the Court because -- you know, in reality, he's here and  
14 you're going to -- you're going to issue a very severe sentence  
15 today. We all know that. There is no surprise about that. But  
16 I think the Court should take into account the mechanics of this  
17 operation in the sense that Ms. Herzstein, frankly -- and I --  
18 and, Your Honor, I don't even know what her sentence was, I  
19 really don't. But she was as integral in this situation as  
20 anybody else.

21 And if you don't believe that, Your Honor -- she could  
22 have put a stop to this from day one. And she had her own thing  
23 going, as you heard at trial, with Mr. Alexander. She had  
24 things with Mr. Williams who was never indicted in this case,  
25 Leonard Williams. She had things going with pharmacies. She

1 would make calls to pharmacies and okay prescriptions that she  
2 wrote out as well as Mr. Little wrote out. I get all of that.

3 But when you sentence Mr. Little today, Your Honor, I  
4 ask the Court to take into consideration the type of conspiracy  
5 this was. And frankly -- and don't get mad at me for saying  
6 this, but I'm going to say it, Your Honor. There is a lot of  
7 other people who escaped justice in my humble opinion, and I'm  
8 talking about drug companies and drug reps and people who push  
9 these Oxycodines on our society in this country. They are also  
10 responsible. And I think Jeff (phonetic) in a candid moment  
11 would say that. Okay?

12 We had senators and congressmen who pushed this  
13 legislation, who made money from these drug companies so that  
14 all these Oxycodines could be pushed. They pushed these drugs  
15 more than anybody. And I know we're not here for them today but  
16 I think they --

17 THE COURT: Yeah, but they -- if they do that at all,  
18 and some people would disagree with you, but I don't think  
19 that's my job today. I'll listen to any argument you make. But  
20 they weren't doing it this way, illegal scripts, forged scripts,  
21 bus loads, van loads of people recruited, going to the doctors,  
22 fake appointments, completely fake and then to the pharmacies  
23 who look blindly the other way. It's a different problem  
24 related to this problem. This was something that was created by  
25 someone who could manage it -- that's Mr. Little -- who, of all

1 things, wanted to profit criminally from the already problem of  
2 the opioid crisis. It just exacerbated it.

3 MR. NENNER: Well, Judge, I will -- I agree with what  
4 Your Honor said to an extent, but there's the other side of it,  
5 and that is that everybody, as I said, had their hand in this.  
6 And let's forget about -- let's forget about the drug companies  
7 because, you are right. And let's forget about the senators and  
8 all that but let's talk about the people in this case.

9 THE COURT: You can do that.

10 MR. NENNER: Okay. And that's what I'm attempting to  
11 do, Your Honor. You know, again --

12 THE COURT: I just wanted you to -- you know --

13 MR. NENNER: I know. You want me -- you want me to  
14 get away from --

15 THE COURT: -- swing the pendulum right back to where  
16 we are.

17 MR. NENNER: -- the politics. I understand and I will  
18 do that. Judge, Ms. Herzstein -- and let me give you another  
19 example in this case; Ms. Shabazz. Okay? You know, you say  
20 that my client -- and I agree with you that he came from nothing  
21 obviously. He grew up with nothing. He had to be -- when he  
22 saw this operation and created this operation, yes, he wanted to  
23 profit from it and, yes, he wanted to look like somebody who  
24 came out of that projects or came out of the projects and was  
25 able to do something with it.



1           Now, obviously, the wrong way to do it. We can all  
2 agree with that. But my point is, I don't think for Mr. Little  
3 -- and maybe this is where we disagree. I don't think it was  
4 ever about the money. And here is why I say that. I think it  
5 was about the prestige and driving fancy cars and all that. But  
6 I don't think it was about accumulating the money, Judge,  
7 because he didn't care about the money. Look at what he did  
8 with it all. He just went to the casinos and blew it all, close  
9 to hundreds of thousands of dollars. And if Ms. Shabazz didn't  
10 come into the picture, Your Honor, the rest of that money would  
11 have been gone, too. It wouldn't have gone into the UPS store  
12 that she bought. By the way, she was the only one who put her  
13 name on that as president on the UPS store.

14           And I think that's important when you issue a  
15 sentence, Your Honor, because, yes, he is the leader of the  
16 conspiracy concerning the Oxycodine and the medications, but he  
17 wasn't the leader. It was the money that he generated, I agree,  
18 but he wasn't the leader of the money laundering and things like  
19 that. He didn't have the sophistication for that, Your Honor,  
20 and you know that Ms. Shabazz did. She was highly educated and  
21 she was an individual who took that money and, frankly, did a  
22 lot despite some things -- did a lot with that money that he  
23 didn't even know about; some of which he did, but some he  
24 didn't, like the UPS store and things like that. And obviously,  
25 the motorcycles, that's on him. He knows that. He bought the

1 motorcycles.

2 But I think the Court -- when you fashion a sentence  
3 here, you have to at least consider the fact that there was  
4 other leaders also involved in this.

5 THE COURT: As long as you're not expecting me to  
6 discount his responsibility under this objection based on how  
7 the money was ultimately spent or rerouted because it's about  
8 what he obtained, not how much money he lost at the gambling  
9 table.

10 MR. NENNER: I know that. I know that.

11 THE COURT: And I think all of that gambling loss only  
12 goes to show that he did profit and use the proceeds of this.  
13 Let's get back to the trial testimony that you don't accept.  
14 And I'd like to know on what basis I'm not supposed to accept it  
15 today as the proper calculations, Mr. Nenner, because the jury  
16 made findings based on the charges. And even though there may  
17 have been side dealing here and there, what was really charged  
18 and what he was convicted of as charged in the indictment was  
19 this particular scheme widespread as it was. So how do we  
20 ignore what the jury found and all of the evidence that the  
21 Government gave to the jury to find it?

22 MR. NENNER: Well, Judge, I don't know that the jury  
23 specifically found an amount. And if you remember, that was --  
24 that was an issue at this trial that Mr. Little had raised.  
25 Now, yes, they did find that there was a general amount, more

1 than a certain amount, but that wasn't really the jury's  
2 determination to determine exactly how much should be  
3 attributable to Mr. Little. That's Your Honor's determination.  
4 And I think that's where Mr. Little, and I say this with all due  
5 respect to him, misinterprets the law.

6           It's Your Honor's decision on what the amounts were  
7 based on that verdict. All that I am suggesting to this Court  
8 at this point is that you could throw -- you know, we could  
9 throw numbers around and things like that, but I just don't know  
10 how you get to the amount that he's about to be sentenced for  
11 under that category based on what was in the indictment. And I  
12 think that's his -- the crux of his argument. So -- and that's  
13 what I have to say on that issue, Your Honor.

14           THE COURT: Thank you.

15           MR. NENNER: Yes.

16           THE COURT: Ms. Patterson?

17           MS. PATTERSON: Thank you, Your Honor. I do -- I  
18 think it's important that we are focusing on the objection and  
19 not other issues. The question here is what is the quantity of  
20 pills that are attributable to the defendant and Your Honor  
21 absolutely is accurate. All of these arguments were put forth  
22 before the jury. More importantly, there was actual evidence  
23 that was put forth before the jury. So, I'm going to provide to  
24 defense counsel what is going to be marked as Government Exhibit  
25 Number 1. May I approach, Your Honor?

1 THE COURT: Yes, you may.

2 MS. PATTERSON: Exhibit Number 1, Your Honor, if you  
3 can recall, was actually admitted at trial. It is one of  
4 several of the prescription charts that were prepared by the  
5 Government and submitted to actually show the various different  
6 prescriptions that flowed between July 2010 going all the way  
7 through to September of 2012. This document, Your Honor, is  
8 what is used to calculate the quantity of Oxycodone pills that  
9 are attributable to the defendant. And one of the things Your  
10 Honor has been fully aware of in the 57 prior sentencings that  
11 have happened is the Government has taken painstaking efforts to  
12 make sure that I'm only attributing the quantity of Oxycodone  
13 pills to that particular individual.

14 We even -- although the law did not need to require us  
15 to do so, we even took out pills for Colise Harmon during the  
16 time period that he was in jail despite the fact that he did not  
17 in any way have -- behave or provide any evidence consistent  
18 with law that would indicate that he had taken himself out of  
19 the conspiracy. But being conservative and being consistent,  
20 that is what the Government has done.

21 For Leon Little, Your Honor, he was the head of this  
22 drug organization. He was responsible for the beginning all the  
23 way through to the end. And as the head of that drug  
24 organization, every single pill is attributable to him, every  
25 single one. And what this particular document did is that it

1 identified all of the pills for each of the individuals that  
2 were identified as being a part of his pill scheme. Each of  
3 these individuals were identified at trial, as Your Honor will  
4 recall. We did -- we put the pictures up for both James  
5 Alexander (phonetic) and John Baldwin (phonetic). Every single  
6 person was identified as being a part of this pill scheme.

7           And then in addition, Your Honor, we went through  
8 painstaking efforts to make sure that for those individuals that  
9 James Alexander and Heather Herzstein, the two individuals that  
10 they had recruited on their own and had taken them for their own  
11 side operation -- when you look at this document, we excluded  
12 each of their prescriptions during the time period that they  
13 were doing the side operation. The only pill prescriptions for  
14 Donna Childs (phonetic) and Emil Fazon (phonetic) occur after  
15 the time period when James Alexander was arrested and they were  
16 taken by Colise Harmon.

17           In addition, Your Honor, for this particular chart, we  
18 had left in three prescriptions for James Alexander when he was  
19 going originally with his uncle Leon Little, so that it was very  
20 clear when he started in relationship to everyone else. The  
21 calculations that are set forth in the Government's sentencing  
22 memorandum actually excludes those prescriptions. That's the  
23 reason why the numbers that probation has are slightly different  
24 from the Government's because we noticed that they were  
25 included.

1           So, again, being consistent and being fair, the  
2 Government made sure we went back and we recalculated to make  
3 sure they were excluded. So, in this particular exhibit, Your  
4 Honor, the first two prescriptions for James Alexander that's  
5 listed up at the top as well as the one that is -- the one from  
6 the bottom, we removed those, Your Honor. And then when you  
7 take this document, which was presented at trial, admitted at  
8 trial, considered by the jury and certainly would have aided  
9 them in their determination and the guilty verdicts that they  
10 found against the defendant, when you add each of these up, it  
11 ends up being the total amount that is set forth in the  
12 Government's sentencing memorandum.

13           And so that it is clear for the record, when you add  
14 all of these up -- and my agent, Special Agent Jeffrey Lauriha,  
15 he testified about all of this at trial. And I am happy to have  
16 him take the stand so it is very clear on the record what all  
17 these numbers are. But they are consistent with the  
18 Government's calculation in its sentencing memo so that it is  
19 clear for the record. There are a total of 384,630 Oxycodone  
20 pills. There are 2,726 prescriptions. The way that is broken  
21 down, Your Honor, is that there is 1,353 prescriptions for  
22 Oxycodone, 10 milligrams. There is 1,344 prescriptions for  
23 Oxycodone, 30 milligrams. There are five prescriptions for 60  
24 milligram tablets and there are 22 prescriptions for Oxycodone  
25 80 milligram tablets. That ultimately results in there being

1 7,848.95 grams of Oxycodone.

2 That, when you go through the conversion with the  
3 sentencing guidelines, it places him within a base offense level  
4 of 36. And that's 30,000 kilograms of marijuana, but less than  
5 90,000 kilograms of marijuana. So that's how Exhibit 34, at  
6 trial, and now Government Exhibit Number 1 here at sentencing,  
7 that's how it was prepared. It represents the pseudo patients  
8 that were taken from the beginning all the way to the end,  
9 including, Your Honor, if you go to the very final page, if you  
10 recall, Marvin McClain (phonetic) and Conshera Coleman  
11 (phonetic) talked about how they were taken to a different  
12 pharmacy, a different pharmacy, Northeast Discount Pharmacy.  
13 Even those pills were included for those individuals who they  
14 could no longer take to Philly Pharmacy because they weren't  
15 taking any more of Dr. Brown's (phonetic) prescriptions.  
16 Because, if you can recall that from the evidence, they had to  
17 go to another pharmacy. But that was their last attempt to try  
18 to keep this going. And after that, it all failed.

19 It is -- it is the defendant's -- it was his  
20 intelligence that put this together. It was his money that  
21 supported it from the beginning to the end. As the leader, he's  
22 responsible for every single pill and it is based on Government  
23 Exhibit Number 1 that the calculations were made. And I would  
24 respectfully request that Your Honor overrule objection number  
25 2. And if objection number 2 is overruled, Your Honor, to ask

1 the presentence investigation report preparer, Probation Officer  
2 Brian Pescad (phonetic) to revise the presentence investigation  
3 report to reflect the numbers as reflected in Government Exhibit  
4 Number 1.

5 THE COURT: Which are less than the overall  
6 conspiracy. Thank you.

7 MR. NENNER: Judge --

8 MS. PATTERSON: And --

9 MR. NENNER: Oh, I'm sorry.

10 MS. PATTERSON: Actually, Your Honor, I do want to --  
11 and I think you make a great point. We were conservative when  
12 we charged this case. There were infinitely more pseudo  
13 patients, but I completely agree with Your Honor's last  
14 statement. This is less than what really had occurred. And so,  
15 I also just want to make sure that that was on the record as  
16 well.

17 THE COURT: Thank you, Ms. Patterson.

18 MR. NENNER: And, Judge, the only thing I want to  
19 respond real briefly is before we decide what's totally accurate  
20 is if you look at the presentence report, there's two names on  
21 here that clearly the evidence at trial my client, Mr. Little,  
22 had no association with, and and that's Jimmy Lagan (phonetic)  
23 and Emil Fazon. These were people that was admitted on the  
24 stand that Mr. Alexander tried to recruit on his own. So, there  
25 are some people in here and I'm not -- I don't even know if it



1 makes a difference, Your Honor, to be candid with the Court.

2 But --

3 THE COURT: Well, if you accept the downward revised  
4 amounts and the charts that were put together, I don't know if  
5 those particular ones were excluded here, but I believe that  
6 they --

7 MR. NENNER: I saw Fazon in there. That's why -- on  
8 both of them.

9 THE COURT: And they're in different colors for a  
10 reason on this chart.

11 MR. NENNER: Okay.

12 THE COURT: Ms. Patterson, can you explain that  
13 please?

14 MS. PATTERSON: Yes. And again, Your Honor, I just  
15 want to reemphasize that Emil Fazon the only prescriptions that  
16 are in here for him and for Donna Childs is after the time  
17 period that James Alexander was arrested when they were taken as  
18 part of the Harmon crew. And so, we did take painstaking  
19 efforts to make sure that they weren't included. And I don't --  
20 I disagree with --

21 THE COURT: But they were included --

22 MS. PATTERSON: Yeah, they were --

23 THE COURT: -- for Mr. Little because they were in  
24 this operation after Mr. Alexander was taken out of --

25 MS. PATTERSON: Absolutely.

1 THE COURT: -- commission by being detained --

2 MS. PATTERSON: Absolutely, Your Honor.

3 THE COURT: -- and imprisoned.

4 MS. PATTERSON: And Jimmy Lagan was one of the  
5 individuals whose photographs were shown. His prescriptions  
6 were amongst those that we presented at trial. So, I don't  
7 think that -- with all due respect for defense counsel, I  
8 believe he's trying to relitigate what happened at trial. And  
9 we simply -- we are -- we are beyond trial at this point. The  
10 question is how do we get to the calculations. And what I  
11 submitted to Your Honor, with the exception of the three  
12 prescriptions for James Alexander, are those individuals who  
13 identified at trial as being a part of the Leon Little drug  
14 trafficking organization, his pseudo patients. It is their  
15 pills all the way through from July of 2010 to September of  
16 2012.

17 THE COURT: Had you not removed out of the state of  
18 the law as you interpreted it and out of cautionary  
19 decision-making as to what is truly attributable to the leader  
20 of this conspiracy in all its several forms, had you not done  
21 that, what would the base defense level be?

22 MS. PATTERSON: If you can give me a second, Your  
23 Honor. So, I just consulted with the agent, Your Honor. If we  
24 had included everyone that was possible, we still don't believe  
25 it would have gone over the base offense level that applies here

1 just because it goes from 30,000 all the way up to 90,000. So,  
2 we would have had to have an exorbitant, a truly exorbitant  
3 amount of Oxycodone pills to get to that point. We probably  
4 would have had to have twice --

5 UNIDENTIFIED SPEAKER: At least almost double it.

6 MS. PATTERSON: -- yeah, twice as much in order to get  
7 there. And I will say we didn't have twice as many pseudo  
8 patients. We came close, but we didn't have as many as that.  
9 So, we -- it would not have made a difference --

10 THE COURT: So this is a --

11 MS. PATTERSON: -- in terms of the base defense level.

12 THE COURT: This is a range here that doesn't really  
13 change based on the Government's careful parsing of who was in  
14 operation in this conspiracy, who was participating and when.  
15 It wouldn't make a difference in your -- in your position.

16 MS. PATTERSON: No, it would not, Your Honor.

17 THE COURT: All right. So, if that's the calculation,  
18 Mr. Nenner, do you -- do you agree there is no evidence here  
19 that allows me to carve enough out to get to a lower base  
20 offense level?

21 MR. NENNER: Well, Judge, I think if you're -- if  
22 you're --

23 THE COURT: I mean, based on the trial's verdict, on  
24 the -- on the verdict.

25 MR. NENNER: Judge, other than the argument side I've

1 already made about the indictment, yes.

2 THE COURT: All right. Because that's how I see it.  
3 And unfortunately for Mr. Little, the last -- the first two  
4 objections, even if they were meritorious and they can't be  
5 based on the trial record and the sentencing record, I'm  
6 admitting Government's Exhibit 1, they truly do represent the  
7 lowest it could be. So we're going to overrule this objection.  
8 We're adopting and finding as fact the Government's revised  
9 downward numbers and do direct the presentence report be  
10 modified accordingly, although it does not change the  
11 calculation of the recommended total base offense level.

12 Objection Number 3 is obstruction of justice or  
13 witness intimidation. And I need you to explain this, Mr.  
14 Nenner.

15 MR. NENNER: Yes, Your Honor. Judge, Mr. -- our  
16 position on that is, Judge, that it never occurred. And I think  
17 that Mr. Little articulated in his submission to the Court that  
18 it doesn't even make sense that this would occur because Mr.  
19 Alexander had virtually no contact with his daughter at the time  
20 that -- I think it's Mr. -- at the time that Mr. Mitchell, Jacob  
21 Mitchell, indicates this happened. The child came with a friend  
22 of the child, is that correct, or to the prison to see Mr.  
23 Little. This child always visited Mr. Little; never visited, as  
24 far as I understand, Mr. Alexander. In fact, in the courtroom  
25 today, I've just been apprised that the child's mother is here

1 in support of Mr. Little, and the other individual is here, too.

2 THE DEFENDANT: (indiscernible)

3 MR. NENNER: Who?

4 THE DEFENDANT: Yes. Tyrone Coleman (phonetic).

5 MR. NENNER: Tyrone Coleman who is the person I  
6 believe who brought the child to the prison. So, for him to say  
7 to this alleged witness that, you know, tell Mr. Alexander, you  
8 know, his daughter doesn't understand why she can't visit the  
9 two of us makes no sense at all because he had no contact with  
10 this particular child. And if you go to the Government's  
11 submission of that particular day of the people who came to the  
12 FDC to visit, you will see that Mr. Alexander had a visit that  
13 day, but it wasn't his daughter. He had -- if you go -- I don't  
14 know if Your Honor has that but --

15 THE COURT: I don't.

16 MR. NENNER: Okay. Karen (phonetic), do you mind if I  
17 give it to her?

18 MS. PATTERSON: It's -- Your Honor, maybe we can back  
19 up a little bit here. The Government has two witnesses as it  
20 relates to this particular calculation of the guidelines. And I  
21 think it probably is better to hear the testimony first, and  
22 then whatever Mr. Nenner then wants to present as argument.

23 THE COURT: Do you agree, Mr. Nenner?

24 MR. NENNER: Absolutely.

25 THE COURT: I think we'll do that. The witnesses,

1 whoever they are, may appear. I think we should take a brief  
2 recess and have you gather them, and we'll come back when you  
3 tell me that we are ready.

4 MS. PATTERSON: Thank you, Your Honor.

5 THE COURT: All right. Thank you.

6 (Recess is taken from 11:55 a.m. until 12:13 p.m.)

7 THE COURT: And you will call your witness to the  
8 stand?

9 MS. PATTERSON: Yes, Your Honor. May I -- may I  
10 approach the podium?

11 THE COURT: Please do.

12 MS. PATTERSON: For the record, Your Honor, the  
13 Government has called as its first witness, Jacob Mitchell.

14 THE COURT: Very well. The witness will be sworn.

15 THE CLERK: Please raise your right hand, leave your  
16 left hand on the Bible.

17 (JACOB MITCHELL, Witness, Sworn)

18 THE CLERK: Please state your full name and spell your  
19 last name for the record.

20 THE WITNESS: Jacob Mitchell, M-I-T-C-H-E-L-L.

21 THE COURT: Please be seated.

22 DIRECT EXAMINATION

23 BY MS. PATTERSON:

24 Q Good afternoon.

25 A Good afternoon.

1 Q Mr. Mitchell, I want you to start off by telling Judge Rufe  
2 where you -- are you currently incarcerated?

3 A Yes.

4 Q And you are currently incarcerated pursuant to convictions  
5 in two different cases, correct?

6 A Yes.

7 Q And the convictions that you are currently sentenced in and  
8 doing time for were in front of Judge Diamond in this  
9 courthouse, correct?

10 A Yes.

11 Q Just so it's clear for the record, you entered into a  
12 cooperation plea agreement with the Government, correct?

13 A Correct.

14 Q And you pled guilty to two counts in one case charging you  
15 with possession of a firearm and furtherance of a drug  
16 trafficking crime, correct?

17 A Yes.

18 Q And possession of a firearm by a convicted felon, correct?

19 A Yes.

20 Q And then you also pled guilty to two other counts in an  
21 information that charged you with distribution and aiding and  
22 abetting the distribution of 28 grams or more of cocaine base  
23 crack, correct?

24 A Yes.

25 Q As well as distribution and aiding and abetting the

1 distribution of 28 grams or more of cocaine base crack within  
2 1,000 feet of a school, correct?

