

No. 24-1063

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**In the Supreme Court of the United States**

MUNSON P. HUNTER, III,  
PETITIONER,

*v.*

UNITED STATES OF AMERICA,  
RESPONDENT.

*ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT*

**JOINT APPENDIX**

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LISA S. BLATT  
*Counsel of Record*  
WILLIAMS & CONNOLLY LLP  
*680 Maine Avenue SW  
Washington, DC 20024  
(202) 434-5000  
lblatt@wc.com*  
  
*Counsel for Petitioner*

D. JOHN SAUER  
*Counsel of Record*  
SOLICITOR GENERAL  
UNITED STATES DEPARTMENT  
OF JUSTICE  
*950 Pennsylvania Ave., NW  
Washington, DC 20530  
(202) 514-2214  
supremectbriefs@usdoj.gov*  
  
*Counsel for Respondent*

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PETITION FOR CERTIORARI FILED: APRIL 4, 2025  
CERTIORARI GRANTED: OCTOBER 10, 2025

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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UNITED STATES OF AMERICA

4:23-CR-00085-1

VS.

HOUSTON, TEXAS

FEBRUARY 14, 2024

MUNSON P. HUNTER, III

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TRANSCRIPT OF REARRAIGNMENT  
PROCEEDINGS HEARD BEFORE  
THE HONORABLE SIM LAKE  
UNITED STATES DISTRICT JUDGE

\*\*\*\*\*

APPEARANCES:

FOR THE GOVERNMENT:	Mr. John R. Lewis U.S. Attorney's Office 1000 Louisiana Street Suite 2300 Houston, Texas 77002
FOR THE DEFENDANT:	Mr. Brandon G. Leonard The Leonard Firm 5300 Memorial Drive, Suite 750 Houston, Texas 77007
Official Court Reporter:	David S. Smith, CSR, RPR, CRR Official Court Reporter United States District Court Southern District of Texas

515 Rusk Street, Room 8004  
Houston, Texas 77002

Proceedings recorded by mechanical stenography,  
transcript produced via computer

[2]

**PROCEEDINGS**

THE MARSHAL: All rise.

THE COURT: Good afternoon. Please be seated.

We're here this afternoon for rearraignment in  
United States versus Munson P. Hunter, III, Criminal  
Action H:23-85.

Will counsel and Mr. Hunter please identify  
themselves.

MR. LEWIS: John R. Lewis for the United States.  
Good afternoon, Your Honor.

MR. LEONARD: Good afternoon, Your Honor.  
Brandon Leonard for Mr. Hunter.

THE COURT: Are you Munson P. Hunter, III?

THE DEFENDANT: Yes, sir. Good afternoon.

THE COURT: Good afternoon.

I understand that you wish to plead guilty to Count  
5 of the superseding indictment, which charges you with  
wire fraud in violation of Title 18 United States Code  
Section 1343. Is that correct?

THE DEFENDANT: Yes, sir.

THE COURT: Please raise your right hand and be  
sworn.

(The oath was administered.)

THE COURT: Mr. Hunter, before I can accept your guilty plea, I must ask you a number of questions. It is very important that you listen carefully to all my questions and [3] that you answer all of my questions truthfully and completely for several reasons. First, since you are now under oath, if you give an untrue answer to a question, you could be charged with a separate crime of perjury. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Also before I can accept your guilty plea, I must make a number of findings. My findings are based on your answers to my questions. In order for my findings to be correct, it is therefore necessary that all of your answers to my questions be truthful and complete. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Will you agree with me this afternoon that if you do not understand anything that I say, you will stop and ask me to repeat or explain whatever it is that you do not understand? Will you agree to do that?

THE DEFENDANT: Yes, sir.

THE COURT: Also you may stop at any time and speak with your lawyer. You do not need anyone's permission to speak to him.

Let me emphasize the importance of providing truthful and complete answers this afternoon. Sometimes after a defendant has been sentenced, he will file a motion or will write the Court a letter saying that the answers he gave at his arraignment were not true or were not complete. I want you to understand I'm going to rely not

only today, but at all [4] times in the future, on the answers you give me today. If you should ever in the future say something different from what you have told me today under oath, I will disregard the future statement and rely on what you have told me today. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: How old are you?

THE DEFENDANT: 49.

THE COURT: Where were you born?

THE DEFENDANT: Queens. Queens, New York.