3 A Yes.

4 Q Now, pursuant to that guilty plea agreement, you agreed to  
5 cooperate with the Government, correct?

6 A Yes.

7 Q And as part of that cooperation, if you are called to  
8 testify, what were you -- what are you required to do?

9 A Testify truthfully.

10 Q And based off of your cooperation that you provided, did  
11 you, in fact, have a motion for downward departure filed by the  
12 Government?

13 A Yes.

14 Q And did Judge Diamond grant that motion?

15 A Yes.

16 Q And the sentence that you received before Judge Diamond,  
17 that was 150 months, correct?

18 A 180.

19 Q I'm sorry. 180 months, correct?

20 A Correct.

21 Q And that's the equivalent -- that's 15 years, correct?

22 A Yes.

23 Q As part of -- and I just want to make sure this is also  
24 clear for the record. You have several prior convictions,  
25 correct?



1 A Yes.

2 Q In fact, several of your convictions are set forth in your  
3 cooperation plea agreement; is that correct?

4 A Yes.

5 Q So I just want to make sure that those are also stated for  
6 the record. You have a prior conviction back March of 1997  
7 where you were sentenced to 7 to 20 years' imprisonment for  
8 several offenses including aggravated assault, criminal  
9 conspiracy, firearms not to be carried without a license,  
10 carrying firearms on public streets or public property,  
11 possessing instruments of crime, simple assault, and recklessly  
12 endangering another person, correct?

13 A Yes.

14 Q Additionally, in October 15th of 1997, you were also  
15 convicted of aggravated assault, carrying firearms on a public  
16 street or public property and possession of instruments of  
17 crime, correct?

18 A Yes.

19 Q And you got two to four years' imprisonment for that,  
20 correct?

21 A Yes.

22 Q And then you also were sentenced in federal court and  
23 sentenced to six years and six months' imprisonment followed by  
24 four years' supervised release for conspiracy to distribute and  
25 possess with the intent to distribute five grams or more of

1 crack cocaine, four counts of distribution of crack cocaine, and  
2 aiding and abetting, and one count of possession with the intent  
3 to distribute five grams or more of crack cocaine and aiding and  
4 abetting back on October 1st of 2008, correct?

5 A Yes.

6 Q Now, for the conviction that you are currently under  
7 sentence for, do you recall when you were initially arrested and  
8 brought into federal custody?

9 A April 18th, 2012.

10 Q And where were you housed at the time when you were  
11 initially arrested?

12 A Four South.

13 Q And Four South, where?

14 A In the FDC.

15 Q And the FDC is the Federal Detention Center, correct?

16 A Yes.

17 Q Did there come a point in time when you were placed on the  
18 same block as -- correct -- let me go back, Your Honor.

19 Do you recognize anyone in the courtroom today?

20 A Yes.

21 Q And can you -- the person that you can identify, can  
22 you -- do you know what his name is?

23 A We called him Bo.

24 Q You know him as Bo?

25 A Yes.

1 Q And can you point him out for the record?

2 A Green jumpsuit.

3 Q Can you identify what he's wearing?

4 A Green jumpsuit.

5 MS. PATTERSON: And, Your Honor, for the record, let  
6 the record reflect that the witness has identified the  
7 defendant.

8 THE COURT: The record will so reflect.

9 MS. PATTERSON: Thank you, Your Honor.

10 BY MS. PATTERSON:

11 Q When did you first meet the individual that you know as Bo?

12 A I believe it was sometime in November, December of 2013.

13 Q And how is it that you first encountered him?

14 A He moved to the same unit I was on.

15 Q And at that time what unit were you on?

16 A 7 North.

17 Q And when he came to the unit, can you describe what your  
18 interactions were with him?

19 A Cordial.

20 Q Did you do anything on the unit in terms of socializing?

21 A Yeah. We played cards or Scrabble board games.

22 Q And from at any point, did your cordial interactions with  
23 him change?

24 A Yes.

25 Q And when did that happen?

1 A January 1st, 2014.

2 Q And can you tell Judge Rufe what happened on January 1st of  
3 2014?

4 A We was playing a board game, Scrabble, had a disagreement,  
5 he sort of threatened me --

6 MR. NENNER: Objected. Conclusion characterization.

7 BY MS. PATTERSON:

8 Q Can you tell the Judge exactly what the disagreement was  
9 and what words was said to you?

10 A We disagreed over a word that was spelled. And he got  
11 pretty upset, cursing, particularly at me, so I just told him,  
12 you know, we don't got to play. And he just continued to, you  
13 know, curse, said, well, you the one that wanted to f-ing play.  
14 I'm like, I don't want to argue with you. So he told me you  
15 know what the next step is. Which I took as a threat.

16 Q And when he said, you know what the next step is, what did  
17 you understand that to mean?

18 A Oh, we about to fight. We're going to fight. \*\*\*12:20:28.

19 Q And after he made that statement to you, did you stay where  
20 you were playing the Scrabble game?

21 A No. He walked towards his cell. I went to the officers'  
22 station, and just informed the officer what was going on, you  
23 know, being threatened. She kind of laughed at me. So I went  
24 back, got a mop stick, and went to fight. I met up. He put his  
25 hands up. I'm not -- I can't recall if I hit him with a stick

1 or not, but somebody jumped in between us. And the CO told me  
2 drop it. I dropped it and I got escorted to the SHU -- to the  
3 hole.

4 Q Now, you mentioned that you went and you grabbed a mop  
5 stick. Where exactly did you grab the mop stick from?

6 A The shower.

7 Q And why did you grab the mop stick?

8 A He's a pretty good guy. You know, I've got some medical  
9 restraints, so I felt like I had to protect myself if I was  
10 going to do the best of my ability.

11 Q And at the point that you went to go pick up the mop stick,  
12 you went and retrieved it because of what concern?

13 A That he was going to come for me.

14 Q And after you grabbed the mop stick, where did you go?

15 A Towards his -- back towards the officer's station, which I  
16 had to walk past her. When I was walking past, he threw his  
17 hands up, so I tried to swing it.

18 Q So you actually, in fact, took a mop stick and swung it at  
19 the defendant?

20 A Yes.

21 Q And you indicated that one of the officers from the unit  
22 came over at some point, correct?

23 A Yes.

24 Q And did the officer make any instructions or commands of  
25 you?

1 A Yeah. She told me to drop it.

2 Q And did you follow those commands?

3 A Yes.

4 Q And what happened to you after this incident?

5 A I got placed in the hole for four months.

6 Q And then what happened after being placed in the hole for  
7 those four months?

8 A I came out, back to the same unit.

9 Q And did you have any further interactions with the  
10 defendant?

11 A Yes.

12 Q And can you tell Your Honor what happened after you came  
13 back to the unit?

14 A When I first came out, the officer took us in the cell,  
15 just to make sure we was okay because he was still on the unit.  
16 And as far as my knowledge, I was like yeah, he said yes, so  
17 when the officer left out, he told me, you know, we still have  
18 to fight. So I said, okay.

19 Q And just so we're clear, when you said that the officer  
20 took you into a cell, what do you mean by that?

21 A He walked me into his cell because they knew we had -- I  
22 was in the hole because of the incident with him. And he --

23 Q And who's cell did he walk you into?

24 A Bo's cell.

25 Q Okay. So the officer on the unit took you and the

1 defendant into a cell for what purpose?

2 A Just to make sure we was okay, we could get along.

3 Q And that's because you came back to the same unit --

4 A Yes.

5 Q -- correct? And explain again, what happened after that  
6 point.

7 A After the officer left, he approached me, said, you know,  
8 we have to fight.

9 Q And that's what the defendant said to you?

10 A Yeah.

11 Q And why would that -- what did you make of that?

12 Why -- why was he saying this to you? Or why did you believe he  
13 was saying this to you?

14 MR. NENNER: Objection, Your Honor.

15 THE COURT: Sustained. You can rephrase it.

16 BY MS. PATTERSON:

17 Q So when he came to -- when he came to you and made that  
18 statement, what did -- what went through your mind at that  
19 point?

20 A I just said okay. But, you know, for my knowledge was, you  
21 know, he told everybody what he was going to do if he seen me  
22 again, and I happened to come back on the unit, so I feel like I  
23 guess he had to live up to that.

24 Q So what happened after that point?

25 A The shift change at 2 o'clock. We was in the library and

1 we fought.

2 Q And when you say you fought, you fought physically?

3 A Yes.

4 Q And for this incident, was it ever reported?

5 A No.

6 Q Did anyone -- did any of the officers know what happened?

7 A No.

8 Q And what happened during the fight?

9 A After the first punch, I missed, he grabbed me and leaned  
10 on me against the walls, was trying to knee me in my stomach. I  
11 mean, we exchanged some words, and that was pretty much it. It  
12 got to a point where I just told him, you know, I'm done. He  
13 said, all right, I'm going to let you go, don't steal me. He  
14 let me go and that was it.

15 Q And after that point, did you have any other interactions  
16 with the defendant while on that unit?

17 A Just minor something concerning some toilet paper. That's  
18 it.

19 Q And just so it's really clear for the record, what do you  
20 mean there was an issue related to toilet paper?

21 A I was assigned to pass the toilet paper out to the  
22 unit -- to the inmates on the unit. He didn't like it -- the  
23 amount he had got. I guess whoever was giving out before used  
24 to give him more, which, you know, wasn't, you know, under my  
25 control. And he said something about it, so I say, you know,



1 you got to get with your counselor, not me.

2 Q So other than that, your interactions with the defendant  
3 had to do with passing out toiletries and things like that on  
4 the unit?

5 A Yeah.

6 Q Did there come a point in time when you were placed on a  
7 separate unit?

8 A Yes.

9 Q And the unit that you went to, on that unit, did you come  
10 to meet an individual by the name of James Alexander?

11 A That was on the same unit, on 7 North. Alexander got moved  
12 to 7 North.

13 Q Okay. So there came a point in time when James Alexander  
14 came to the unit?

15 A Yes.

16 Q But what about the defendant? Did he remain on the unit?

17 A No, he got moved off the unit.

18 Q When James Alexander came onto the unit, were you aware at  
19 that time of his status in terms of being in the same case with  
20 the defendant?

21 A No.

22 Q Were you aware of what his cooperation status was at that  
23 time?

24 A No.

25 Q I now want to direct your attention to March 28th of 2015.

1 Do you recall having a visit that day?

2 A Yes.

3 Q The visit that you had that day, do you recall the  
4 individual that you had the visit with?

5 A Yes. My son and his mother.

6 Q And the mother's name is what?

7 A Geraldine (phonetic) --

8 Q And --

9 A -- Wilson.

10 Q Say that again.

11 A Geraldine Wilson.

12 Q And when you went down for your visit that day, was the  
13 defendant down for a visit at the same time?

14 A Yes.

15 Q At the time that you went down for the visit, were you  
16 aware that he was there?

17 A No.

18 Q Did there come a point in time when you did become aware  
19 that the defendant was down for a visit?

20 A Yes.

21 Q And can you explain to Your Honor when you became aware  
22 that he was down for a visit at the FDC?

23 A At the end of my visit, I was waiting in the area before we  
24 go to get searched out to go back to the unit, and he approached  
25 me.

1 Q When he approached you, was that the first time you had  
2 seen him since he had left the unit?

3 A Yes.

4 Q And just so it's clear, when you were on your visit, do you  
5 recall, you know, how far apart you were from him?

6 A I was on the visit or waiting to leave?

7 Q When you were -- when you were on the visit. Do you recall  
8 where you --

9 A No, I don't -- no, I don't recall. Not until the end of  
10 it.

11 Q Now, just so it's clear, when you're in the FDC, when the  
12 visits end, for the folks who are down there, where do you have  
13 to go at that point before --

14 A You have to go --

15 Q -- you're taken back?

16 A -- right by the officers' station. They have a group of  
17 chairs for us to sit in until we're called back to the strip out  
18 area.

19 Q And when you were standing in that area, you're standing  
20 along with other inmates that were there for visits, correct?

21 A Yes.

22 Q And when you initially went over to that area, were you  
23 anywhere near the defendant?

24 A No.

25 Q And when you say that he came and spoke to you, did he do

1 that -- did he approach you or did you approach him?

2 A He approached me.

3 Q When he approached you, I want you to tell Your Honor what  
4 it is he said to you.

5 A He said -- he pointed out a little girl and said that's  
6 Major daughter. And then he said, she don't understand why she  
7 can't see us together. And she asked me to tell Major that.

8 Q And so it's clear, who -- what was your understanding of  
9 who Major was?

10 A James Alexander.

11 Q And when you were on the unit with James Alexander, what  
12 nickname did he go by?

13 A Major.

14 Q Okay. Now when he tells you this message to pass on, did  
15 you think there was anything concerning at that point?

16 MR. NENNER: Objection.

17 MS. PATTERSON: I'll rephrase it, Your Honor.

18 THE COURT: Very well.

19 BY MS. PATTERSON:

20 Q When you were asked to pass this message on, what was going  
21 through your mind at that point?

22 A When he first pointed out, I didn't understand why he was  
23 talking to me because at that point, we ain't really talked to  
24 much. And when he asked me to pass the message, I really didn't  
25 think nothing of it, I just, like, okay. And I told him.

1 Q And did there come a point in time when you did get back to  
2 the unit?

3 A Yes.

4 Q And was James Alexander still on the unit?

5 A Yes.

6 Q And did you pass the message on?

7 A Yes.

8 Q After you passed the message on to James Alexander, I want  
9 you to tell Her Honor what his reaction was.

10 A When I got to the unit, I told him -- gave him the message.  
11 His reaction was -- I don't know how I can really describe it.  
12 He was highly upset. He looked panicky, and you know, he just  
13 kept asking me, is that my daughter? Like, he was really mostly  
14 just like, is that my daughter, was that my daughter? And I'm  
15 like, I don't know. I didn't really look at her. He was like,  
16 I showed you a picture of her before. I'm like, I know -- I  
17 just don't know. But he was really bothered by it.

18 Q And what went through your mind at that moment in time  
19 after you saw the reaction by James Alexander?

20 MR. NENNER: Objection, Your Honor. The intimidation  
21 is not involving this individual. It's someone else who's not  
22 in the courtroom, obviously.

23 THE COURT: Well, regardless of the use of the word,  
24 why don't you rephrase because it could always be interpreted as  
25 an act of attempted intimidation just passing messages back and

1 forth. Regardless of the content. I'd like to hear what was  
2 said. I'm trying to hear what, when, who, where, how and I'm  
3 not making conclusions right now. But the concept of  
4 intimidation is not irrelevant here.

5 MS. PATTERSON: Thank you, Your Honor. Can I restate  
6 the question?

7 THE COURT: Please.

8 BY MS. PATTERSON:

9 Q So after you saw the reaction from James Alexander, what  
10 was going through your mind at that point?

11 A I was -- at first, I was confused, but I was also bothered  
12 because I wasn't sure what I just got myself into. Because  
13 being around Major for that period of time I was, he suddenly  
14 reacted like that. So I'm -- I just ain't really understand  
15 what was going on and how did I just get myself involved in it.

16 Q Now did there come a point in time when you saw the  
17 defendant again?

18 A Yes.

19 Q And do you recall when that was?

20 A The next time I seen him was the day of my sentencing on  
21 December 20th, 2016.

22 Q And where were you at the time?

23 A In the holding tank.

24 Q And in the holding tank, you mean the holding tank that's  
25 inside of the --

1 A The Federal Detention --

2 Q -- courthouse?

3 A -- Center. No, the Federal Detention Center.

4 Q So you were at the holding tank at the Federal Detention  
5 Center?

6 A Yeah.

7 Q And do you recall who else was in the holding tank?

8 A The only other person I knew was Colise and some other  
9 inmates.

10 Q And the person you knew as Colise, was he connected to the  
11 defendant?

12 A Yes.

13 Q And how -- in what way did you know he was connected to the  
14 defendant?

15 A His co-defendant.

16 Q And was the defendant in the holding tank with you at the  
17 point -- at that time?

18 A When I first entered, no. He came afterwards.

19 Q And what happened at that point?

20 A I was in there for a couple minutes and then he got  
21 escorted out. They asked him to come out.

22 Q And what happened after they escorted him out?

23 A He left out, and then a little while later they came  
24 walking past, I guess to come over to the courthouse. And he  
25 started cussing me out, calling me all kinds of rat, snitches,

1 and, you know, had me killed -- promised to have me killed.

2 Q And did you make any comments back to him at that point?

3 A No.

4 Q And after -- at that point, after he made those comments,  
5 was he -- was he escorted away from the holding area?

6 A Yes.

7 Q And, at that point, you went up to go get sentenced,  
8 correct?

9 A Yes.

10 Q Did you have any other interactions with the defendant?

11 A No.

12 Q And just so it's clear, I believe you said that he called  
13 you a rat?

14 A Yes.

15 Q And what other statements did he make?

16 A He called me a rat, he called me a snitch, he said I'm  
17 going to have you killed, I promise you that. Go tell the  
18 agents that.

19 Q And why would he say that? Go tell the agents that?

20 A I have no --

21 Q No idea.

22 A -- idea. No.

23 Q Now, Mr. Mitchell, we already discussed the fact that you  
24 had pled guilty pursuant to a cooperation plea agreement. And  
25 that you have already been sentenced, correct?



1 A Yes.

2 Q So what are you hoping to have happen by testifying today?

3 A I have no expectations of anything, to be honest with you.

4 I mean, frankly, it's just the right thing to do. I have

5 daughters, I have granddaughters. And if the kids -- if this

6 was the situation like, I would want somebody to do it for me.

7 Q Now is it your understanding that if you testify truthfully

8 today that the Government will file a motion in front of Judge

9 Diamond called a Rule 35 motion?

10 A It's a possibility, yes.

11 Q And you do understand for a Rule 35 motion, it would allow

12 his honor to take into consideration your continued cooperation

13 with the Government, correct?

14 A Yes.

15 Q Are you aware at this time whether or not that motion has

16 been filed?

17 A No.

18 Q Has anybody promised you whether or not that motion will

19 even be filed?

20 A No.

21 Q Has anyone promised you what your sentence is going to be?

22 A No.

23 Q Who is -- who do you understand is the only person who's

24 going to make a decision on whether to even grant the motion?

25 A Judge Diamond.

Direct Examination - Mitchell

Cross-Examination - Mitchell

1 Q And what is your understanding of who will ultimately  
2 sentence you?

3 A Judge Diamond.

4 Q In terms of your preparation for trial, has anyone put  
5 words in your mouth or told you anything to say today?

6 A No.

7 Q The only instructions the Government has given you prior to  
8 today has been what?

9 A Be truthful.

10 MS. PATTERSON: Can I take a moment, Your Honor?

11 THE COURT: You may.

12 MS. PATTERSON: No further questions at this time,  
13 Your Honor.

14 THE COURT: Thank you. Cross-examine?

15 MR. NENNER: Thank you.

16 CROSS-EXAMINATION

17 BY MR. NENNER:

18 Q Good afternoon, sir.

19 A Good afternoon.

20 Q So if I was listening correctly, you initially met my  
21 client in prison, correct?

22 A Yes.

23 Q And that was on January 1st of 2014?

24 A No.

25 Q It was before that? But the first incident that you are

1 here to talk about happened January the 1st of 2014?

2 A Yes.

3 Q Okay. And, sir, were you cooperating at that time?

4 A Yes.

5 Q Okay. So you meet my client and you're playing a game of  
6 Scrabble with him at that point?

7 A At that time, yes.

8 Q All right. And there's some kind of altercation and you  
9 turn around and you pick up a broom and you hit him with a  
10 broom, correct?

11 A Not directly after like that, but --

12 Q Well, you hit him with a broom?

13 A I attempted to, yes.

14 Q You attempted to?

15 A (indiscernible)

16 Q Okay. Did you see -- you went through a disciplinary  
17 proceeding, correct?

18 A Yes.

19 Q It indicates here it says -- and you are Mr. -- you're  
20 Mr. Jacob Mitchell, correct?

21 A Yes.

22 Q Okay. It says you admitted hitting inmate Leon with a  
23 broom. So when you first had your disciplinary procedure, did  
24 you go through an actual hearing or did you just acknowledge  
25 what happened?

1 A I -- at the hearing I acknowledged what happened.

2 Q Okay. So then it says here that nothing about attempting  
3 to hit him, it says here you said you hit him with a broom.

4 A I --

5 Q Is that what you said?

6 A I attempted to hit him with a broom.

7 Q Okay.

8 A Yes.

9 Q All right. And as a result, whether it was an attempt, you  
10 actually hit him, you received four months, was it, in the hole,  
11 as you put it?

12 A I received 30 days in the hole, but I had separation issues  
13 so there was no place for me to get out.

14 Q Okay. And tell Her Honor, Mr. Little was not disciplined  
15 at all because of whatever happened on that day, correct?

16 A Correct.

17 Q Okay. So you were the only one who was punished as a  
18 result of that incident, correct?

19 A Correct.

20 Q And this is the first time that you had any kind of  
21 argument or altercation as you described it, with Mr. Little; is  
22 that correct?

23 A Yes.

24 Q All right. So it's after that point in time, if I'm  
25 listening correctly, that you were then eventually come back to

1 the unit, correct?

2 A Yes.

3 Q And your testimony is that a guard put you and Mr. Little  
4 inside a cell together, correct?

5 A Yes.

6 Q Okay. And the purpose -- if I heard you say that -- was to  
7 make sure that there wasn't going to be any further problems; is  
8 that fair to say?

9 A Yes.

10 Q All right. And eventually the guard left you there in that  
11 cell with Mr. Little, correct?

12 A No, I believe I left out and the CO left out.

13 Q Okay. Well, you said he made -- he wanted to make sure  
14 there was no problem. So eventually at that point, you told him  
15 there was no problems, correct?

16 A Yes.

17 Q Right. So you communicated to the guard that you were  
18 comfortable, at least at that point in time being with  
19 Mr. Little, right?

20 A Yes.

21 Q Okay. Now you said while you were left alone -- I'm  
22 assuming the guard didn't eventually sit there and watch the two  
23 of you in a cell the entire time, correct?

24 A He took me to the cell.

25 Q Uh-huh.

1 A Asked us was we okay.

2 Q Yep.

3 A Was we going be all right -- be able to get along. I say  
4 yes, he say yes. I left out, and the officer left out.

5 Q That's what I wanted to know.

6 A All right.

7 Q So he left out?

8 A Yes.

9 Q Leaving the two of you alone, correct?

10 A No. I left out first.

11 Q I see. Okay. But in any event, you described something,  
12 some kind of argument that happened on that particular occasion,  
13 correct?

14 A It wasn't an argument.

15 Q Okay. Well, what did he say to you at that point?

16 A He just came up to me and said, you know, we got to fight.

17 Q Okay.

18 A And I said, okay.

19 Q Okay. So then you agreed to fight?

20 A Yes.

21 Q Okay. You didn't call the guard or anything and say  
22 there's going to be further problems or anything like --

23 A No.

24 Q -- that? You decided to have a one-on-one with him,  
25 correct?

1 A Yes.

2 Q No brooms, no weapons, or anything, right?

3 A Yes.

4 Q Okay. And this was after you had returned to the block,  
5 after serving a penalty or a punishment for what had happened on  
6 January of 2014, correct?

7 A Yes.

8 Q Okay. So in any event, you had this fight, the fight ends,  
9 correct?

10 A Correct.

11 Q Do you have any bruises, marks, injuries?

12 A No.

13 Q Okay. Did you complain to any of the guards about the  
14 fight?

15 A No.

16 Q Because according to you, this was not your initial idea.  
17 It was Mr. Little who said we got to fight, right?

18 A Yes.

19 Q Okay. So you have your fight and then eventually you're  
20 taken out of the cell; is that correct?

21 A We didn't fight in the cell.

22 Q I thought -- where did you fight?

23 A In the library.

24 Q Okay. So no write ups or anything? Nobody reported  
25 anything?

1 A No.

2 Q You kind of shook hands after that and said that's it?

3 Call it a day?

4 A Not even that much. Just called it a day.

5 Q Okay. And then after that time you were moved off the  
6 block?

7 A No. I was still on the unit.

8 Q You were still on the unit? Okay. And then if I  
9 understand correctly, sir, the next time that you come into  
10 contact with Mr. Little is during this visit on the date of  
11 March 28th of 2015, correct?

12 A No.

13 Q You came in contact with in between those dates?

14 A We were still on the unit together.

15 Q Okay. And there was --

16 A For three months after that.

17 Q -- no problems? No further fights or problems?

18 A No further problems, no.

19 Q You guys had kind of settled your difference at that point?

20 A Yes.

21 Q Okay. So let's talk a little bit about March 28th of 2015.

22 You indicated that you had a visit that day, correct?

23 A Yes.

24 Q All right. By the way, did you see Mr. Alexander? Because  
25 he had a visit that day too.



1 A He's on my unit. He was on my unit.

2 Q I'm asking you about that particular day. Were you -- did  
3 you see him out there have a visit?

4 A I didn't see him on the visit, no.

5 Q Okay.

6 A He was on the unit with me.

7 Q Okay. So you never saw him in the waiting room visiting  
8 with anyone or come out of the back room, correct?

9 A No.

10 Q Okay. So my understanding is that my client has a visit  
11 from what you later learned was James Alexander's daughter,  
12 correct?

13 A Yes.

14 Q And you're not familiar with -- are you familiar at all  
15 with the relationship between James Alexander and his daughter?

16 A No.

17 Q You had never seen them have a visit together, correct?

18 A No.

19 Q Do you even know if the daughter was talking to him at that  
20 point in time?

21 A Yes, I know he was talking to his daughter.

22 Q You do?

23 A He mentioned it, yeah.

24 Q When did he tell you that?

25 A Oh, just on the block. He told me --

1 Q Okay.

2 A -- once in a while he haven't seen his daughter in a while,  
3 but he have talked to her.

4 Q All right. He didn't see his daughter the entire time he  
5 was there, correct?

6 A I don't know.

7 Q Okay. Well, he didn't tell you he did, did he?

8 A No.

9 Q And you never saw him have a visit between James Alexander  
10 and his daughter, correct?

11 A I don't know.

12 Q Okay. And my understanding is that at some point my client  
13 comes in the back and talks to you about this little girl. Or  
14 is this outside?

15 A No. This is still out in the visiting area.

16 Q Okay. And he points to this little girl, right?

17 A Yes.

18 Q And his statement to you, so we're all clear, is it's a  
19 shame that James Alexander and I can't visit with her together,  
20 correct?

21 A No. First, he pointed to her and said, that's Major's  
22 daughter. Then he said she doesn't understand why she can't see  
23 us together.

24 Q Okay.

25 A And asked me to tell him that.

1 Q Okay. And that was the crux of everything he said to you  
2 at that time?

3 A That's it.

4 Q That's it?

5 A Yes.

6 Q Okay. And by the way, you're cooperating at this time,  
7 correct?

8 A Yeah.

9 Q Did you tell the government at that time what occurred?

10 A No.

11 Q Right. You kept that to yourself, correct?

12 A No, I just delivered the message.

13 Q You didn't tell anyone, correct?

14 A No, that's not correct. I told Major what he asked me to  
15 tell him.

16 Q You didn't tell any guards, you didn't --

17 A No.

18 Q -- tell anybody there?

19 A No.

20 Q You just told Mr. Major?

21 A Yes.

22 Q You delivered that message, correct?

23 A Yes.

24 Q Okay. And again, you were cooperating at this point in  
25 time also, correct?

1 A Yes.

2 Q All right. And then I understand back in December -- I  
3 think it was 2016 -- when my client was on trial in this very  
4 courtroom, you were in a cell, correct?

5 A Yes.

6 Q All right. And my understanding is, if I was listening  
7 correctly, at some point they removed Mr. Little from the cell?

8 A The holding tank, yes.

9 Q Yeah. And removed him away from you, correct?

10 A I guess so.

11 Q Well --

12 A I didn't know why they moved him out of there.

13 Q How long were you guys together in the cell? Meaning, when  
14 I say together, I mean Mr. Little, Mr. Harmon, and yourself?

15 A I mean, Mr. Harmon was in there first. Mr. Littles (sic)  
16 came in, he was only in there for a couple minutes and then the  
17 officer came and pulled him out.

18 Q Okay. So while you're in there with Mr. Little, okay, if I  
19 understand, he doesn't say anything to you while you're in the  
20 cell, correct?

21 A Correct.

22 Q Right. So he's in there alone with you, there's no guards  
23 around, and he's with Mr. Harmon and he doesn't say one word to  
24 you while you're all alone together, correct?

25 A Correct.

1 Q It's after the guard comes, and you indicated pulled  
2 Mr. Little out of the cell, that something happens, right? When  
3 you're walking by -- or he's walking by?

4 A Yes.

5 Q Okay. By the way, when you talk to the Government -- and  
6 you did give a statement about this all the way in January of  
7 this year, correct? Or excuse me, October --

8 MR. NENNER: Excuse me, Your Honor. I don't want to  
9 misstate.

10 BY MR. NENNER:

11 Q October 10th of 2017, correct?

12 A October 10th of -- I don't know the date --

13 Q Well, do you remember going --

14 A -- I talked about --

15 Q -- back -- going down and talking to Agent Lauriha?

16 THE COURT: I don't think it's October.

17 THE WITNESS: Yeah, I don't think that was in 2017.

18 MS. PATTERSON: Your Honor, can I just say something  
19 to defense counsel?

20 MR. NENNER: Sure.

21 BY MR. NENNER:

22 Q This was a telephone conversation that occurred on October  
23 10th of 2017, correct?

24 A Oh, yes.

25 Q Okay. And you gave some facts to the agent, correct?

1 A Yes.

2 Q And by the way, in here, you told them that they removed  
3 you from the cell, not Mr. Little. You didn't tell them that?

4 A No, I don't recall saying that.

5 Q Okay. And again, it's when you're being transported or  
6 you're walking by, that Mr. Little says something to you?

7 A No. I was still in the holding tank with Colise. He  
8 was -- he got taken out the holding tank.

9 Q Okay.

10 A Mr. Littles got taken out.

11 Q Okay. And then at some point after that you're being  
12 escorted by the same cell?

13 A No. He's being escorted by the same cell.

14 Q Okay. And you're being escorted by a Marshal, right?

15 A You keep saying me. I'm still in the holding tank when he  
16 made the comments to me.

17 Q Okay. Okay. So you're in the tank, he's being escorted by  
18 a Marshal?

19 A The Marshal or one of his officers --

20 Q Okay.

21 A -- in the FD -- Federal Detention Center. I don't --

22 THE COURT: They're still in the holding cell at the  
23 FDC, right?

24 THE WITNESS: -- I'm not sure which one. We're still  
25 in the holding tank at the FDC -- yes.

1 MR. NENNER: Right. At the FDC.

2 BY MR. NENNER:

3 Q Okay. So when this happens, you turn to the Marshal and  
4 say this guy just threatened me?

5 A No.

6 Q But he was right there, correct?

7 A He was with the officer.

8 Q He was with the officer?

9 A Yeah.

10 Q So the officer's in the room hearing all this, right?

11 A Yes.

12 Q Ah. And the officer doesn't write him up or anything like  
13 that, correct?

14 A I don't know. But I do know --

15 Q Well --

16 A -- that she did apologize to me.

17 Q Well, you didn't have to go to a hearing or hear anything  
18 about a hearing, correct?

19 A No. Correct.

20 Q That's it. And again, you're cooperating at this time,  
21 correct?

22 A Yes.

23 Q And at this time when this incident happens, you don't call  
24 the Government or call anybody from the Government at that time  
25 to say anything's happened, correct?

1 A Because of him threatening me?

2 Q Yeah.

3 A It was -- I didn't care, really.

4 Q You didn't care?

5 A No.

6 Q And that's the whole point. You didn't care at all about  
7 any of this until after you received a 15-year sentence from  
8 Judge Diamond, correct?

9 A No. Actually it was before then that Alexander talked to  
10 them and they called me over and asked me what happened on the  
11 visit.

12 Q Well, sir, let me ask you this. Okay. You were  
13 sentenced according to the records I have on -- in  
14 December -- on December 20th of 2016; is that right?

15 A Yes.

16 Q Okay. That's the day we've just been talking about; is  
17 that right?

18 A Yes.

19 Q Okay. So on December 20th of 2016 you receive 180 months  
20 or 15 years, correct?

21 A Yes.

22 Q Can we agree that you didn't tell one guard, one  
23 representative from the Government, or anything about any of  
24 these alleged conversations with my client, until after December  
25 20th of 2016?



1 A You are talking about separate incidents. All right. If  
2 you're talking about as far as what happened with the young  
3 lady, that was told. If you're talking about as far as him  
4 threatening me, no, I never said it.

5 Q You told James Alexander, correct?

6 A I didn't tell James that he threatened me on the visit.

7 Q No, no, no. You're not listening. You told James  
8 Alexander about my client saying something it's a shame about  
9 them not being able to visit together, correct?

10 A Yes.

11 Q You did not tell any U.S. Marshal or anybody from the  
12 Government about that at that time?

13 A When they called me over, I did, which was --

14 Q Sir, I'm asking you about --

15 A -- not far after.

16 Q -- the date of the incident.

17 A The day of the incident, no.

18 MS. PATTERSON: I'm sorry. I have to object --

19 THE COURT: You have to be clear --

20 MS. PATTERSON: -- because --

21 THE COURT: -- you have to be clear because --

22 MR. NENNER: Let me be clear. Let me be clear.

23 THE COURT: -- it's really unfair that it's jumping  
24 back and forth.

25 MR. NENNER: Okay. Let --

1 MS. PATTERSON: Your Honor, and I think it's asked and  
2 answered. I think he's --

3 MR. NENNER: No. I don't think it is.

4 MS. PATTERSON: -- answering it. But --

5 MR. NENNER: Well, Judge, let me --

6 MS. PATTERSON: -- I think he's referring to it as the  
7 incident with the little girl and I think that's the same thing  
8 that Mr. Nenner is asking about.

9 MR. NENNER: Can I walk him through it, Judge? And  
10 I'll do it your way. All right. Thank you.

11 THE COURT: Well, I'm not telling you how to do it,  
12 except it got a little confusing.

13 MR. NENNER: I agree.

14 BY MR. NENNER:

15 Q So let me go back to the first incident you talked about on  
16 January 1st of 2014. You already told us that on that  
17 particular date when you had the incident, we know what  
18 happened, you were written up, he wasn't, correct?

19 A Correct.

20 Q You agree with me you didn't tell anybody from the  
21 Government on that date or for that matter any of the Marshals  
22 about what he said to you, correct?

23 A You're still talking about different dates. You're saying  
24 January --

25 Q No, I'm --

1 A -- 1st, 2014.

2 Q January -- sir. January of 2014 -- January 1st. I'm only  
3 asking you about that particular incident. You didn't tell  
4 anybody from the Government or the Marshals on that date,  
5 correct?

6 A About what?

7 Q About what he said to you. You're the only --

8 A That was years later. January 1st, 2014, we had an  
9 altercation. It wasn't -- I never had -- we wasn't on a visit.  
10 Nothing came up about nobody's daughter. And I wasn't  
11 threatened to be killed at that time.

12 Q I understand that.

13 A Is what I'm saying.

14 Q But you got -- right. You begin with a stick and then you  
15 got written up, right?

16 A Right.

17 Q Okay. And you hit him on the stick because he -- you were  
18 fighting about a Scrabble game, correct?

19 A Correct.

20 Q Okay. So then let's go to the next incident. Okay. Let's  
21 go to the incident when we're talking about March 28th of 2015  
22 during this visitation with the little girl.

23 A Yes.

24 Q Are we together now?

25 A Yes.

1 Q So March 28th of 2015, you have this situation where my  
2 client communicates it's a shame we can't be together, however  
3 the words were, and you tell James Alexander, right?

4 A Yes.

5 Q Okay. Did you know James Alexander was cooperating at that  
6 time?

7 A No.

8 Q Okay. But you were cooperating at that time?

9 A Yes.

10 Q Okay. So on that particular date, when this happened,  
11 okay, you didn't communicate to the Government at that time or  
12 anybody from the U.S. Marshal about what happened in the waiting  
13 room or the visiting room at FDC, correct?

14 A No, I didn't. I had no reason. I still didn't know what  
15 was going on.

16 Q I see. Well, when you told James Alexander, you indicated  
17 to Her Honor that he had some sort of reaction that you  
18 interpreted, correct?

19 A Yes.

20 Q Okay. So when you had that interpretation of that  
21 reaction, as you described it, did you then call the  
22 Government -- the same people you're cooperating with -- or the  
23 U.S. Marshal and report the incident?

24 A No.

25 Q You didn't think anything of it on that date?

1 A No.

2 Q Okay. So then, if I'm listening correctly, we then get to  
3 this last date we talked about, which was in December of 2016,  
4 correct?

5 A Correct.

6 Q Okay. So it's on that date that you allege, or you claim  
7 that my client is in the middle of a trial, basically starts  
8 threatening you in some sort of way, correct?

9 A Yes.

10 Q All right. And the guard was right there to hear it,  
11 correct?

12 A Yes.

13 Q And the guard does nothing at all? You're a cooperating  
14 witness in a federal case and the guard's right there, and he  
15 doesn't write Mr. Little up, he doesn't take you to the  
16 Government to talk to them or anything like that?

17 A To my knowledge, none of the CO's --

18 MS. PATTERSON: Can I --

19 THE WITNESS: -- was aware of --

20 THE COURT: Just stop him.

21 THE WITNESS: -- my situation.

22 MS. PATTERSON: -- I need to object, Your Honor. It  
23 was a really complex sentence.

24 THE COURT: One question at a time, please?

25 MS. PATTERSON: Thank you.

1 MR. NENNER: Yes. Yes.

2 THE WITNESS: From my knowledge, the CO's --

3 THE COURT: No, no.

4 THE WITNESS: Oh.

5 THE COURT: He's going to ask it again in concrete  
6 steps.

7 BY MR. NENNER:

8 Q I mean, if I'm listening correctly, and I'm going to take  
9 it back a second, you had a witness to this threat, correct?

10 A Yes.

11 Q Okay. And this was a U.S. Marshal, correct?

12 A No. I believe it was the CO.

13 Q Okay. A CO. All right. And the CO at that point in time,  
14 you're not aware of any writeups from this incident, correct?

15 A Correct.

16 Q All right. And you don't call Ms. Patterson or anyone else  
17 from the Government to report this incident, correct?

18 A Correct. There was no reason to.

19 Q Okay. And there's no reason to at this point. And that's  
20 the last incident you talked about today, correct?

21 A Correct.

22 Q Between you and Mr. Little, right?

23 A Right.

24 Q Okay. So on December 20th, after this last incident, okay,  
25 with Mr. Little, you then get sentenced, correct?

1 A Yes.

2 Q I see. So up until all three of these incidents  
3 before -- before all three of them happened, or during they  
4 happened, you haven't been sentenced yet, correct?

5 A Correct.

6 Q And you're cooperating on more than one case, correct?

7 A My case.

8 Q Your case. Against other people who were indicted with  
9 you?

10 A On my case, yes.

11 Q Okay. And you're a guy who has a little bit of a record  
12 for crimes of violence in the state, even before you get to the  
13 federal system, fair enough?

14 A Yes.

15 Q All right. And you're looking at a minimum of 20 years,  
16 right?

17 A Yes.

18 Q And the cooperation agreement is you -- and your hope is  
19 you're going to get somewhere down lower than that 20 years,  
20 right?

21 A Yes.

22 Q Okay. And you had to be a little disappointed, weren't  
23 you, when you got 15 years?

24 A Yes.

25 Q I mean, that's not much of a departure, correct?

1 A Yes.

2 Q All right. So it's after you get this sentence that you  
3 come forward to the Government and you start talking about the  
4 things you spoke about today, correct?

5 A No.

6 Q No?

7 A I never went to the Government. I got called. No incident  
8 have I ever reached out to them concerning the situation.

9 Q Oh. Okay. So they called you in October of 2017?

10 A October of 2017.

11 Q That's the phone call.

12 A Yes. Yes.

13 Q Okay. How did they find out about it?

14 A Before then?

15 MS. PATTERSON: I have to object, Your Honor.

16 MR. NENNER: Well --

17 THE COURT: Okay.

18 MS. PATTERSON: He has no foundation or basis to  
19 ask --

20 MR. NENNER: Let me --

21 MS. PATTERSON: -- this question.

22 MR. NENNER: I'll reword it, Your Honor.

23 THE COURT: Sustained.

24 MR. NENNER: Okay.

25 //



1 BY MR. NENNER:

2 Q Your testimony is that you never reported this to anybody  
3 at all initially?

4 A Other than when he asked me to deliver the message, no, I  
5 didn't.

6 Q Okay. So you get this call from the Government and they  
7 say, hey did Mr. Little -- did you have any contact with him?  
8 Is that how it happened?

9 A No. They asked me did I remember when I had to come over  
10 there about this situation which was shortly after he gave  
11 me -- I deliver the message to Mr. Alexander. From my  
12 knowledge, Mr. Alexander came to them and they called me over  
13 there to ask me what happened when I was on the visit.

14 Q Really?

15 A Yes.

16 Q And this was -- just so we're clear on this, this  
17 was -- this incident we're talking about was on March 28th of  
18 2015, right?

19 Q That's before Mr. Little's trial, right?

20 A I don't know.

21 Q Well, do you -- you're friendly with Mr. Alexander, right?  
22 Or you were friendly with him?

23 A He was my barber.

24 Q Oh.

25 A He worked on the unit, cut hair.

1 Q Ah. Okay.

2 A That's as far as it went.

3 Q Okay. So did he tell you that he reported this to the  
4 Government at that time?

5 A He told me, yeah.

6 Q Really. Okay. And you knew he testified in the trial  
7 after that date, correct?

8 A I heard he did.

9 Q Right.

10 A I don't know for sure.

11 Q Okay. And your interpretation of his behavior was that he  
12 was threatened and scared about this, right?

13 A When I gave him the message about his daughter, yes, he  
14 seemed indifferent compared to what I used to see him. He  
15 seemed bothered. He seemed like he was really shaken about it.

16 Q Well, you know that he testified in this case and he didn't  
17 bring any of this up.

18 MS. PATTERSON: I'm sorry. Objection.

19 THE WITNESS: I don't know anything.

20 MS. PATTERSON: Objection, Your Honor.

21 MR. NENNER: He did, Your Honor.

22 THE COURT: I'm going to sustain the objection. How  
23 is he supposed to know what happened in court?

24 MR. NENNER: Well, he talks to him. I'm asking if he  
25 knew from afterwards.

1 THE COURT: No. That's not how you asked the  
2 question.

3 MR. NENNER: Okay.

4 BY MR. NENNER:

5 Q Did you learn afterwards how it was communicated by  
6 Mr. Alexander?

7 A No.

8 Q Okay. So in any event, you had no interest to talk to the  
9 Government until after your sentence; fair to say?

10 A That's not true. They called me over and I told them what  
11 was told to me. And I believe that was maybe a year, two years  
12 before then.

13 Q And you had some discussions about, you know, well, maybe I  
14 can get some of the -- a little bit more time off my sentence  
15 possibly, correct?

16 A No.

17 Q Well, you --

18 A I -- they called me over, asked me what happened, what took  
19 place, what was said to me. I told them and that was as far as  
20 it went. I didn't hear anything back again until I was already  
21 sentenced on a compound on my time, I got a phone call  
22 concerning this matter and we talked about it again. I told  
23 them the same thing I told then, and here I am today.

24 Q So when the Government asked you a few minutes ago on  
25 direct examination whether a Rule -- you were hoping for a Rule

1 35 motion in departure; is that not true?

2 A No, that was true. When it was -- nothing was promised to  
3 me. They told me it was a possibility that it could, you know,  
4 that she could put in for it. But it was still ultimately come  
5 up to the judge, and I just said all right.

6 Q Okay. So in other words, you don't know what's going to  
7 happen, but you hope -- is that a fair way to put it? That  
8 you're going to be able to get back in front of Judge Diamond  
9 and possibly get a reduction of sentence?

10 A That would be fine, but either way, I still have to do my  
11 time.

12 Q Right. Well, it would be fine, but it's something that you  
13 and your lawyer negotiate before or at the time you testified  
14 today.

15 A I don't even have a lawyer.

16 MS. PATTERSON: Objection, Your Honor.

17 THE COURT: Objection sustained.

18 BY MR. NENNER:

19 Q In any event, is the Rule 35 -- you understand what that  
20 is, correct?

21 A Yes.

22 Q Okay. You're knowledgeable about that?

23 A Yes.

24 Q That's something that you can attempt to get after  
25 sentencing, correct?

1 A Correct.

2 Q I see. And the 15 years that you did get from Judge  
3 Diamond, again, he departed five years down from the 20-year  
4 mandatory minimum?

5 A I'm not sure.

6 Q Well, as you already said you were disappointed with that  
7 sentence, correct?

8 A Yes.

9 Q Okay. And you can agree with me or not agree with me, but  
10 any kind of conversations you had about any of these  
11 incidents -- you, okay, occurred with the Government I'm talking  
12 about -- occurred after your sentencing, right?

13 A No.

14 MS. PATTERSON: Your Honor, this has been asked and  
15 answered, so I have to object to this at this stage.

16 MR. NENNER: Well --

17 THE COURT: All right. I'm going to sustain the  
18 objection unless you have a new question.

19 MR. NENNER: I have a new question. Okay.

20 BY MR. NENNER:

21 Q I don't know, sir. I'm not trying to be argumentative.  
22 I'm really not. I had the first interview with you of October  
23 10th, 2017. That was that phone interview. Do you know of any  
24 other interview that occurred before your sentencing?

25 A Yes.

1 Q Okay. About this particular person, Mr. Little?

2 A Yes.

3 Q When did that occur?

4 A Sometime in 2015 after the visit.

5 Q In 2015 after the visit, you had conversations with the  
6 Government?

7 A Yes. I got called over.

8 Q About the visit?

9 A Yes. James Alexander -- they called me over to find out  
10 what I said to James Alexander that came from Bo.

11 Q I see. Okay. So they came over at that time -- was there  
12 an interview taken?

13 MS. PATTERSON: Your Honor, I have to object because  
14 that can be addressed with my next witness. And it's going to  
15 be addressed with my next witness.

16 MR. NENNER: Okay. I respect that.

17 THE COURT: All right.

18 MR. NENNER: Okay. That's all I have.

19 THE COURT: Thank you. Redirect?

20 MS. PATTERSON: None, Your Honor.

21 THE COURT: Thank you. This witness may be excused.

22 MS. PATTERSON: Your Honor, the Government calls  
23 Special Agent Jeff Lauriha as its next witness.

24 (JEFFREY LAURIHA, Witness, Sworn)

25 THE CLERK: Please state your full name and spell your

1 last name for the record.

2 THE WITNESS: It's Jeffrey, J-E-F-F-R-E-Y, middle  
3 initial S, last name Lauriha, L-A-U-R-I-H-A.

4 THE COURT: Please be seated.

5 THE WITNESS: Thank you.

6 DIRECT EXAMINATION

7 BY MS. PATTERSON:

8 Q Good afternoon, Agent Lauriha.

9 A Good afternoon.

10 Q So I want to direct your attention back to 2015. Did there  
11 come a point in time when you received information as it relates  
12 to the visit that occurred on March 28th of 2015?

13 A Yes.

14 Q And who did you initially receive information from?

15 A James Alexander.

16 Q After receiving that information, did there come a point in  
17 time when you did have an opportunity to interview Jacob  
18 Mitchell?

19 A Yes.

20 Q And at that interview occurred initially at what point?

21 A Sometime in '15 -- 2015. I don't remember specifically.

22 Q Now did you write a report at that time?

23 A No, I did not.

24 Q And can you please tell Judge Rufe, what your focus was on  
25 that point in time?

1 A At that point, I was just trying to establish what exactly  
2 had happened. Who -- first of all, checking the visitor logs of  
3 the prison to see who visited who on this certain date.  
4 Checking with -- interviewing actually the person who allegedly  
5 brought the daughter to the prison. We went to her house, which  
6 is Taylor Coleman (phonetic), interviewed her regarding what had  
7 happened. And after interviewing people that were involved in  
8 this, which included, Aminah Shabazz, Taylor Coleman, obviously  
9 Mr. Alexander, and eventually, Jacob Mitchell, we determined  
10 basically what had happened.

11 Q And just so it's really clear, the focus at that point was  
12 really on how the little girl got to the visit, correct?

13 A Exactly.

14 Q So you had mentioned that you wanted to get a copy of the  
15 visiting logs that day, correct?

16 A Correct.

17 Q And there were -- was a subpoena that was ultimately issued  
18 to the FDC for the visiting log, correct?

19 A Correct.

20 MS. PATTERSON: So if -- I'm going to provide -- I've  
21 already provided it to counsel, but I'm going to hand up Your  
22 Honor what has been previously marked as Government Exhibit  
23 Number 2. And if I can approach the witness?

24 THE COURT: You may. Thank you.

25 //



1 BY MS. PATTERSON:

2 Q So the document that I just handed to you, is that the  
3 visitor log as well as the certificate of authenticity that was  
4 provided by the Federal Detention Center?

5 A Yes.

6 Q And if we can go back -- if I can --  
7 If I can direct your attention to the first page.

8 A Yes.

9 Q Up at the top, it indicates that this is a daily visiting  
10 log, correct?

11 A Correct.

12 Q And what's the date that is listed there?

13 A March 28th, 2015.

14 Q Now --

15 A Thursday.

16 Q -- and looking at the first page, if you go down to near  
17 the bottom of the page, is there any notation of the defendant  
18 Leon Little being listed on this daily visiting log?

19 A Yes.

20 Q And if you can identify the time in and the time out.

21 A The time in is 10:49, the time out is 12:19.

22 Q And the name of the person that is listed as the visitor?

23 A Taylor Coleman.

24 Q And if you can also on this same page go in --

25 A Also it denotes three children.

1 Q So listing over on the next like two -- the next category  
2 up at the top, it lists the category as being child, correct?

3 A Yes.

4 Q And then at the bottom, as you just testified to, it says,  
5 three, correct?

6 A Correct. Correct.

7 Q Then I want you to go three lines down. Who's listed three  
8 lines down from Leon Little?

9 A Jacob Mitchell.

10 Q And the time in?

11 A Is 10:48.

12 Q And the time out?

13 A 12:19.

14 Q And the name of the visitor?

15 A Geraldine A. Wilson.

16 Q Okay. And --

17 A One child.

18 Q -- under child?

19 A One child.

20 Q Now if we can go to the second page of this document, is  
21 James Alexander listed on the second page of the visitor log up  
22 at the top?

23 A Yes, he is.

24 Q And for James Alexander, what time is listed as time in?

25 A I believe it's 12:50.

1 Q Time out?

2 A 14:42.

3 Q And the name of the visitor?

4 A Victoria Alexander.

5 Q And the time in? I mean, and it says child listed there as  
6 one, correct?

7 A One, correct. Uh-huh.

8 Q Okay. Now you indicated that you had an opportunity to  
9 talk to a number of individuals, correct?

10 A Correct.

11 Q And after finishing those interviews, the decision that  
12 there was nothing to be done at that point, correct?

13 A Correct.

14 Q But then there came a point in time in preparation for  
15 sentencing that you had an opportunity to speak again with Jacob  
16 Mitchell, correct?

17 A Correct.

18 Q And following that interview -- that interview occurred in  
19 October of 2017, correct?

20 A Correct.

21 Q At that time, did you prepare a report?

22 A Yes.

23 Q And the information that was reflected in that report, was  
24 it consistent with the information you had received previously  
25 from --

1 A Yeah.

2 Q -- Jacob Mitchell?

3 A Yes.

4 Q Now in -- prior to that point, just so it's clear, when you  
5 spoke with Jacob Mitchell initially back in 2015, the only  
6 information you had discussed with him was related to the  
7 incident as well as the previous fight with -- the fights with  
8 Leon Little, correct?

9 A Correct.

10 Q And it wasn't -- at what point did you first hear about  
11 what happened in the holding cells on December 20th of 2016?

12 A October of '17.

13 MS. PATTERSON: Your Honor, at this point I don't have  
14 any further questions of Agent Lauriha, however, I reserve the  
15 right to call him again if -- when we get to the forfeiture  
16 matter in this case.

17 THE COURT: Very well.

18 MS. PATTERSON: That way it's really clear that his  
19 testimony at this point is simply based on objection number 3.

20 THE COURT: Thank you.

21 MS. PATTERSON: Thank you, Your Honor.

22 THE COURT: Cross-examine?

23 MR. NENNER: May I, Your Honor?

24 THE COURT: Please.

25 //

CROSS-EXAMINATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

BY MR. NENNER:

Q Nice to see you again, sir.

A Same to you, Mr. Nenner.

Q Okay. Let me start out with this. This DEA 6 that you took in October 10th of 2017, do I have that right? This was the one over the telephone?

A Correct.

Q Okay. There is no reference -- this is a three-page document, correct?

A I believe it's three pages, yes.

Q Okay. Can we agree there's not any reference in this particular document that says that you had a conversation with Mr. Mitchell in 2015?

A That's correct.

Q Okay. Did you bring any of your notes that you memorialized from your conversations over the telephone with Mr. Mitchell?

A No, I did not.

Q You don't have them here?

A I didn't take notes. I believe I just listed it in my report.

Q Ah. So in other words when the conversations you had with Mr. Mitchell in 2015, they were not memorialized at that time; fair to say?

1 A No. At that point we were just determining the  
2 circumstances and whether --

3 Q Okay.

4 A -- it was anything of -- to look into.

5 Q Okay. And at that point, based on what was said on that  
6 day, at that particular time, you didn't take any follow-up  
7 actions, correct?

8 A I interviewed Aminah Shabazz, I interviewed Taylor Coleman.

9 Q Fair enough. But in 2015 after you interviewed all  
10 that -- interviewed those people, okay, there was no  
11 disciplinary action that was taken against Mr. Little; is that  
12 fair to say?

13 A That's correct.

14 Q Can we agree that was never brought up in the how many days  
15 of the trial we were here over Christmas --

16 A That is correct.

17 Q -- before Christmas? Correct?

18 A Correct.

19 Q Okay. So the first time you memorialize it is on October  
20 10th of 2017?

21 A Correct.

22 Q Okay. And we can agree that when you did memorialize it,  
23 this was after Mr. Mitchell was sentenced, correct?

24 A Correct.

25 Q Okay. And he had never reached out to you -- in other

1 words, he never came to you and said there was a problem or  
2 there was any kind of incident before that, correct?

3 A No.

4 Q Okay. So at -- James Alexander, by the way, he testified  
5 at the trial, correct? He was a cooperating witness?

6 A Yes.

7 Q Right?

8 A Yes.

9 Q Okay. And he talked a lot about his interactions with  
10 Mr. Little during the trial, correct?

11 A Correct.

12 Q And you agree with me there was witnesses who even got on  
13 the stand and talked about alleged comments that Mr. Little made  
14 to them while they were in a holding cell when they were  
15 initially arrested on this case, correct? Co-conspirators?

16 A Yes.

17 Q Okay. And there was a good bit of testimony about that  
18 from some of the cooperators, correct?

19 A I believe several, yes.

20 Q Okay. The other thing is, you talked about, I think it's  
21 Government's Exhibit 2, which is the log from the visitation,  
22 correct?

23 A Correct.

24 Q All right. And I don't want to rehash things, other than  
25 to say is that Ms. Colbin (sic) came with three children, I

1 think you said it was somewhere around 10:49 in the morning to  
2 visit Mr. Little, correct?

3 A Correct.

4 Q At that time? Okay. Mr. Alexander didn't visit with the  
5 little girl at that time, correct?

6 A No.

7 Q All right. In fact he had another visit that very same day  
8 which you indicated had started at 12:30 in the afternoon,  
9 correct?

10 A Yes, it was a later time.

11 Q Right. At 12:39, excuse me, to be exact. If you look at  
12 page 2 --

13 A Let me look. I just -- I --

14 Q Yeah.

15 THE COURT: That's what it says.

16 THE WITNESS: I did not bring my glasses. I  
17 apologize. I'm squinting to see the number.

18 MR. NENNER: That's okay. You want mine.

19 THE WITNESS: No thank you.

20 THE WITNESS: His visit, Victoria Alexander, if I'm  
21 reading this correctly, I believe it's 12:50 in and 14:42 out.

22 MR. NENNER: Okay. Mine indicates 12:39.

23 THE COURT: Yeah, there's two different columns.

24 THE WITNESS: Oh, I'm sorry. 12:39, 14:42. I

25 apologize. I was reading on the column on the left which I



1 have -- I imagine has to do with the inmate in and out of the  
2 visiting room.

3 BY MR. NENNER:

4 Q Okay. And his visit was with Victoria Alexander and a  
5 child, correct?

6 A Correct.

7 Q Okay. The child's not named on here; is that correct?

8 A Not named.

9 Q Okay. Do you know who the child was?

10 A I do not recall.

11 Q Okay. Thank you.

12 MR. NENNER: That's all.

13 THE COURT: Thank you. Any redirect?

14 MS. PATTERSON: No, Your Honor.

15 THE COURT: Thank you.

16 THE WITNESS: You're welcome, Your Honor.

17 THE COURT: We're admitting the document, Government  
18 Exhibit 2. We also should state for the record, on the earlier  
19 objection, Government Exhibit 1 is admitted. This is the same  
20 as Government's Exhibit at trial, is it not -- 14?

21 MS. PATTERSON: It is correct, Your Honor. It's --

22 THE COURT: 34 or --

23 MS. PATTERSON: It's Government Exhibit 34 and that's  
24 why I made sure that the original trial exhibit tab was  
25 included.

1 THE COURT: Yes. Because we had seen that before and  
2 several times since. All right. So they're admitted.

3 (Government's Exhibit 1 and 2 admitted)

4 THE COURT: Now is there any other evidence to present  
5 on the objection number 3?

6 MS. PATTERSON: No, Your Honor. Not from the  
7 Government.

8 THE COURT: Now, Mr. Nenner?

9 MR. NENNER: No evidence, Your Honor.

10 THE COURT: Okay.

11 MR. NENNER: Other than what's been submitted.

12 THE COURT: The probation officer assessed a two-level  
13 increase for witness intimidation pursuant to Guideline Section  
14 2D1.1(b)15D because as it explains in the presentence report,  
15 the defendant used a third party to indirectly intimidate James  
16 Alexander who he suspected was cooperating with the Government.  
17 In that instance specifically, the defendant passed a message  
18 through fellow inmate, J.M., Mr. Mitchell, that the defendant,  
19 Mr. Little, had contact with Alexander's child at the FDC. And  
20 that was interpreted by Alexander as conduct that was designed  
21 to threaten Mr. Alexander based on his cooperation with the  
22 Government.

23 And the second reason was the incident in the holding cell,  
24 but I think it's at the FDC, not the courthouse, where it is  
25 alleged that Mr. Mitchell had a verbal altercation with

1 Mr. Little as they were all being led out to court that day.

2 And --

3 MR. NENNER: Judge, it -- I -- I don't --

4 THE COURT: -- I believe that was the trial?

5 MR. NENNER: I don't mean to interrupt. Can I argue  
6 some law, I mean, on this, before you render a decision?

7 THE COURT: Well, I asked if there was anything else?

8 MR. NENNER: No, you said evidence. So I apologize.  
9 I thought you were talking merely about evidence, Your Honor.

10 THE COURT: All right.

11 MR. NENNER: It shouldn't --

12 THE COURT: Let me finish with what --

13 MR. NENNER: Sure.

14 THE COURT: -- the probation officer --

15 MR. NENNER: Absolutely.

16 THE COURT: -- has said. If you noticed, I didn't say  
17 they were my findings. They are the probation officer's reasons  
18 for assessing this additional enhancement. And while in the  
19 holding cell, he said at the courthouse, which was at the time  
20 of the trial, which would have been December -- November,  
21 December 2016, Mr. Little looked at J.M., called him out as a  
22 rat and going to get you killed. So that was against J.M., and  
23 J.M. also heard the defendant say, go tell the agents that. He  
24 did testify to that today also. So that's the basis. Now we  
25 are left to decide whether it should apply for these or any

1 other reasons.

2 Mr. Nenner?

3 MR. NENNER: Yes, Judge. And again, my reading of the  
4 presentence report was really it was about one incident and it  
5 was about the incident at the visiting day with the little girl.  
6 There's no mention it -- and that's the basis of this two-point  
7 enhancement. So I just wanted to remind the Court of that.

8 Really the issue is what was said, allegedly, at the  
9 visiting room when the child came in. And that's where I think  
10 it's problematic, Your Honor, with all due respect to the  
11 Government, because there's a recent case, actually out of this  
12 district, United States v. Whitfield, Your Honor, I don't know  
13 if you're familiar with it. But it's 2013 United States  
14 District LEXIS 65390, Eastern District of PA. It's a May 8th,  
15 2013 decision.

16 And in Whitfield, Your Honor, this was a situation  
17 where the defendant engaged in a verbal argument with a  
18 witness -- this was actually a witness in the case and made a  
19 remark that he knew where the witness and his family lived. And  
20 the Court -- Judge Sanchez in that matter, determined that the  
21 exchange that had occurred -- whatever had occurred -- had not  
22 prevented the witness from testifying. That was one of the  
23 things he indicated.

24 And second, he indicated the Court also found that the  
25 language used by the defendant was ambiguous. The Court was not

1 convinced that the exchange of harsh words amounted to a threat  
2 against the witness or his family. And most of all, it never  
3 prevented the witness from cooperating or doing what he intended  
4 to do.

5 This is even more obscure, Your Honor. This is a  
6 situation where the statement that allegedly was made to  
7 Mr. Mitchell was about James Alexander's daughter, about them  
8 not being able to visit together. Now the thing about that is,  
9 Judge, if you interpret that as a threat, it had no effect on  
10 anything in this case. And I think under this case law, it has  
11 to. Mr. Alexander was a cooperating witness. He came into this  
12 courtroom.

13 THE COURT: All right. A colleague -- no matter how  
14 much I may admire my colleagues -- a colleague's finding in a  
15 particular case based on the facts of that case, have nothing to  
16 do with precedent for me.

17 MR. NENNER: Well, and -- I know. But it is a  
18 colleague of yours, Your Honor. And here's the situation with  
19 this. This statement is so obscure --

20 THE COURT: No, what I mean by that is, it's not  
21 precedent.

22 MR. NENNER: Okay. Okay. Well --

23 THE COURT: It's another case where a judge decided  
24 something based on the facts of that case.

25 MR. NENNER: Okay. But there was an opinion issued.

1 And I'm just talking about that opinion.

2 THE COURT: No. You should go elsewhere.

3 MR. NENNER: Okay. So let's talk about the  
4 statements, Your Honor. The statements are completely vague and  
5 it's a situation where there's a child who has absolutely no  
6 relationship with Mr. Alexander. In fact, he had a visit that  
7 very same day and didn't even see Janae (phonetic) or his  
8 daughter. And again, through proffered memorandum from my  
9 client, Jenae never had any visits with James Alexander because  
10 their relationship, for whatever reasons, was estranged at that  
11 point in time. So again, I don't understand how, if this had no  
12 affect from -- on Mr. James Alexander, other than a reaction and  
13 him calling the Government about it, but he didn't get on the  
14 stand today and talk about it. He didn't get on the stand at  
15 the trial and say one thing about this alleged comments by my  
16 client, Mr. Little.

17 THE COURT: I'm not aware that a particular witness  
18 called by any attorney or party ever is in control of what they  
19 choose to talk about unless they're asked a question.

20 MR. NENNER: Fair enough.

21 THE COURT: And so I don't think it's up to  
22 Mr. Alexander to opine and I don't know how he would have an  
23 opportunity to opine and testify to anything he wanted to  
24 testify to.

25 MR. NENNER: Well, because he talked on the 2015 -- he

1 talked to the agent in 2015, Your Honor, which was before our  
2 trial. So clearly if you believe the Government's testimony --

3 THE COURT: No. You just -- I'm going to stick with  
4 what you first said. And that's he testified at trial and  
5 didn't say anything about it. He wasn't asked about it, period.

6 MR. NENNER: Okay. Well, he wasn't asked that, Your  
7 Honor, but obviously it didn't influence his testimony then.  
8 And I think that is a factor. It's a factor whether it  
9 influences the witness and what they do and how they do it. And  
10 Your Honor, Mr. Alexander came to the courtroom and based on  
11 what the jury found, was quite honest and articulate. And  
12 certainly didn't hold back in any way, shape, or form. And  
13 didn't indicate at any time on the stand that he was refrained  
14 from holding back or felt like there was an issue or a problem.

15 And, Your Honor knows from this courtroom, there was  
16 lots of problems during the trial. But none of this came up.  
17 And now whether he was asked about it or not, it was never  
18 addressed at that particular time. And Your Honor, you have to  
19 take into account the fact that the witness who just testified  
20 did say -- didn't want to make any deal about that, didn't reach  
21 out to anybody; whether it was a guard -- and you have to  
22 believe somehow that the COs are somehow involved in this  
23 because for them to hear what the witness indicated and do  
24 nothing at all or say nothing, it's just a little bit hard to  
25 fathom in my opinion.

1 And the -- well --

2 THE COURT: Don't you think that argument assumes that  
3 Mr. Mitchell knew all about this case, all about the individual  
4 roles in the case, and how one person in the  
5 case -- Mr. Alexander or Mr. Little's testimony would impact on  
6 anything else. That assumes an awful lot of what Mr. Mitchell  
7 may have known or not known at the time.

8 MR. NENNER: Well, he --

9 THE COURT: He obviously -- he never said he knew  
10 anything about the specifics of the case, and didn't he not just  
11 testify that he didn't know Mr. Alexander --

12 MR. NENNER: No.

13 THE COURT: -- was a cooperating witness?

14 MR. NENNER: He didn't know he was a -- he didn't know  
15 he was a cooperating witness, but he obviously knew who he was  
16 because A --

17 THE COURT: He knew they were co-defendants.

18 MR. NENNER: Right. That they were co-defendants.

19 And he knew that he was cooperating --

20 THE COURT: Wow.

21 MR. NENNER: -- on the case. In his case, I should  
22 say. So Judge, I don't -- I don't -- you know, again, you have  
23 to --

24 THE COURT: I don't think you can pin this on  
25 Mr. Mitchell.



1 MR. NENNER: Well, I don't think it happened. That's  
2 my opinion, Your Honor. And again, based on the evidence, it  
3 doesn't make any sense, number one. It doesn't make sense that  
4 this was a threat, other than to say, you know, it's a shame we  
5 can't, you know, be together to see her. Which doesn't even  
6 make any sense given the fact that he's been estranged from his  
7 daughter well before that. And that you do have in front of  
8 you, at least from the memorandum that Mr. Little submitted.

9 THE COURT: Well, let's put that aside. I'm not  
10 mixing apples and oranges. He wants to talk about that or let  
11 me consider what he wrote, it -- that's a separate matter. Here  
12 we have no sense that Mr. Little was doing anything but trying  
13 to make a message get back. He could have pointed to a stranger  
14 in -- which was a stranger to Mr. Mitchell -- he could have said  
15 that was James Alexander's daughter when it wasn't, just to get  
16 a message back to Mr. Alexander. Let's be clear. Mr. Mitchell  
17 didn't know any of the family. There's no evidence here that he  
18 did. Therefore, he's like, oh, oh, okay. I'll deliver the  
19 message.

20 MR. NENNER: But how is it a threat, Your Honor?

21 THE COURT: The message --

22 MR. NENNER: The message --

23 THE COURT: -- was designed for a reason. What would  
24 that reason be?

25 MR. NENNER: The reason is to say that it's a shame

1 that you are on that side of the fence and I'm on this side of  
2 the fence and that's why we can't -- because there's separation  
3 orders -- that we can't see her together. If you want to  
4 believe what he said, that it actually happened. That's not a  
5 message don't testify or don't cooperate with the Government, or  
6 don't do what you're doing. It just say that's a shame. And,  
7 Judge --

8 THE COURT: No. It says more than that. It says, I'm  
9 visiting with your daughter. You're not. That's what it's  
10 saying.

11 MR. NENNER: Well, that's --

12 THE COURT: Why do you think Mr. Alexander was visibly  
13 upset?

14 MR. NENNER: Well, Judge, I don't know that  
15 Mr. Alexander was visibly upset. You know, that's what  
16 Mr. Mitchell said. And you have to decide that credibility. I  
17 understand it. I just find it strange that Mr. Alexander, you  
18 know, at any particular time, didn't come forward and, you know,  
19 especially when he had more than one opportunity to do so, and  
20 relate that. And, Your Honor, again, it's subject to  
21 interpretation. I understand Your Honor's point. But --

22 THE COURT: It is subject to interpretation.

23 MR. NENNER: -- but I also --

24 THE COURT: Based on credibility and based on  
25 inferences that can be made from finding certain facts. And I

1 don't know why a comment would be made at all were it not for  
2 the intention of getting someone else's attention.

3 MR. NENNER: Well, I can explain -- I can give you an  
4 answer to that. If you remember in this case, Your Honor, James  
5 Alexander, and my client are relatives. Okay. They have a very  
6 close relationship --

7 THE COURT: No. Of course they did.

8 MR. NENNER: Right. So --

9 THE COURT: But they were on, as you said, opposite  
10 sides.

11 MR. NENNER: That's fine.

12 THE COURT: Because they had a separation order,  
13 therefore they must -- one of them must be cooperating,  
14 therefore it must be James Alexander because it wasn't your  
15 client.

16 MR. NENNER: Well -- but, Judge, why can't the same  
17 interpretation be that, you know, we're a family, we were a  
18 family, and it's a shame that I'm here doing what I'm doing and  
19 you're there doing what you're doing. Okay. But we can't --

20 THE COURT: That makes my point.

21 MR. NENNER: No. We can't see them together. That's  
22 what he said. We can't see her together. But again, I fall  
23 back on a point that Mr. Alexander wasn't even visiting with his  
24 daughter. It's funny, you know, I -- the Government hasn't come  
25 forward with one indication that he ever visited with Janae. In

1 fact, there's nothing in the record to show that. And on the  
2 very same day she's there, she doesn't see her father. So I  
3 don't know --

4 THE COURT: I don't know how that's an argument you  
5 can make.

6 MR. NENNER: Well --

7 THE COURT: So it's clear that she didn't see her own  
8 father if it was, in fact, his daughter. I still don't know  
9 that it was. And it doesn't matter.

10 MR. NENNER: Well --

11 THE COURT: It's what Mr. Little imparted, if I  
12 believe Mr. Mitchell, it's what he said about it that is  
13 important.

14 MR. NENNER: Judge, and I respect that. But  
15 I -- again, I'm just indicating to the Court what he said about  
16 it could have a million different interpretations and it wasn't  
17 an act where he said, don't --

18 THE COURT: Well, maybe not a million, Mr. Nenner.

19 MR. NENNER: Okay. I apologize.

20 THE COURT: Okay.

21 MR. NENNER: 100. All right, Your Honor, that's all I  
22 have.

23 THE COURT: Okay.

24 MS. PATTERSON: Your Honor, I'll be brief. I believe  
25 the statements you've made to defense counsel is exactly how the

1 Government took it. It is irrelevant whether or not James  
2 Alexander was seeing his daughter at the FDC. It's only  
3 relevant that the message was passed on. At that point in time,  
4 Mr. -- the defendant had no contact with Jacob Mitchell at all.  
5 They were not on the same unit. As Jacob Mitchell testified  
6 today, he actually was on the same unit as James Alexander at  
7 that point and the defendant was moved off the unit.

8           And there's no reasonable explanation as to why the  
9 defendant would actually come up to Jacob Mitchell at all. At  
10 that point they've had two fights. They had ended on  
11 somewhat -- I wouldn't want to say cordial, it's -- they were  
12 managing to be on the same unit for some time before he got  
13 moved off. The defendant comes up to Jacob Mitchell and passes  
14 on a message about the fact that he just had a visit with James  
15 Alexander's daughter. That smacks of I have access.

16           At that point, James Alexander is cooperating with the  
17 Government and I agree with Mr. Nenner, he's on one side, and  
18 James Alexander's on the other side. And so what does that  
19 message send? Your daughter doesn't understand why you can't be  
20 seen -- see each other together. That's because Mr. Little was  
21 sitting here going to trial and James Alexander was cooperating  
22 against him.

23           And I think that it's really telling about the  
24 reaction. This was a threat because of the fact that he is  
25 saying he has access to his daughter, and James Alexander's

1 reaction is consistent with what I can only surmise as being  
2 fearful, being agitated. Asking more questions, trying to  
3 figure out was it really my daughter. Was it really my  
4 daughter? And what we do know from Special Agent Lauriha's  
5 testimony Your Honor, is James Alexander reported it. And we  
6 followed up immediately.

7           When you look at the probation officer's response,  
8 he -- the probation office is completely correct in this sense  
9 and it's consistent with the statements Your Honor has already  
10 made. This was an attempt to intimidate a person, a witness, a  
11 cooperating witness at the time. Because it is the message  
12 that's important. It's the fact that he could potentially had  
13 access to the daughter. That's what was crucial here.

14           And I also think it's important to point out that  
15 Jacob Mitchell, when he testified today, it's consistent with  
16 the visitor log. The visitor log indicates that he was in the  
17 visiting room at the same time as Leon Little. It indicates  
18 that he did, in fact, visit with the person that he did testify  
19 to today, along with his son. It indicates in the visitor log  
20 that it was Geraldine, that there was a child that was also on  
21 that visit. The times match up for when Jacob Mitchell and Leon  
22 Little were in the visiting room together.

23           It is also consistent with the fact that Jacob  
24 Mitchell testified that he went back to the unit and James  
25 Alexander was there. And that's because according to the

1 visitor log, James Alexander didn't have a visit until after the  
2 visits had been concluded for Leon Little and for Jacob  
3 Mitchell.

4 And just so it's clear for the record, Your Honor, James  
5 Alexander was cooperating at that time. Therefore there was a  
6 separation in place. So they can't be on the same visits  
7 together anyway. And it's interesting, Jacob Mitchell testified  
8 that he stayed on the unit. He said James Alexander came on the  
9 unit, Leon Little came off the unit. Again, consistent with the  
10 fact that there were cooperation -- there was cooperation going  
11 on so there was separations in place.

12 And I say all of that, Your Honor, looking at the  
13 records, focusing on Agent Lauriha's testimony of following up  
14 with James Alexander, following up with the interview with Jacob  
15 Mitchell. And then following up with each of the individuals  
16 who we discovered had information as to how this child got to  
17 the visit. That is all consistent and corroborates Jacob  
18 Mitchell.

19 And, Your Honor, given the fact that Your Honor  
20 witnessed for yourself what happened at trial. Everything that  
21 Jacob Mitchell said -- particularly the statements he makes on  
22 December 20th which is the midst of the trial, the trial itself  
23 where there was a lot of intimidation going on at that time. It  
24 is absolutely reasonable and consistent with what Jacob Mitchell  
25 testified to, that Leon Little would make the statements that he

1 made to him. The fact that he had called him a rat because at  
2 that point he's already told the Government about what happened  
3 with the daughter. That he would sit there and say to him at  
4 that point, go tell the agents.

5 So Your Honor, all of the testimony today shows a  
6 pattern here with Leon Little of trying to intimidate witnesses.  
7 And it does not matter that James Alexander did not testify  
8 about this at trial. Mostly because Your Honor, it was the  
9 decision of the Government not to bring it up. It was going to  
10 be an extraneous point at the trial. The appropriate time to  
11 bring up intimidation of witnesses is not at a trial, where the  
12 witnesses are testifying, it's at sentencing. And that's what  
13 we're doing here today.

14 So for all of the reasons that the Government has  
15 stated in its sentencing memo consistent with the evidence that  
16 was put on today, consistent with the probation officer's  
17 assessment, I ask the Court to lead to the same conclusion that  
18 the obstruction of justice enhancement applies and there should  
19 be a two level enhancement based off of the fact that Mr. Little  
20 made an attempt to intimidate James Alexander by pushing forward  
21 a message through an individual that he had an acrimonious  
22 relationship with and had no -- and no contact with -- to pass  
23 on a message about having access -- an access to someone's  
24 blood -- their blood relative. Regardless of how often he may  
25 have seen his daughter, that was his child. And Mr. Little took



1 advantage of that opportunity.

2 We wouldn't be here making this argument if it wasn't  
3 for what he chose to do. He made the decision to pass that  
4 message on. Not James Alexander, not Jacob Mitchell, and  
5 certainly not that daughter. Mr. Little, the defendant tried to  
6 take advantage of an opportunity.

7 And unfortunately, the guidelines indicate that this  
8 is a very situation where this obstruction of justice  
9 enhancement should apply, and the Government asks Your Honor to  
10 overrule the objection and to maintain the two-level  
11 enhancement.

12 THE COURT: To do that I must make some type of  
13 finding. And I can make findings specific here because  
14 Mr. Mitchell's credibility is at stake. But it is not just  
15 Mr. Mitchell's credibility. There was corroboration that came  
16 not first from Mr. Mitchell, but from James Alexander to the  
17 officers who conducted -- Special Agent Lauriha -- conducted an  
18 investigation and then contacted Mr. Mitchell and it would seem  
19 that the consistency with which these conversations were  
20 reported, even after Mr. Mitchell had been contacted by the  
21 Government, give him credibility.

22 Yes, I do consider that he may very well benefit from  
23 another departure downward or a resentencing. But, you know, I  
24 don't see that as being his sole reason for testifying here.  
25 And he didn't offer to do this. I think, possibly, it was

1 obscure enough to Mr. Mitchell to not have reported in the first  
2 place. Maybe he would have, maybe he didn't. But that's not  
3 the point. The point here is that I accept what Mr. Mitchell  
4 said Leon Little said and did in the prison in the course of  
5 their contact in the prison. And it may be reinforced by what I  
6 believe was a pattern of control by Mr. Little and intimidation  
7 by others.

8           Was it an indirect threat to co-defendant James  
9 Alexander? It was an indirect message. Was it a threat to him?  
10 He obviously still testified. But maybe that's because he  
11 wanted to testify for a number of reasons. I think that the two  
12 levels being added here are significant in that it is just that  
13 from the kinds of control and intimidation Mr. Little tried  
14 through Mitchell alone, was important. Important to note that  
15 this kind of behavior can't be sanctioned -- must be sanctioned,  
16 can't be allowed.

17           I checked, because I wanted to be sure that to apply  
18 this particular two-level enhancement, it had to be completed in  
19 that I think I heard reference to this possibly in the  
20 colleagues -- my colleague's other sentencing -- it didn't  
21 result in actual intimidation. Well, actual intimidation can  
22 happen even when someone follows through and testifies. And the  
23 definition of witness intimidation as it's outlined in the third  
24 chapter of the sentencing guideline says, it's also an attempt  
25 to intimidate. So it doesn't have to be successful in its

1 completion.

2           And for that this was obvious. If you wasn't  
3 cooperating against me, we would be able to sit here together  
4 because we wouldn't be separated. And, yes, Mr. Little, and  
5 others on his behalf, have access to Mr. Alexander's child.  
6 Whether or not the three daughters or three children who  
7 accompanied Ms. Coleman that day -- whether or not any of them  
8 were related to Mr. Alexander, how would Mr. Mitchell know that?  
9 And there's no record of it. He could have pointed to a total  
10 stranger.

11           The point is he made the decision to say that, and he  
12 felt somehow confident enough that he could exploit Mr. Mitchell  
13 that way. So if that was an intelligent move, I don't think so.  
14 But I think it happened, and I think I know why it happened, and  
15 that's classic intimidation of witnesses.

16           I'm overruling the objection. There are no other  
17 objections. We're not going to deal with the forfeiture right  
18 now. But if there are any other corrections, modifications,  
19 deletions, or additions to the presentence report, I will ask  
20 counsel for them now. And if not, I'm ready to adopt the  
21 presentence report.

22           MS. PATTERSON: There's no further objections or  
23 corrections from the Government, Your Honor.

24           MR. NENNER: None, Your Honor.

25           THE COURT: All right. Then the report is adopted and

1 what that means is that I am accepting the recommendation of the  
2 probation office as to their calculation of the sentencing  
3 guideline range as well as the facts of the report. The total  
4 offense level is 42, criminal history category is 5. That sets  
5 the guideline range at 360 months to -- I can't even figure this  
6 out in years without a calculator, 10,152 months. That's the  
7 range.

8 Now, we have been going for several hours with one  
9 brief recess. I know that there's still more to come. In  
10 addition to filing for the record, letters that have been  
11 submitted by Mr. Nenner and by Mr. Little, I have a collection  
12 of letters from Mr. Nenner that I will call D2, and I have  
13 Mr. Little's own statement as D1 and those are filed of record.

14 I think we should take a brief lunch break and come  
15 back and finish. I think it would be unfair to the rest of the  
16 proceedings to rush through. So can we do this in a half hour  
17 break or 20-minute break?

18 MR. NENNER: Absolutely.

19 MS. PATTERSON: Absolutely, Your Honor.

20 THE COURT: All right. I'm going to say we come back  
21 here as close to 2:00 as possible. Possibly just a little bit  
22 after 2:00 o'clock.

23 MR. NENNER: Okay.

24 THE COURT: And we'll take all the other evidence that  
25 may be available.

1 THE CLERK: We are in recess.

2 (Recess is taken from 1:40 p.m. until 2:25 p.m.)

3 DEPUTY CLERK: All rise. Court is now in session.

4 The Honorable Cynthia Rufe now presiding.

5 THE COURT: Please be seated, everyone. All right.

6 Now we are going to ask the parties if they have any additional  
7 evidence to present other than the evidence targeted to the  
8 objections.

9 From the Government?

10 MS. PATTERSON: Your Honor, in terms of for sentencing  
11 argument, no. The Government had put in its memo its position  
12 as it relates to forfeiture. I know that the evidence at trial  
13 has already been presented as it relates to the amount of pills,  
14 but to the extent that there was going to be any issues with the  
15 calculation of the -- you know, the final amount, I certainly  
16 can have the agent go up and repeat what's in my memo. But it  
17 really is all based on evidence presented at trial and adding up  
18 all of the motions for forfeiture that were entered in by Your  
19 Honor for all of the pseudo-patients and all of the  
20 co-defendants in this case, and it's just a simple amount of  
21 math. But I didn't want to presume anything as it relates to  
22 that.

23 THE COURT: All right. Because I anticipate that  
24 there will be questions raised about it by the defense, I'm  
25 going to ask that you do put on your agent to address how the

1 amount was arrived at.

2 MS. PATTERSON: Thank you, Your Honor. That is the  
3 only additional evidence that the Government would present at  
4 this time as it relates solely to forfeiture, and we'll just be  
5 proceeding by argument when it comes to sentencing.

6 THE COURT: Very well. Thank you. Would you like to  
7 present Agent Lauriha now?

8 MS. PATTERSON: We can do that at this time, Your  
9 Honor. Thank you.

10 (Counsel confer)

11 THE COURT: You remain under oath. You may be seated.

12 THE WITNESS: Yes, ma'am.

13 MS. PATTERSON: May I proceed, Your Honor?

14 THE COURT: Please.

15 (JEFFREY LAURIHA, Witness, Previously Sworn)

16 CONTINUED DIRECT EXAMINATION

17 BY MS. PATTERSON:

18 Q Now, Agent Lauriha, you previously testified as it relates  
19 to Government Exhibit Number 1, which has already been admitted  
20 into evidence by Her Honor. I want to just ask you if you can  
21 explain to the Court how it is that you had testified at trial  
22 as to the total amount of money that the -- all of the Oxycodone  
23 pills would have sold for?

24 A Yes. The majority of the pills in this case were  
25 10-milligram and 30-milligram Oxycodone tablets. There was a

1 few Oxycodone 60-milligram tablets and there was a few Oxycodone  
2 80-milligram tablets. I testified in trial to the amounts of  
3 what -- basically, the amounts of what they were worth as far as  
4 like not so much retail value individually being sold, but more  
5 of a bulk sale, selling hundreds and hundreds at a time.  
6 Obviously, the price would be less.

7 So at that time, I testified to the amounts being  
8 approximately \$5 for 10 milligrams, approximately 12 to \$15 for  
9 30 milligrams, approximately \$20 a pill for 60 milligrams, and  
10 approximately \$25 a pill for 80 milligrams. Again, these are  
11 bulk prices. These are not prices that if you had one pill in a  
12 certain part of this country you couldn't sell for much, much  
13 more, but that's basically -- and these are always conservative  
14 estimates.

15 So based on the amount of pills in this particular case,  
16 which was a total of 384,630 dosage units, broken down into  
17 those four milligrams that I just mentioned, the total amount of  
18 money based on those prices would be a total amount -- proceeds  
19 from the sale of these pills would be \$3,314,615.

20 Q And just so it's clear, that \$3,314,615, how much of that  
21 accounts for the 10-milligram tablets? Would that be \$949,050?

22 A Correct.

23 Q And for the 30-milligram tablets, that would be \$2,309,940,  
24 correct?

25 A That's correct.

1 Q And for the 60 milligrams, that would be \$10,000, correct?

2 A Correct.

3 Q And for the 80 milligrams, it would be \$45,625, correct?

4 A Correct.

5 Q And what that is, is just simple math, correct?

6 A Yes, ma'am.

7 Q Oh, I do want to make sure it's clear for the record, for  
8 the 30-milligram tablets, you said that the range was 12 to \$15,  
9 correct?

10 A Correct.

11 Q For the calculation purposes, which of those numbers was  
12 used, the 12 or the 15?

13 A Conservative. \$12.

14 Q So you went with the lower end of that range, correct?

15 A The lower, correct.

16 Q Now, you have attended all of -- pretty much every single  
17 sentencing as it relates to the other co-conspirators, other  
18 individuals that were charged in this case, including all the  
19 pseudo-patients, correct?

20 A Correct.

21 Q And part of that process has also included motions for  
22 money judgments for -- against everyone, correct?

23 A Yes. The proceeds they were paid for their services.

24 Q And during the course of the sentencings, you've also had  
25 an opportunity to review for yourself all of the motions for



1 forfeiture and money judgment, correct?

2 A Correct.

3 Q In addition, you also were present during the trial itself,  
4 correct?

5 A Every day.

6 Q And you were present during the testimony of  
7 Alexander -- James Alexander, John Baldwin, and Heather  
8 Herzstein, correct?

9 A Correct.

10 Q And based on their testimony and as presented before the  
11 jury, Heather Herzstein proceeds were estimated at how much?

12 A \$80,000.

13 Q And James Alexander?

14 A Approximately \$60,000.

15 Q John Baldwin?

16 A \$40,000.

17 Q And for Colise Harmon, based on the money judgment order  
18 that was entered, was entered at how much?

19 A \$5,100.

20 Q Which was a conservative estimate just based on what he  
21 would've received as a pseudo-patient?

22 A Basically based on his proceeds as a pseudo-patient, yes.

23 Q And then for each of the pseudo-patients, based on each of  
24 the money judgments that have been entered by this Court, can  
25 you state for the record what the collective total of those

1 money judgments were?

2 A \$304,470.

3 Q So based on simple math, when you add up all the proceeds  
4 that were received by all the other individuals who are part of  
5 the pill scheme, and you subtract that from the total amount  
6 that the defendant would have received conservatively from the  
7 sale of the proceeds, that final number would be \$2,825,045,  
8 correct?

9 A That's correct.

10 Q Okay. And all based on simple math?

11 A Yes, ma'am.

12 MS. PATTERSON: With that, Your Honor, the Government  
13 has no further questions.

14 THE COURT: Thank you.

15 Cross-examine, Mr. Nenner?

16 MR. NENNER: No, Your Honor.

17 THE COURT: Thank you.

18 Thank you.

19 THE WITNESS: You're welcome.

20 THE COURT: You may step down.

21 MS. PATTERSON: Your Honor, based on the testimony of  
22 Agent Lauriha, the Government has filed a motion for forfeiture  
23 money judgment in this case which is based on the calculation of  
24 the 2.8 million -- sorry, 2.8 million figure that Agent Lauriha  
25 just testified to. And just so it's clear for the record, Your

1 Honor, we are doing that consistent with the Supreme Court's  
2 decision in Honeycutt to make sure that we are reducing down any  
3 proceeds that would have been attributable to any other  
4 co-conspirators or aiders and abettors that were charged as part  
5 of this overall pill scheme.

6 And just so it's also clear for the record, as you  
7 recall from Aminah Shabazz's sentencing hearing, we did not  
8 attribute any of the money related to the funds that ultimately  
9 were laundered through and went into the account to support the  
10 UPS franchise. We did not attribute that to her for the simple  
11 reason that they were all drug proceeds. So we made sure that  
12 that was maintained as part of the drug proceeds, and her  
13 forfeiture money judgment was based solely on the other money  
14 laundering based off of the bank fraud and the wire fraud, which  
15 is solely attributable to her. So, therefore, there was no  
16 reduction to Mr. Little's drug -- money judgment because it  
17 simply is too different. They're unrelated accounts.

18 THE COURT: All right.

19 MS. PATTERSON: But I wanted to make sure that that's  
20 clear for the record.

21 THE COURT: It is clear for the record. I'd like to  
22 know, Mr. Nenner, what your position is on behalf of your client  
23 as to the forfeiture money judgment request that the Government  
24 has made in those amounts, \$2,825,045. Now, obviously, this is  
25 not a restitution order. It is a forfeiture order. However, is

1 there any position?

2 MR. NENNER: Well, Judge, the only position we  
3 have -- and I'm not going to belabor the argument because it's  
4 been made ad nauseum -- is the amount of pills. And I know that  
5 would affect the calculation. But other than that, no.

6 THE COURT: All right. Thank you. And consistent  
7 with my earlier rulings on the amount of pills, and in  
8 accordance with the trial testimony and the record produced  
9 there and today in terms of the accounting of -- and the  
10 categorization of those pills and their value, the Court is  
11 satisfied that the forfeiture money judgment request made by the  
12 Government is fair and that it represents the considerable, but  
13 considered, proceeds attributable to Mr. Little at \$2,825,045.  
14 And we will enter that order today after sentencing. The  
15 objection or the exception will be noted by the defense,  
16 consistent with their earlier objection to the presentence  
17 report calculation of the amount of pills.

18 Now, other than that, the Government has no additional  
19 evidence, only argument. So we'll turn to you, Mr. Nenner.

20 MR. NENNER: Yes, Your Honor. There's some  
21 individuals in the courtroom who would like to address the  
22 Court.

23 THE COURT: Very well.

24 MR. NENNER: Ms. Camps, Rose Camps. Would you like  
25 her to talk from there, Your Honor, or --

1 THE COURT: No, not in the back. I won't hear her --

2 MR. NENNER: Okay.

3 THE COURT: -- and her voice won't be picked up on the  
4 microphones.

5 Please come forward to the podium, where you will be  
6 sworn in.

7 THE CLERK: Please raise your right hand.

8 (ROSE CAMPS-RAMOS, Witness, is Sworn)

9 THE CLERK: Please state your full name and spell your  
10 last name for the record.

11 MS. RAMOS: Rose Camps Ramos, C-A-M-P-S, hyphen,  
12 R-A-M-O-S.

13 THE COURT: Good afternoon.

14 MS. RAMOS: Good afternoon, Judge.

15 THE COURT: What would you like to say?

16 MS. RAMOS: I just wanted to speak on my brother's  
17 behalf. I wrote you a letter.

18 THE COURT: Yes.

19 MS. RAMOS: I'm one of the individuals that wrote  
20 you --

21 THE COURT: I have it.

22 MS. RAMOS: And it was extremely hard to hear  
23 Mr. Nenner talk about not just my brother's upbringing, but my  
24 very own. I'm sorry. We didn't have a easy upbringing. We  
25 didn't have -- we weren't born with a silver spoon in our mouth.

1 We didn't go to the best schools, and we didn't have on the  
2 finest things. We didn't have a easy ride.

3           And I think that when I think about my brother, this  
4 hearing, this sentencing hearing is extremely difficult to hear.  
5 It's extremely hard to sit in here because this isn't a  
6 reflection of him. This isn't who he is. And no one should be  
7 defined by this. He has three beautiful daughters sitting  
8 behind me who he desperately miss and would love to have an  
9 opportunity to raise and be a part of their lives, their proms,  
10 their graduations, all of it.

11           Yes, we experienced trauma growing up, a lot of it. A  
12 lot of it. A lot that Mr. Nenner know nothing about. A lot  
13 that -- a lot that wasn't mentioned today. And it was extremely  
14 traumatizing hearing it, hearing him say to my mother, no  
15 disrespect to her, because she wasn't born with a silver spoon  
16 in her mouth and she didn't have the best upbringing either.  
17 And there was 11 of them, and there was 6 of us.

18           And when you speak to his past criminal history,  
19 you're speaking to someone that was in survival mode. You're  
20 speaking from someone who didn't know how he was going to eat.  
21 And he had three other siblings that he had to worry about and  
22 figure out how we were going to eat and how we were going to  
23 survive.

24           And so there were times in our lives where our mother  
25 wasn't there. There was a huge part of my upbringing where my

1 father wasn't there at all, at all. And so when I think about  
2 the idea of my brother, who supported me to no end, who was the  
3 drive behind saying that you will be the first person in our  
4 family to graduate from college, you won't have it as difficult  
5 as we had it. Because I have three older brothers. It was  
6 extremely hard growing up. No one in my family encouraged me to  
7 go to college. No one. But my brother every day made it his  
8 business to know that I was going to graduate, even when it got  
9 difficult, even when it got hard. He was the one who pushed me  
10 to go to graduate school, to get my master's degree.

11 So this today is not a depiction of someone or a  
12 reflection of just solely who they are. There's so much more to  
13 the person. And this isn't going to represent who he is when he  
14 gets out of here, because he has a life to live. He has so much  
15 to give all of us. And he has. He's been there. Every time I  
16 bring my daughters -- and I wrote that to you in my letter.  
17 Every time I bring my daughters to see him, he tells them that  
18 they're beautiful and that they're going to go to school and not  
19 going to college isn't an option.

20 I just want to say that I love him dearly. And I wish  
21 that we were born from different circumstances. I wish things  
22 were different. I wish we were in a two-parent household. I  
23 wish that there -- the judicial system was a real place of  
24 reform. I wish that someone could have grabbed up him by the  
25 bootstraps when he was 14 so he didn't make the same mistakes.

1 But he didn't have it. He didn't have a mentor. He didn't have  
2 those people who were supposed to be there and support young  
3 children. And a lot of kids are born with that, but we weren't.  
4 We didn't have that.

5 So a huge part of today was very, very insightful for  
6 my husband because -- who you will hear from next -- because he  
7 knows very little about my upbringing because it's so  
8 traumatizing to me. It's so hard to talk about. So he learned  
9 a lot here today that I never wanted him to be a part of.

10 Your Honor, I just want you to know that I love my  
11 brother. We all do. His kids want him to come home and be with  
12 them and raise them and get a job and be a good person, and I  
13 know that he has the capability of doing that. I just wish  
14 things were different. And we can't change the past, but I know  
15 that we can certainly change the future.

16 And my brother just always has been a huge important  
17 part of my life, an impact on my life, and now an impact on my  
18 daughters. He treats them as if they're his own kids, even from  
19 in here. I just wish things were different, and they weren't.  
20 And I just want him to know that I love you dearly and -- I love  
21 you.

22 THE DEFENDANT: I love you, too.

23 THE COURT: Thank you. Is that Mr. Ramos?

24 MR. NENNER: Yes.

25 THE CLERK: Please raise your right hand.



1 (MANUEL RAMOS, Witness, is Sworn)

2 THE CLERK: Please state your full name and spell your  
3 last name for the record.

4 MR. RAMOS: Manuel Ramos, R-A-M-O-S.

5 THE COURT: Good afternoon.

6 MR. RAMOS: Good afternoon, Your Honor. I'm not the  
7 best public speaker by any means. I'm very reserved, very  
8 private. So for me to come up here is -- the reason I'm coming  
9 up here is for my brother. I do not call him my brother-in-law,  
10 because he's my brother. I didn't have a brother growing up, so  
11 he kind of stepped in as my big brother, even though he's  
12 younger, because he was -- he would always -- anytime I ever  
13 talked to Leon, he would always impose some wisdom. There was  
14 many times where I had goals and ambitions, and sometimes I  
15 didn't believe in myself, and he gave me the -- you know, the  
16 belief. He's like, go after your goals, you know? Believe in  
17 yourself. Take the lead.

18 I remember to this day when I first met him. This is  
19 ten years plus ago now. And my then girlfriend, now wife, told  
20 me about his stature. So I was pretty intimidated to first meet  
21 him. Opened the door for my wife coming out. He was  
22 in -- actually in front of his mom's house. And he was amazed  
23 that I was just taking care of his sister the way I was, made a  
24 joke about it. He said, you're going to continue opening her  
25 door, you know, a year or two after this. I still open the

1 door.

2 But from then, you know, we've grown in our  
3 relationship. We've made plenty of visits to his house. And I  
4 think for him, his greatest pleasure would be being with his  
5 family, being with his kids, being with his nieces, his nephews,  
6 his sisters, brothers, et cetera. So we would always get  
7 together at his house and just share time together, simple  
8 stuff, you know, playing pool, playing videogames together.

9 He's a human, beautiful heart. He took really, really  
10 good care of us when it came to our wedding. He was always  
11 there for some, you know, words of encouragement. I'm a -- the  
12 history that I learned today, I would have never known that Bo  
13 came from that simply by how he carried himself, how loving he  
14 was to me, to his brothers, to everyone who's ever come across  
15 him. And that's how I'm going to continue to see him, in that  
16 light.

17 I can count five people not blood related that are  
18 male that I've said I love you to, and he's one of those five.  
19 I'm going to continue to take care of your wife. I'm going to  
20 continue to form a relationship with you and build on our  
21 relationship no matter what happens. And I'm going to say it  
22 again. I love you, man.

23 THE COURT: Thank you, Mr. Ramos.

24 MR. RAMOS: You're welcome.

25 MR. NENNER: Corey Jones?

1 THE CLERK: Please raise your right hand.

2 (COREY JONES, Witness, is Sworn)

3 THE CLERK: Please state your full name and spell your  
4 last name for the record.

5 MS. JONES: Corey Jones. Jones, J-O-N-E-S.

6 THE COURT: Okay. I'm going to ask you to repeat that  
7 into the microphone.

8 MS. JONES: Corey --

9 THE COURT: You have a very soft voice.

10 MS. JONES: Corey Jones, J-O-N-E-S.

11 THE COURT: Good afternoon.

12 MS. JONES: Good afternoon. Hi. First, I'll start by  
13 saying it's extremely hard being here and seeing -- it's  
14 extremely hard being here and seeing how you describe my daddy,  
15 because --

16 THE COURT: Excuse me. What did you just say?

17 MS. JONES: It's extremely hard being here today and  
18 hearing these things that you have to say, because that's not  
19 who I've seen or (indiscernible).

20 THE COURT: Okay. I don't think I want to hear any  
21 comments about you --

22 MS. JONES: Okay.

23 THE COURT: -- criticizing the Court right now. Okay?  
24 Just tell me what's in your heart. And I know you're upset.

25 MS. JONES: From day one, since I can remember, my dad

1 has been there for me. And I'm sorry. Anything that I needed  
2 to talk about, I could go to him. He taught me everything that  
3 I know. If I didn't feel comfortable going to my mom about  
4 something, I could go to him.

5 No, he is not my biological father, but my biological  
6 father had the option to do the things that -- he didn't want to  
7 do it. And since I can remember, he stepped in and has been  
8 there for me. He taught me how to ride a bike. Anything that I  
9 needed, he'll be there.

10 Any event, any school event. There's been several  
11 times when he's come up to my school, talked with teachers, had  
12 meetings. They know him. They -- he's there as a -- he works  
13 in the school almost. He's there for every single thing.

14 And to have him ripped from me is like losing a best  
15 friend. This is someone that I went to about everything. And I  
16 still can to this day. It's just not -- it's hard because he's  
17 a really, really good person. Every day, every single thing,  
18 whatever it is, he would sit at home with me and my sisters and  
19 go over times tables and things that we needed help with,  
20 anything. Even still to this day he influences me to the best  
21 person that I can be.

22 It's really hard. And I just -- I love my dad.  
23 That's it. I love you.

24 THE DEFENDANT: I love you, too.

25 THE COURT: Thank you.

1 MR. NENNER: Is Ms. Franklin here? Would you like to  
2 say some words? Come on up.

3 (Counsel confer)

4 THE CLERK: Please raise your right hand.

5 (SARAH FRANKLIN, Witness, is Sworn)

6 THE CLERK: Please state your full name and spell your  
7 last name for the record.

8 MS. FRANKLIN: My name is Sarah Melissa Franklin,  
9 F-R-A-N-K-L-I-N.

10 THE COURT: Good afternoon.

11 MS. FRANKLIN: Good afternoon, Your Honor. I am a  
12 childhood friend of Levo (phonetic) -- well, Leon. We grew up  
13 together in the projects. That's where we come from, you know?  
14 I'm trying to keep it together. All right. We grew up together  
15 in the projects. We come from a rough life, you know, where you  
16 walk out the door with a mind frame of, oh, I'm going to look  
17 for a job today or I'm going to do this today, and you step out  
18 of the door and things just don't turn out that way.

19 Levo has been there -- we grew up together, so he's  
20 been there for me like a brother. I don't consider him anything  
21 else. He is not my biological brother. He's not a Godbrother.  
22 He's not -- he's my brother. That's how I feel about him.

23 My son is here today, my 23-year-old son in the red  
24 shirt on the side, is here today. I have a 21-year-old. Levo  
25 always been in our life. I had my son when I was 17 years old.

1 I've been in and out of jail, too, for fighting. We had a rough  
2 life. We come outside and we live this life where there's a lot  
3 of pressure on you every single day. You know? I've been in  
4 trouble a lot, and I'm not going to lie about that.

5 But sometimes -- I mean, at one point in time, you  
6 know, we learned. You -- we get it, you know? So I tried to  
7 make sure that my son never went through the things that me and  
8 Levo and all of us grew up with in the neighborhood.  
9 Everybody's not the same. My son's 23 years old right now.  
10 He's never had a criminal record. He's never been in any type  
11 of physical fight, anything. We trying to raise the kids  
12 differently from what we grew up from.

13 I was molested at nine years old. A lot of people  
14 don't even know. I never really talked to my son about this, so  
15 this is kind of like -- but Levo has always like been like that  
16 brother that I needed, like that -- it was like protection, you  
17 know what I'm saying? This is somebody who he love hard. He  
18 has a big heart. And I think people just look at this big guy  
19 and just like so intimidated that they -- and that's not what it  
20 is. It's this big guy with a big heart, with a smile that  
21 matches everything about it. And that's what he is.

22 I just feel like we just had a rough life. We had it  
23 real, real hard. And I was able to change my life, and I  
24 believe that he can change his. And we did it. We've been  
25 through so much. People can change. People can change. I've

1 changed. I've changed for my kids. I changed for the better  
2 because I didn't want them to follow in my footsteps.

3 So to -- just to let you know, people can change.  
4 I've been there. I've done it, too. You know? We had nowhere  
5 to live. My mom was a junkie. My -- I raised my brothers. My  
6 dad wasn't in my life. My dad still to this day doesn't know  
7 that his nine-year-old daughter was molested. It's secrets. We  
8 come from a neighborhood where it's shh or, you know, don't do  
9 this or you're not supposed to do that or whatever the case may  
10 be.

11 But it's a hard life where we live at. Living in the  
12 projects, it's totally different from living the way other  
13 people live. We come outside every day to a shooting. We come  
14 outside every day to someone's dead. I'm scared every day for  
15 my only son every day. You know?

16 So I just -- I am -- I just -- it's just hard for  
17 everybody. I just ask you, Your Honor, just to not really look  
18 at so much of everything that's going on, but just to know that  
19 we can change. We definitely can change. I've been there and  
20 done it. And that's just what I'm here to say.

21 And I know he can change because he's a -- he's a  
22 wonderful person. He really is. You know? Things been said  
23 we -- about everybody. But he's really a wonderful person.  
24 He's a standup person. He's a standup guy. And he's -- when it  
25 comes to family, he's all about that. And I'm not even his

1 blood family, but he's all about that. To me and to him, we're  
2 family. I just thank you for letting me just be --

3 THE COURT: Thank you for telling me this.

4 THE WITNESS: Thank you so much.

5 MR. NENNER: Ms. St. Fort?

6 THE CLERK: Please raise your right hand.

7 (SABRINA ST. FORT, Witness, is Sworn)

8 THE CLERK: Please state your full name and spell your  
9 last name for the record.

10 MS. ST. FORT: Sabrina St. Fort, S-T, period, F-O-R-T.

11 THE COURT: Good afternoon.

12 MS. ST. FORT: Good afternoon. My name is Sabrina  
13 again. Me and Leon, we share our son, Isaiah St. Fort. I've  
14 known him since 2002. We've been dealing with each other on and  
15 off since then. And we had a child together.

16 And I don't know about -- I never knew about his past  
17 before until today, actually. This is all new to me. And all I  
18 know is a wonderful person. He is like the best thing that ever  
19 happened to me.

20 He was the perfect person to have a child with,  
21 especially dealing with the -- he -- my child has autism. So he  
22 has been like the greatest support. He has been there since day  
23 one. He has motivated me on being the best parent I could be.  
24 He has been the best parent. He teaches me everything about the  
25 disorder. Everything that I know comes from him because he's so



1 into everything that we share with our son.

2 He is a great, a wonderful, awesome, caring father.  
3 He takes care of his kids. That's all he care about. That's  
4 all he wants to come home to. Every time we talk, all he talks  
5 about is coming home to his kids. Everybody knows that he loves  
6 them kids dearly. I don't know what else he wants to even  
7 probably live for. It's just for the kids.

8 I appreciate him for everything he has done for us,  
9 everything he continues to do. And I just want you all to just  
10 open up you all hearts and to understand what kind of person  
11 that he really is: amazing, amazing, amazing father, amazing  
12 man, just an amazing person. Everything else, I don't know  
13 nothing about. I only know about this amazing person. And  
14 that's it.

15 THE COURT: Thank you.

16 MR. NENNER: That's all, Your Honor.

17 THE COURT: That's all? All right. Just for the  
18 record, I think it's always important to make it clear that I  
19 have also reviewed the letters from Stephanie Keen (phonetic),  
20 Tequila Green (phonetic), Tashira Cooks (phonetic), Mr. Ramos,  
21 who also testified, John Creighton (phonetic), Rose Campos, who  
22 also testified, Malik Smalls (phonetic), and -- kind of hard to  
23 read this, but Jalou Thomas (phonetic). Those are marked as D2  
24 and entered into the record.

25 Now, what other evidence would you like to present,

1 Mr. Nenner?

2 MR. NENNER: I have no further evidence.

3 THE COURT: Would your client like to exercise his  
4 right of allocution?

5 MR. NENNER: I believe so.

6 THE DEFENDANT: Yes.

7 THE COURT: He may do so now then. And, Mr. Little, I  
8 have your handwritten letter. It's dated August 5 --

9 THE DEFENDANT: Yes.

10 THE COURT: -- 2018.

11 THE DEFENDANT: Yes.

12 THE COURT: It's five pages of legal pad,  
13 single-spaced, and I did read that.

14 THE DEFENDANT: Thank you.

15 THE COURT: It's marked as D1 for the record.

16 THE DEFENDANT: I want to start off by saying I  
17 apologize. I'm very remorseful for being here today. I  
18 understand. I get it. My ma said it's a lot different today  
19 than it was some time ago. I understand the magnitude of this  
20 case. I understand the time and work it took for you to  
21 preside, your staff, Ms. Erica Pratt, Ms. Tomika Patterson, the  
22 whole AUSA office, Mr. Jeffrey Lauriha, the Drug Enforcement  
23 Administration, Agent Scott Fitzpatrick, the Internal Revenue  
24 Service. I understand the work they put behind this case.  
25 And I just want to say I'm sorry. I won't really drag

1 it out. I'm very remorseful today. I want to apologize to my  
2 family, my children -- my children. That's it, Your Honor. I'm  
3 sorry.

4 MR. NENNER: Anything else, Mr. Little?

5 THE DEFENDANT: No.

6 THE COURT: Thank you.

7 Mr. Nenner, if there's nothing else my way of  
8 evidence --

9 MR. NENNER: Nothing -- no --

10 THE COURT: -- then it's your opportunity to argue.

11 MR. NENNER: Yes, Judge. Your Honor, I would imagine  
12 this is the appropriate time to ask for mercy on behalf of  
13 Mr. Little, to put it bluntly. What I'm asking the Court to do,  
14 Your Honor, is not take a myopic view of Mr. Little. Most of  
15 your contacts with him have been unpleasant and in the context  
16 of this case. I understand that. But you have before you a  
17 gentleman, a man, Your Honor, and I'd ask you to look at the  
18 whole man, the entire man before you determine his judgment  
19 today, the judgment of sentence.

20 I'm not going to belabor what's in the PSI and what  
21 you heard from family members in terms of his upbringing. His  
22 upbringing is his upbringing. It is most unfortunate. And  
23 maybe I misspoke earlier when I said the system failed him,  
24 because it really was a lot more than the system that failed  
25 him. You know, we are born into what we're born into. We don't

1 have choices when our parents make those choices.

2           And unfortunately for him, he came into a very, very  
3 difficult situation growing up. As you heard, you know, he had  
4 parents who were -- his mom was there for him, but his mom was  
5 gone a lot, too. And his mom suffered from the same problems  
6 that a lot of people in this case suffered from, including  
7 Mr. Little, Your Honor.

8           Mr. Little was addicted to the same medications that  
9 this case involved. And Your Honor may remember that when they  
10 arrested Mr. Little in his house in New Jersey, they found a  
11 little pill bottle with Oxycodone right next to him on the  
12 nightstand. Part of that happened, as indicated in the  
13 presentence report, when he was shot at age 24, I believe it  
14 was. And he also had some problems with his stomach. You heard  
15 gastronomic, which he also has had ongoing. He's had a number  
16 of hospitalizations from that, as a result of that.

17           Judge, you know, and I know my job here today. My  
18 job, obviously, as defense counsel is to try to convince this  
19 Court to mitigate to some extent. The sentence is quite severe  
20 that you're going to issue, whatever it is. We realize that.

21           But I'm asking the Court also to look at a different  
22 side of this. You know, we talked about Mr. Little's prior  
23 record as a juvenile when he was 14 and when he was 15 and when  
24 he was 17 when he incurred his last arrest. There's another way  
25 to look at this, Your Honor. And I don't -- I'm not trying to

1 diminish the scope of this case or all the people that were  
2 involved in it and all the harm that occurred. But unlike when  
3 he was a juvenile, Judge, he has in a sense -- I mean, he  
4 started out being a violent criminal at age 14 or 15. I mean,  
5 we have robbery with a firearm, and you have possession of a  
6 firearm. To his credit, as I indicated, there was about a  
7 decade that went by, if not more, where he was crime free,  
8 arrest free from anything. And then he graduated to this big  
9 conspiracy here.

10 But I ask the Court to look at the fact that he did  
11 graduate from personally using guns and weapons and things like  
12 that. In the context of this case, we've had a tremendous  
13 magnitude, a tremendous magnitude, of -- despite the fact that  
14 you heard words being said out of his mouth, thank God nobody  
15 was ever hurt, some of the things you heard about what he said  
16 to potential cooperating witnesses, nobody was scared enough  
17 that they didn't do what they were required to do pursuant to  
18 their pleas and what they agreed to do.

19 So I say that to you, Judge, because Mr. Little -- and  
20 hopefully you've seen by the people who came up here and talked  
21 from their heart, he has been good to a lot of people in his  
22 life, a lot of people. And I know the Government's going to get  
23 up here and say, yes, that's because he made a lot of money  
24 doing illegal things. But what I want you to know about  
25 Mr. Little, Your Honor, is that he's not the person that you

1 just saw during this trial who sits there and looks a little bit  
2 defiant about what's happening.

3 I told you why he did that, and it may not be -- it  
4 doesn't change anything today, but in his mind -- in his mind,  
5 what he did was the same thing that other people also did. Now,  
6 he was the leader, and he's going to pay the price for that. I  
7 get that. And I'm not trying to diminish his role in this  
8 offense at all. What I'm asking the Court to do is see the  
9 human being behind him.

10 And as Your Honor, who's -- Your Honor is always  
11 noticing what's going on, and you're extremely well at that.  
12 You notice that he's a smart, intelligent individual, despite  
13 the fact that he grew up with nothing, despite the fact that he  
14 was either living on the street or in prison at a very young  
15 age. And I think that's important for Your Honor to consider,  
16 because there will be a time, hopefully, when he will get  
17 out -- and his kids will be older, and his grandchildren will be  
18 older -- where hopefully he will have the wherewithal and the  
19 assets to become a productive citizen. Because I think at the  
20 very least, we all know that if he would put his energies and  
21 his efforts into something legitimate, he could do something  
22 very productive in his life. He could do something very  
23 productive for society.

24 He has the means. Now, they're not educational means.  
25 They're not things that he got by going through schools or

1 colleges and things like that. He does have his GED. But he  
2 has the intellectual ability to do something if he chooses to do  
3 it. And we all know he's going to get a long time to figure  
4 that out. But I'm asking the Court to look at that human being,  
5 that side of him.

6           And I have to -- and I hope I'm not insulting the  
7 Court by saying this, but I'm someone who speaks their mind, and  
8 sometimes it gets me in trouble and sometimes it doesn't. But I  
9 feel like I need to say this, Your Honor, because of the  
10 impression that all of the other co-defendants in this  
11 case -- and there was many of them. We all know that. I'm  
12 hoping Your Honor will not blame their addictions on my client.  
13 And this is why I say that. Like I said, my client comes from  
14 that neighborhood. He had addictions. They all came into this  
15 with addictions, Your Honor. And, yes, he -- if you want to  
16 look at it, he promoted that addiction and he continued that  
17 addiction. But respectfully, Your Honor, all the individuals  
18 who went to that doctor went to the doctor willingly because  
19 they wanted to have a means of getting high. And I know my  
20 client assisted that, but these are things they did not only  
21 before this case, but, frankly, as Your Honor heard during the  
22 trial, after the case. And I would imagine that out of 60  
23 so -- 60-plus people, they're still struggling to some extent.

24           So I realize the magnitude of this. I realize his  
25 position in this conspiracy. But I also realize that because of

1 his position in this conspiracy, he's probably someone that if  
2 he can do something productive in society, he could do something  
3 bigger than most people can. I mean, let's be honest here, he  
4 literally ran, you know, what could have been, if it was  
5 legitimate, a corporation. I mean, he did for two years. So he  
6 has that ability.

7 Now, is it displaced in the wrong area? Absolutely.  
8 You know, should he be punished? Of course he has to be  
9 punished. We all know that.

10 And I want to say this about his daughter who got up  
11 here, Your Honor. She doesn't understand. She's 16 years old.  
12 She doesn't understand that the Court has a job to do, just like  
13 I have a job to do and the Government has a job to do. So I  
14 hope you're not offended by that. I think she was emotional.

15 THE COURT: I couldn't possibly be offended by a child  
16 who's looking at her father, not being able to hold him. I  
17 can't be offended by that. I don't get offended, per se. It is  
18 troubling -- and I will say this now -- it is troubling to see  
19 too often a lack of understanding of the purpose of the justice  
20 system, because it can't be the answer to everyone's problems.

21 MR. NENNER: And that's absolutely correct. I only  
22 said that, Your Honor, and I -- and I'll say it again, is  
23 because you're talking -- or you're listening, excuse me, to  
24 individuals who love him and individuals who he was always  
25 extremely good to. And, Your Honor, he has that side to him.



1 He really does.

2           You know, I want to suggest to this Court -- and don't  
3 take -- again, I'm not slighting Mr. Alexander in any way,  
4 shape, or form. I just wanted to show that he has a  
5 relationship with his daughter because he partially raised his  
6 daughter along with his own daughter. And that's where that  
7 relationship evolved from, and that's why there's still a  
8 closeness between his niece and him.

9           And he gets off that -- you know, and I've met him a  
10 lot of times over at the prison, Your Honor, by myself. I mean,  
11 he does have a smile that goes from here to the wall. And he  
12 has that side of him, and he has the ability and the brains.  
13 And I'm here today to ask for some mercy from this Court, to  
14 give him another chance after he serves his sentence to try to  
15 prove to his family, to society, to everybody else, that people  
16 can be reformed under the right environment.

17           And I will say this to him in front of you, Your  
18 Honor. He will go to a federal prison. There's advantages to  
19 that that he never had before. Because in federal prison, you  
20 can do things to better yourself. You can take courses. You  
21 can take programs. I can assure you that a 14-year-old  
22 or -- and a 17-year-old kid never had those opportunities in a  
23 state prison in Pennsylvania. I've been to them all too often.  
24 I've been to the county prisons. It's not set up like that.  
25 It's a -- it's purely for punishment. And as Your Honor knows,

1 the goals of sentencing, although they encompass some punishment  
2 and they encompass protection of society and they encompass a  
3 whole lot of factors, one of the things that this Court is  
4 required to do is to look at an appropriate sentence, but not  
5 any more than it is necessary to accomplish those goals.

6 And that's what I'm really asking the Court to do.  
7 I'm asking your Court -- the Court to take a look at where he  
8 falls on those guidelines and give him some consideration for  
9 how he was born and the life he was born into and take into  
10 account the fact of his youth when he really, really went astray  
11 and he used violence and things like that. And of course, Your  
12 Honor, you know, he took that and he's here today with  
13 really -- looking at severe time. And he knows that. And  
14 there's no guess about that. And Your Honor knows that. But  
15 I'm really -- in the end, I'm asking for some mercy, Your Honor,  
16 and to consider those factors, those other factors that you  
17 don't know.

18 THE COURT: Thank you, Mr. Nenner.

19 MR. NENNER: Yes.

20 THE COURT: Ms. Patterson?

21 MS. PATTERSON: Thank you, Your Honor. Your Honor, I  
22 don't want to repeat a lot of what I've said at all of the  
23 previous sentencings, but I do want to start from the  
24 understanding of what could have happened. This is a case where  
25 there was a significant amount of Oxycodone pills and other

1 drugs that were sold, but predominantly Oxycodone pills. And I  
2 think I've said this in other sentencing hearings, but I think  
3 it's -- there -- it's important to repeat it today.

4 I am still shocked to this day that we have not  
5 identified someone who has overdosed and died. And to me, that  
6 is the saving grace from this investigation and from this  
7 prosecution. I absolutely accept that the defendant, Leon  
8 Little, is remorseful today, but he also has to thank God that  
9 those nearly 400,000 pills did not result in the loss of life.  
10 There was a lot of other loss, unfortunately, that did happen as  
11 it related to this case. And it falls at the hands and at the  
12 shoulders of Leon Little.

13 What strikes me the most about this case is I got  
14 to -- a better understanding of the -- you know, enhanced  
15 understanding of what life is like in the Raymond Rosen  
16 Projects. Because I had to talk to over 50 people about their  
17 lives, and their lives are very similar to the life that you  
18 heard today from Leon Little. But the difference is that Leon  
19 Little took advantage of every single one of them.

20 I was completely struck by the friend, the childhood  
21 friend, who came up and spoke on his behalf. Because despite  
22 growing up in those very similar circumstances, despite her  
23 having to go through the system, she's managed to raise a child  
24 who has not stepped his foot in the criminal justice system at  
25 all. She has managed to create an environment even with those

1 circumstances that has her raising a child that is free -- or  
2 free to the extent that he can be from all the horrors that she  
3 herself went through growing up in the same sort of experience  
4 that Leon Little did.

5           What she might not know, is that he took advantage of  
6 people that he knew just like her. The people who were  
7 recruited by him to serve as his pill runners were individuals  
8 who struggled economically. Some were suffering from mental  
9 illness. Many were addicted. But all of them were living  
10 in -- in very trying circumstances, the same sort of -- the same  
11 development that Leon Little grew up in before he moved on to  
12 another one. But he took advantage of individuals just like his  
13 childhood friend who came up and stood and spoke so eloquently  
14 about him today.

15           And I'm also struck by Rose Camps and her husband, his  
16 sister, and his brother-in-law, of their words in support of  
17 him. I know Rose Camps. Mr. Little created a situation, Your  
18 Honor, where I had to speak with her. We had to put her in  
19 grand jury, something I'm sure she wishes never had happened.  
20 And it wasn't because of the Government's choosing. It was  
21 because of her own brother's choosing.

22           The thing that strikes me about Rose Camps is that  
23 she's a survivor. She went to school. She's a social worker.  
24 She's married. She has two kids. Despite all that they  
25 struggled with, she managed to survive. She managed to do

1 better for herself.

2           And Leon Little chose to take advantage of family  
3 members, take advantage of family members in order to make this  
4 pill scheme work. At the end of the day, Leon Little took  
5 advantage of his friends in the form of Colise Harmon, his  
6 childhood buddies that he knew when he was growing up in the  
7 form of John Baldwin, and his own blood in the form of James  
8 Alexander.

9           So while we certainly are -- have heard from family  
10 members today and the PSR sets forth a very difficult upbringing  
11 that Mr. Little had, it just strikes me that the only way this  
12 whole scheme to work was for him to find the people who he knew,  
13 who he could trust, and he knew would stay in it for the long  
14 haul. He didn't pick individuals who had other means to support  
15 themselves, who didn't have the addiction or the mental illness  
16 that required them to do whatever to keep everything going. He  
17 knew fair well what was going on, and he made no attempt to stop  
18 it.

19           What was troubling about this scheme was also the fact  
20 that he took advantage of an opportunity that was presented to  
21 him. He became connected to Heather Herzstein. He used the  
22 connection he had with her to make this scheme just blow up.  
23 Because it's one thing when he's sitting there and he's  
24 recruiting individuals to lie in order to get those pills and  
25 turn them over, but we can't forget, Your Honor, there was a

1 period of time where they were pushing forged prescriptions,  
2 prescriptions that Heather Herzstein was writing. And she  
3 testified at trial that she was giving them to the members of  
4 the drug conspiracy. And they were being forged. And they were  
5 taking these forged prescriptions and they were passing them at  
6 various different pharmacies.

7 And I do agree with Mr. Nenner. This was a business.  
8 I mean, he operated this as a corporation, and he was the CEO.  
9 They took painstaking efforts to make sure that they weren't  
10 passing multiple scrips at the same locations, making sure that  
11 people were being picked up on time, that the money was right,  
12 that everybody was going as expected.

13 And as much as the defense wants to try to put  
14 everything on James Alexander, that is simply not the case.  
15 Because we know, Your Honor, that after James Alexander got  
16 arrested, it kept going. It didn't matter that his cousin had  
17 gotten locked up. It didn't matter that John Baldwin had gotten  
18 stopped by the police twice. It didn't matter. If anything,  
19 you would have thought it would have stopped then.

20 But the greed behind the amount of money that's coming  
21 in and his need for that money was too great, so it kept going.  
22 It kept going until the point where Dr. Browne's scrips simply  
23 were stopped being accepted at places. And you saw that with  
24 them trying to find another pharmacy to go to that would accept  
25 it.

1 This entire case has been about one man's greed and  
2 his desire for money. I agree with Mr. Nenner. Mr. Nenner said  
3 that this was about prestige. It was. He wanted the money so  
4 he can live that lifestyle that we saw him in that video at  
5 trial. He wanted to be able to buy those Can-Am Spyders and  
6 wear those nice clothes and flaunt all of that money inside of  
7 his shirt that he was going to buy everything with, that hard,  
8 cold cash. This was about living that lifestyle.

9 But he did it on the backs of our communities, because  
10 our communities got flooded with the Oxycodone pills that he had  
11 other people and himself illegally procure, and then he ends up  
12 selling. And he didn't just sell them in Philadelphia. He met  
13 a gentleman by the name of Brendin Strand through a paramour  
14 that he had, and he even took advantage of that relationship.  
15 Remember, Brendin Strand testified he was a marijuana guy. He  
16 wasn't going to get into these pills. But it was Leon Little  
17 who talked him into it. It's lucrative. You'll make more  
18 money. And, therefore, he found a way to then push Oxycodone  
19 into Delaware.

20 So while I respect the fact that he is apologizing  
21 today, it doesn't diminish what he did in this case. It doesn't  
22 diminish the fact that he made \$3.3 million and then laundered  
23 that money in ways to try to make it legitimate. It is  
24 extremely important that Your Honor impose a sentence today  
25 that's going to acknowledge the significant role that Leon

1 Little played in this case.

2           Because while it was critical to have Heather  
3 Herzstein to get into the doctor's office, and it was just as  
4 critical to have Aminah Shabazz as the facilitator to make this  
5 dirty money as clean as possible, absolute nothing would have  
6 happened in this case if it wasn't for Leon Little. This was  
7 Leon Little's idea. He decided he was going to take it over  
8 from his uncle, and he decided he was going to make it work for  
9 him. He made that decision, and he now has to be held  
10 accountable for all of those decisions.

11           And I do think it's important to look at his criminal  
12 history. And the part of the criminal history I mentioned  
13 earlier, I think it's important to remind the Court, he had just  
14 been released from parole just three months prior to him  
15 starting this. And that's troubling because that's a sign that  
16 someone just simply isn't getting the message. All of the  
17 opportunities the system had given him, he simply wasn't getting  
18 the message. He saw an opportunity, and he took advantage of  
19 it, knowing that there was no parole officer there that he  
20 needed to report to.

21           So I think his criminal history shows us that it can't  
22 just be a slap on the wrist. He's been there. He's done that,  
23 and it hasn't worked. The role that he played in this is too  
24 significant to give him a break.

25           The importance that the sentence you set today is even



1 more important for our community, our communities that are  
2 just -- we've just simply had enough of the addiction issues  
3 because of Oxycodone. And frankly, the fact that people are now  
4 going from Oxycodone, because they are starting to do a better  
5 job at cracking down it, to other drugs, it's just making things  
6 even worse.

7           And it's important that that message gets sent.  
8 Because it's easy for us to blame the doctors and the  
9 pharmaceutical companies. In this circumstance, you have  
10 individuals who are trying to take advantage of the system so  
11 they can make money, and they're not thinking about what the  
12 impacts are. This case is specific. It's because Leon Little  
13 took advantage of an opportunity that he had because you had a  
14 feeble doctor and an insider that can make this whole thing  
15 work. And we've got to send that message to other individuals  
16 that just because people are out there writing these scrips, you  
17 can't sit there and take advantage of that. It's important that  
18 people know that there are consequences when you simply cannot  
19 abide by the law.

20           And while I acknowledge that we do have problems  
21 within our criminal justice system, but we have a system of laws  
22 and they have to be abided by. They have to be respected. And  
23 there is no evidence at all in this case that Leon Little at any  
24 point respected the law. He didn't respect the law when he went  
25 into a doctor's office to get pills that weren't for legitimate

1 reasons when he did so at the request and -- of his uncle. He  
2 didn't respect the law when he got over 50 people from the very  
3 neighborhood that he grew up in to go in and lie to get pills.  
4 He didn't respect the law when he had his girlfriend, then later  
5 wife, take drug proceeds that was hidden in all kinds of places  
6 to try to make it legitimate and funnel them through people's  
7 bank accounts in order to get there.

8 I mean, at the end of the day, Leon Little probably  
9 didn't care what happened or how she did it. He only cared  
10 about the end game, what -- which was the prestige. He had his  
11 UPS store. He had his real estate properties. Your Honor is  
12 fully aware that he had -- he had the ability to travel. He met  
13 Aminah Shabazz in Las Vegas. He had traveled at one point to  
14 Miami. We heard that on the prison calls. He was living the  
15 lifestyle. We've got to send that message that there is no  
16 justification for disrespecting the law, and living a lifestyle  
17 is never, ever a justification.

18 I do hope that he will turn his life around. I do  
19 hope that he will come out of jail to make a legitimate go of  
20 being an abiding member of society. But today, he has to be  
21 held accountable for what he did in this case.

22 And the guidelines here are astronomical. There is no  
23 denying that. Your Honor, I have no idea what over 10,000  
24 months are. But I feel as if I have always been, and I will  
25 continue to be, a fair prosecutor. I have at no point ever come

1 into this court and asked for something that I did not believe  
2 was a reasonable and a fair sentence.

3 But I cannot come here today and ask the Court to  
4 consider a bottom of the guidelines sentence. I simply can't.  
5 I can't because of the over 50 people, some of whom who are no  
6 longer here, whose lives were turned around because they agreed  
7 to go and lie to a doctor so they could get that money that they  
8 needed to survive. I can't in good conscience come in here and  
9 ask for the bottom of the guidelines sentence knowing that  
10 because of the defendant, there are folks who are more addicted  
11 to Oxycodone today than they were before he managed to peddle  
12 all of that poison out on the streets.

13 I can't in good conscience come in here today and ask  
14 Your Honor to give him only 30 years given the fact that the  
15 defendant managed to take advantage of every little opportunity  
16 to intimidate people. I mean, this happened not only during the  
17 trial. It's based on what you heard today from Jacob Mitchell  
18 and the passing on of that message.

19 I just think that it's difficult to put him at the  
20 bottom of the guidelines given everything that this case has  
21 shown, Your Honor. So the Government has requested that Your  
22 Honor impose a sentence of 40 years. It acknowledges  
23 that -- all that applies to Mr. Little's case. It is a sentence  
24 that is within the guidelines and one that, if Your Honor were  
25 to impose it and impose it in a way where the counts would

1 stack, it's the Government's position that it absolutely would  
2 be upheld on appeal by the Third Circuit. But more importantly,  
3 it would be a reasonable and fair sentence based on all the  
4 evidence in this case.

5 And to be clear, Your Honor, given all of the  
6 aggravating circumstances in this case, there's no amount of  
7 balancing from the mitigating that the Government would submit  
8 would justify a sentence below the guidelines at the very least.  
9 Even when you consider that a sentence at the bottom of the  
10 guidelines the Government does not think is appropriate, but  
11 certainly a sentence that Your Honor would impose that wouldn't  
12 go below that guideline certainly would be appropriate in this  
13 case. So for those reasons, Your Honor, the Government would  
14 respectfully ask that Your Honor impose a lengthy, but  
15 absolutely justifiable and reasonable sentence for the  
16 defendant, closer to the 40 years the Government is asking, but  
17 certainly no less than the 30 years that the guidelines  
18 recommend. Thank you.

19 THE COURT: Thank you, Ms. Patterson.

20 It is incumbent upon any sentencing court to explain  
21 its sentence before even pronouncing it because it must be  
22 justified pursuant to the sentencing statute and the law. And  
23 yet, the sentencing statute requires us, and we do this gladly,  
24 to not only consider the seriousness of the offense, and the  
25 offenses in this case, and all of their consequences, but also

1 the person that is being sentenced, Mr. Little's personal  
2 history and characteristics peculiar to him and not any other  
3 group or individual that may be sentenced.

4           And I think this is a case that has so much  
5 information, that putting it into neat grids and categories is  
6 very difficult to do. The charges are serious. The counts of  
7 conviction are numerous. And conspiracy to distribute  
8 controlled substances doesn't explain what happened here.  
9 Distribution of Oxycodone and acquiring a controlled substance  
10 by fraud, multiple counts of each, doesn't begin to explain what  
11 happened here. Engaging in an unlawful monetary transaction and  
12 money laundering, aiding and abetting in the commission of those  
13 offenses.

14           So in some -- to some degree, the length of time it  
15 has taken all of us to get to today has been a time of learning  
16 and appreciating the differences among the various people  
17 involved in the case. I am not addressing differences in the  
18 people who are prosecuting, the court staff, anybody in the  
19 court system, anybody in the DEA. We are all here by virtue of  
20 being committed to a job. What we're talking about really is  
21 looking at the circumstances of how this crime occurred and why  
22 it occurred.

23           And for the life of me, I cannot say it occurred  
24 because he was certified as an adult when he was 14 or 15 years  
25 old. It is incomprehensible to me to have someone who had shown

1 in later life such acumen, business acumen, management acumen,  
2 organizational skills, energy -- it is hard to understand. But  
3 I do accept the difficulty of his childhood and that of his  
4 family because so many people that lived near and with him, and  
5 in many other parts of the country, so many people were also  
6 part of this.

7           Why were they part of this? Because Mr. Little  
8 recruited them through others and on his own, and he  
9 created -- out of the mess that he now claims he came from, he  
10 created a bigger mess for the very people that profess to love  
11 him, that profess to admire him. That admiration is lost on me.  
12 It is lost on me because it is built on a fallacy, the fallacy  
13 being that money equals success. And it's very possible, and I  
14 believe it's true, that Mr. Little has as big a heart he has as  
15 his smile, but his intellect betrays that because he knew  
16 better. He knew better.

17           And if he got a raw deal his first time really in the  
18 system, then that was the time to say I'm never going to let  
19 that happen to me again. I'm going to follow the rules because  
20 I can make it. I now know, because I'm not sleeping on a park  
21 bench, I do know that I have something in me that will be  
22 successful. And he followed that, but to criminality.

23           And I am sorry about that, Mr. Little. That is your  
24 cross to bear. And I know that you're sorry about it now. I'm  
25 not quite sure what you're apologizing for, because I don't

1 think even in your letter the enormity of the harm that you have  
2 caused your community and the larger community cannot be  
3 understated. If you're sorry for that and all the lives that  
4 you roped into quick money, to either feed their habit or feed  
5 their children, if you are sorry for that, then that's a start.

6 People need to really change when they completely own  
7 up to what harm they have caused and how they can do it  
8 differently, not just saying it. And I think that people can  
9 change when they have the love and support of others, which you  
10 do. So that's not lost on me.

11 I know that you must have something in you that  
12 endears you to any number of these people. And I have to  
13 balance that against the lives you ruined. It would be unfair  
14 for me not to think about those lives, as well as yours, as well  
15 as your children, your parents, your sisters, your brothers.

16 So I do look at you individually, and part of that is  
17 seeing how you lived your life after you got out of prison and  
18 how soon you got involved again in crime with firearms. But  
19 then, I try to see that period of time when nobody really knew  
20 what you were doing. I didn't see any gainful employment. I  
21 don't know how you survived in that time period, because you  
22 weren't sleeping on a park bench again as was told to me. And I  
23 don't see the kind of productive life that is what we want to  
24 see in society.

25 Instead, we get the makings of someone who is building

1 an organization, a criminal enterprise, that is -- he is -- I'll  
2 borrow this phrase from Ms. Patterson, the CEO. But I think you  
3 were more than that. I think you were, quite frankly, the  
4 chairman of the board and the owner and the director. Everyone  
5 else involved in this owed you their position. Everyone else  
6 that may have had an important part in making it a success  
7 didn't do it on their own.

8 So as CEO and chairman of the board, you get to pay  
9 harder, deeper, and more than others because you caused the most  
10 harm. While there may have been a handful of people that could  
11 have pulled off this for a certain amount of time, not for  
12 two-plus years, not with the execution and the precision and the  
13 transportation and the setting up of the pharmacies and  
14 insider -- first with forged scrips and then with the network of  
15 appointments and pseudo-appointments.

16 So this went much further than I think even you ever  
17 imagined, and that could be very elating to someone who didn't  
18 know he could be this successful. Unfortunately, the response  
19 is (sic) I better get out of this before I get caught. Instead,  
20 it's how can I hide my money. Then another life has been sucked  
21 into your web.

22 And I'm talking about people with no prior criminal  
23 history who had professions, such as Heather Herzstein on the  
24 one end and Aminah Shabazz on the other. And whether they were  
25 willing or not, they weren't doing this on their own. Although



1 they both did it with gusto. And guess what? They're paying  
2 for it now. And those are parents with small children, infants  
3 even, who aren't going to be with them because of the harm they  
4 caused.

5 But this is all around and because of your setting  
6 this up. Otherwise, we wouldn't be here. So because you  
7 organized the unlawful acquisition of Oxycodone scrips from a  
8 doctor who was otherwise comprised, and because you recruited  
9 this network of managers and pseudo-patients to effectuate your  
10 scheme, you do get to be punished more. Because punishment has  
11 a purpose in the sentencing structure of the sentencing statute.  
12 That's not all I'm looking at, but that's usually what most  
13 people are worried about, how much time, what's the punishment.  
14 There are many parts of sentencing, but that's a primary one,  
15 especially for you and for today.

16 So you set up that structure. You also arranged with  
17 Ms. Shabazz to conceal the unlawfully obtained funds through  
18 structured money laundering. And she may not be very successful  
19 in her chosen profession, but she is very energetic, and she did  
20 this with gusto. And as I said, she's paying for it now.

21 So there's a few of your victims, but there are many  
22 more, many more. Your drivers, who also were pseud-patients,  
23 and the pseudo-patients, who didn't do anything more than live  
24 in a vicinity where the word was out that Leon can get you  
25 money. You want some money? Jump on the van. We'll fix you

1 up.

2 Nobody stopped it. And Mr. Little, you were the one  
3 that could have said I think this has gotten out of hand. You  
4 could have cut everybody's losses.

5 So now we have 56, approximately, pseudo-patients,  
6 many of which did not have federal convictions before this case.  
7 Now they do. People who are otherwise law-abiding. Yes, many  
8 were addicted, but not that addicted. Because most of them  
9 wanted the money and not the drugs. Some of them wanted both.  
10 But you fed off of every one of them, and that needs to be  
11 addressed.

12 So the factors I'm going to consider today are the  
13 nature and circumstances of these offenses, as well as the  
14 history and characteristics of Mr. Little. And I won't repeat  
15 the details of your childhood. I do accept that what you  
16 witnessed and what you experienced as a child and as a teenager  
17 is senseless and no child should have to deal with that. So  
18 that led you to delinquent behavior, which led you to the court  
19 system.

20 And I do accept that you were largely fending for  
21 yourself. I do not think that's an excuse for committing more  
22 crime. I do think that there are times when, if you take on the  
23 responsibility of others, you may resort to crime to feed the  
24 people you love, to get shelter and housing. These are basic  
25 human needs. But I'm not certain that this was the situation,

1 and I'm not certain that that is responsible for all of your  
2 juvenile and then adult convictions prior to this. But it's  
3 certainly -- if it was explainable, I wish things had gone  
4 differently for you in juvenile and in adult court. But I think  
5 you did learn something there, and you learned how to commit  
6 crime better. And here you are. Except in the end, no crime is  
7 better.

8           So here we are. And while you're in prison, you do  
9 get your GED. It should have been proof to you that you were  
10 smart enough to pass the test, take whatever course they gave  
11 you. I don't think you really got any employment skills in  
12 prison. You might not have been there long enough, but you were  
13 in state prison.

14           So how did you support yourself? I'm not going to  
15 guess at it. I just know it wasn't legitimate because you never  
16 had a paycheck. You never had anything that someone could point  
17 to and say he's working at the restaurant, he's driving a van,  
18 he's doing deliveries. We don't have any of that information.  
19 But yet, you were taking care of all these people.

20           And this is a pattern with you. Because even during  
21 and in the middle of all of your illegal criminal activity in  
22 this case, I'm not sure that you had any legitimate business.  
23 That's why Ms. Shabazz was trying to create such, a UPS store  
24 owner. Some might ask, where did the money come from to buy it?  
25 Funding foundations for charitable work from which you could get

1 more money? All too often in our society, people who have  
2 illegal money turn to charity to make it look good. And I think  
3 that's what happened here. But it's a small part of the  
4 sentencing. I mention it because you still didn't have any  
5 legitimate employment.

6           So with the house that you're renting or buying,  
7 multiple properties, all the people that you're taking care of,  
8 your children, prior relationships, your parents, the money had  
9 to be coming from somewhere. Here we are. So I don't think  
10 that that is necessarily a plus or a mitigating factor any  
11 longer. It might have been if you were laboring at a minimum  
12 wage job and trying to make ends meet. But this is not the  
13 situation here.

14           That's not who you are. You wanted the glory. You  
15 wanted the fast track. You wanted the glitz and the glamor. It  
16 made you feel better. And it made others look up to you, so  
17 that when you gave advice -- and it sounds like you gave some  
18 good advice to others that you didn't follow yourself -- when  
19 you gave that advice, people would listen to you. I have often  
20 found crime has a root in ego, as well as greed. And this is a  
21 situation where your crimes were based on both.

22           So the objectives of the sentencing statute need to be  
23 addressed because the sentence must reflect the seriousness of  
24 these offenses. And unless it came from Ms. Patterson, nobody  
25 else mentioned how the community was hurt by the pollution of

1 opioids in the community, accessible illegally. And when that  
2 dries up or becomes too expensive, it's well known now, finally  
3 there's attention being paid to this plight, that others turn to  
4 cheaper alternatives, heroin being the primary and cheapest of  
5 those alternatives. And, you know, these drugs do kill. They  
6 kill people. I'm glad that's not the situation in this case,  
7 because this would be a very different sentence than one that I  
8 am considering.

9           However, what is clear in all of these cases is that  
10 there is no respect for the law. And our sentence must promote  
11 respect for the law. Somebody's got to start listening.  
12 Somebody's got to take notice. Not just of the loved one that's  
13 going to be in jail and how much the loved ones at home are  
14 hurting -- that's bad -- but of what happens to all the other  
15 victims. And that's where just punishment has to be addressed.

16           So since you were the main organizer, and you directed  
17 all aspects of this conspiracy, and you took advantage of those  
18 who were most vulnerable in the society in which you lived, and  
19 you used them to perpetuate your scheme, this conduct is one of  
20 the more serious conducts of a criminal -- of drug offenses, and  
21 a strong sentence must be imposed. I also believe that the need  
22 to afford adequate deterrence to your criminal conduct and to  
23 protect the public from your future crimes is a most important  
24 objective of this sentencing. You haven't seemed deterred  
25 before this, even though you had a chance to learn better. So

1 your deterrence, your specific deterrence, is important because  
2 the public must be protected from future crimes of your own.

3           However, general deterrence is also important in this  
4 case. And while pseudo-patients all have suffered some type of  
5 punishment in this case, as in any case, that's not where the  
6 general deterrence is going to come from. It's going to come  
7 from the people who make the most from this kind of scheme: the  
8 organizers. We want somebody with your skills not to be doing  
9 this. So general deterrence is important.

10           Also -- and I mention this, but I don't think it is  
11 the most serious objective of my sentence -- one of the  
12 objectives is to provide a defendant with educational or  
13 vocational training, medical care, or correctional treatment in  
14 an effective manner. And I can see vocational training being  
15 afforded to you in prison. Perhaps you will be fortunate enough  
16 to be engaged in the inmate -- in the Federal Bureau of Prisons  
17 Inmate Financial Responsibility Program and learn something that  
18 is really something that you can work at on the outside in a  
19 legitimate form.

20           You will receive the medical care that you require. I  
21 believe from a rendition of your particular medical  
22 conditions -- which I won't recount now. They're laid out in  
23 the presentence report. There's been no opposition to them. I  
24 think that you may require some medical care and that will be  
25 provided to you effectively in the BOP. So I don't need to

1 adjust the sentence for educational/vocational training or  
2 medical treatment.

3 I do wish to address the need to avoid unwarranted  
4 sentencing disparities amongst similarly situated defendants. I  
5 can say with 100-percent confidence that I do not think that's  
6 an issue because no one else was the leader, actual or titular.  
7 No one else was the organizer. Everyone took their orders from  
8 Mr. Little. And whether or not they were high up the chain or  
9 not, this sentence will not be able to be compared or in parity  
10 because most of them had cooperation agreements, which removes  
11 the balance from -- of parity in this case. However, no one is  
12 in your position, Mr. Little. You, and you alone, are standing  
13 here at the top.

14 And I'm not aware of any other policy statements or  
15 guideline issues that need to be addressed with this sentencing.  
16 So that's what I'm looking at. I did not say rehabilitation,  
17 even though it underlies almost every part of the objectives in  
18 the sentencing, because the guidelines, which I must  
19 consider -- I'm not commanded to impose them, but I must  
20 consider them as a part of the sentence. They're a piece of  
21 advice. But they are so high that rehabilitation efforts would  
22 not occur until much later in the sentence, and then on  
23 supervised release. Rehabilitation in this case is to make  
24 Mr. Little a whole and law-abiding person, and perhaps treat an  
25 old drug addiction. But his behavior smacks more of a gambling

1 addiction than a drug addiction. But perhaps they're in the  
2 same bucket. And when you're on supervised release, I will  
3 impose a special condition that you receive treatment for any  
4 addictive behavior and any mental health issue that you may  
5 have, because we certainly want you to be made as whole as  
6 possible.

7 (Pause)

8 THE COURT: All right. Is there anything else before  
9 the Court pronounces sentence?

10 MS. PATTERSON: Nothing from the Government, Your  
11 Honor.

12 THE COURT: Mr. Nenner?

13 MR. NENNER: No, Your Honor.

14 THE COURT: Thank you.

15 Then pursuant to the Sentencing Reform Act of 1984,  
16 and in accordance with the objectives that the Court feels are  
17 most important in this case, it is the judgment of this Court  
18 that the defendant, Leon Little, be committed to the custody of  
19 the Bureau of Prisons. First, to be imprisoned on Counts 1  
20 through 10 -- on each of Counts 1 through 10, each of Counts 16  
21 through 30, and each of Counts 36 through 50, for a term of 240  
22 months. All of those terms will run concurrently to each other.  
23 In addition, on Count 35, I hereby sentence Mr. Little to a term  
24 of 120 months, which will run consecutively to the terms imposed  
25 on the first mentioned counts. In addition -- let me just



1 explain that -- strike that. In addition, on Counts 11 through  
2 15 and 31 through 34, on each of those counts, I impose the  
3 sentence of 48 months, which shall also run consecutively to all  
4 other counts imposed.

5 If I have covered all of the various counts, and I  
6 think I have, that is a total of -- and I'm sorry for this, but  
7 I'm trying to be very careful, so I am doing my  
8 arithmetic -- for a total term of 408 months, because I have run  
9 all the sentences consecutive. That is in the guideline range,  
10 but it is not the bottom of the guideline. Yet, it -- and it is  
11 not what the Government has asked me to do, but I feel that it  
12 is enough of a punishment to achieve the goals of the sentencing  
13 statute that I have selected. It is a serious sentence.

14 Now, I will order and direct that Mr. Little be  
15 granted credit for any time he has served since his arrest in  
16 this matter and his detention, and I will entertain any  
17 recommendations for classification.

18 Mr. Nenner?

19 MR. NENNER: Judge, I would respectfully ask, to the  
20 extent that you have this influence, just recommend that he be  
21 incarcerated in a place hopefully that's near for his family to  
22 visit.

23 THE COURT: All right. Is there -- I know that  
24 there's going to be multiple separation orders that would be  
25 impacting on the BOP's classification. So as you already

1 recognize, Mr. Nenner, I can only recommend that he be  
2 classified to an institution as close to his family as possible.

3 MR. NENNER: Understood.

4 THE COURT: And I hope that that is possible, but I  
5 have no guarantees and I can't order it myself.

6 Is there anything in terms of classification from the  
7 Government?

8 MS. PATTERSON: No, Your Honor.

9 THE COURT: Thank you. Upon his release from  
10 imprisonment, he's placed on supervised release. That  
11 supervised release is for a term of five years on Counts -- on  
12 each of Counts 1 through 10 and 16 through 30, one year each on  
13 Counts 11 through 15 and 31 to 34, and three years on each of  
14 Counts 35 to 50 -- three years on each of Counts 35 to 50, but  
15 all of those terms will run concurrently to each other for a  
16 total term of five years.

17 Within 72 hours of his release from custody from the  
18 Bureau of Prisons, Mr. Little shall report in person to the  
19 probation office in the district to which he is released. While  
20 he is on supervised release, he may not commit any other crimes,  
21 federal, state or local. He's prohibited from possessing any  
22 firearms or dangerous devices. He may not possess any illegal  
23 controlled substances, and he must submit to the collection of a  
24 DNA sample as directed by the United States Probation Office.  
25 He must also comply with all of the standard conditions that

1 have been adopted by the Court.

2 He must also submit to at least one drug test within  
3 15 days of starting his supervised release, and at least two  
4 tests thereafter. There will be a special condition addressing  
5 the drug treatment as follows: he shall refrain from the illegal  
6 possession and/or use of drugs and submit to urinalysis or other  
7 forms of testing to ensure his compliance. I further order that  
8 he participate in drug treatment and abide by the rules of any  
9 such program until he is satisfactorily discharged.

10 I also direct that he refrain from all gambling  
11 activities, legal or otherwise. He is to attend Gambler's  
12 Anonymous or similar treatment and remain in treatment until  
13 satisfactorily discharged from that treatment.

14 I also direct that he provide the U.S. Probation  
15 Office with full disclosure of his financial records. That  
16 includes annual income tax returns, if requested. And he must  
17 cooperate with the probation office as they must investigate all  
18 of his financial dealings and provide truthfully -- truthful  
19 monthly statements of his income if requested.

20 He is prohibited from incurring any new credit card  
21 charges or opening additional lines of credit without the  
22 approval of the probation office, unless Mr. Little is in  
23 compliance with a payment schedule for any fine or restitution  
24 obligation.

25 Now, there is no restitution involved. The amount of

1 money we were talking about was forfeiture, and I am not going  
2 to address any payments on forfeiture until the Government  
3 decides to execute on the judgment that I will enter. However,  
4 I am going to impose a fine. So we'll address this towards the  
5 fine.

6 So the defendant shall not encumber or liquidate his  
7 interest in any assets unless it is directly to serve to pay the  
8 fine or otherwise has the express approval of the Court. So the  
9 fine in this case could be a statutory fine of a million dollars  
10 per count on many of the counts, \$500,000 per count on several  
11 of the others, \$250,000 per count. I don't see that that is  
12 going to achieve any objective of the sentencing statute or  
13 otherwise, so I won't do that.

14 But because I believe that much of this criminal  
15 episode and enterprise was created to feed the greed of the  
16 defendant, I think a fine in the guideline range is appropriate.  
17 And that guideline range is 25,000 to \$32-and-a-half million.  
18 It seems at this point, looking at what kind of fine Mr. Little  
19 could pay, it is a prophecy only. So I will try to make it more  
20 reasonable, given the amount of time that he will be spending in  
21 jail. I am imposing the fine of \$50,000. That is due and  
22 payable immediately, along with a special assessment of \$5,000,  
23 which is also due and payable immediately. That's \$100 on each  
24 and every count of conviction, and that is a mandatory  
25 imposition of special assessment.

1 I recommend to the Bureau of Prisons that Mr. Little  
2 participate in the Bureau of Prisons Inmate Financial  
3 Responsibility Program and provide a minimum payment of \$25 per  
4 quarter towards the amounts due. In the event the entire  
5 amounts due are not paid prior to the commencement of  
6 supervision, Mr. Little shall satisfy those amounts due in  
7 monthly installments of not less than \$25, and that will start  
8 60 days -- excuse me -- \$100 monthly installments, not 25. And  
9 that starts 60 days after his release from confinement. I think  
10 that takes care of the monetary imposition of the sentence.

11 Is there any term of sentence that this Court needs to  
12 address or should revisit?

13 MS. PATTERSON: I don't believe so, Your Honor.

14 MR. NENNER: No -- no, Your Honor.

15 UNIDENTIFIED SPEAKER: No, Your Honor.

16 THE COURT: All right. Then that's the sentence I'm  
17 imposing. I don't think it is commensurate with the harm. The  
18 sentence could have been much higher. However, I want to make  
19 sense of this if I can.

20 And, Mr. Little, it is only left to me now to tell  
21 you, having imposed the sentence, which is effective  
22 immediately, that you have a right to appeal the sentence. You  
23 have a right to appeal your verdict and any adverse rulings that  
24 were made by the Court prior to your trial or during the trial.  
25 And if you decide that you wish to appeal, you must file that

1 appeal in writing within 14 days of today's date.  
2 Court-appointed counsel will be appointed to represent you free  
3 of charge if you so qualify. And that writing must be filed  
4 with the clerk of the court of this court. However, it will be  
5 a direct appeal to the Third Circuit Court of Appeals.

6 Do you understand your appellate rights?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. And if you are going to apply  
9 for court-appointed counsel, you must do so very quickly so that  
10 I can determine whether or not you'll have court-appointed  
11 counsel to file the appeal. I know that you retained  
12 Mr. Nenner, and I don't know what your situation is there. You  
13 need not tell me now. But I just want you to decide what you're  
14 going to ask me to do in the time limit in which you have to  
15 file an appeal in writing.

16 So do you understand your appellate rights?

17 THE DEFENDANT: Yes.

18 THE COURT: And I think you are a fortunate man in  
19 many respects, having so many people love you. They'll continue  
20 to love you. The harm to one's family and loved ones when one  
21 is incarcerated cannot be understated. I do recognize it and I  
22 hope that everyone can adjust.

23 Is there anything else that we should be addressing?

24 MS. PATTERSON: There's nothing further from the  
25 Government, Your Honor.

1 MR. NENNER: No, Your Honor.

2 THE COURT: I need to say -- because I think this is  
3 the last case in this criminal enterprise which required  
4 resolution, and the resolution today as a sentence means that  
5 every case has been resolved and disposed of. But I don't refer  
6 to them as cases. Each one of these multiple charged  
7 indictments, informations, and cases had a real live person or  
8 more in them. And it has been a difficult learning experience  
9 to know how this could happen and how harmful these crimes are.

10 And for the perseverance, and I would dare say  
11 brilliant investigation and prosecution by Ms. Patterson in  
12 particular for years, along with Special Agents Fitzpatrick and  
13 Lauriha -- I hope I didn't get the name wrong. I want to say  
14 that the United States' Attorney's Office for the Eastern  
15 District of Pennsylvania has done all it can in this case to  
16 right a terrible blight. And the way it was handled with  
17 sensitivity and discretion and accommodation to so many  
18 individual needs, I have not ever seen in prosecutions before,  
19 especially in federal court, and I value it. As a judge, it  
20 made my job a little bit easier, because it's never easy. But I  
21 thank you for your contributions.

22 And I know you've retired. One of you has retired.

23 UNIDENTIFIED SPEAKER: End of the year.

24 MS. PATTERSON: Almost there.

25 THE COURT: Okay. Almost there. Good luck to you.

1 UNIDENTIFIED SPEAKER: Thank you, Your Honor.

2 THE COURT: You're anything but retired,

3 Ms. Patterson, but good luck to you in your next venture --

4 MS. PATTERSON: Thank you.

5 THE COURT: -- which is very, very exciting and  
6 promising.

7 MS. PATTERSON: Thank you.

8 THE COURT: I know you'll do well.

9 Mr. Nenner, I wanted to thank you for your courtesies  
10 and your diligence. We always have a vigorous trial when you're  
11 around, and everything is -- I want you to know that I pay  
12 attention to everything you say and do, and I appreciate what  
13 you've done.

14 And Mr. Pisca (phonetic), you have been through almost  
15 every one of these sentencings with me.

16 MR. PISCA: I think so.

17 THE COURT: That's 58.

18 MR. PISCA: Just about.

19 MS. PATTERSON: It's --

20 UNIDENTIFIED SPEAKER: 59, right?

21 MS. PATTERSON: Yeah, 59.

22 THE COURT: 59. So we've become very knowledgeable of  
23 each of these. And that doesn't even count the pretrial  
24 hearings that I've had along with Ms. Patterson and the agents.  
25 And we will continue to be vigilant at making sure that the



1 orders are complied with and that the public is made safe.

2           Somewhere along the line, the opioid crisis that is  
3 now being rectified -- not rectified, but recognized, has got to  
4 get to the root of the problem. And it's larger than just one  
5 individual. We know that. We know that it involves the medical  
6 profession, the pharmacological profession, and the community at  
7 large, law enforcement, judges, legislatures. But as long as  
8 these crimes are being committed, no other efforts matter. And  
9 were it not for the vigilance in this case, it would be even  
10 worse.

11           So, Mr. Little, good luck to you and to your family.  
12 And I thank you and we're in recess.

13           (Proceedings concluded at 4:18 p.m.)

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25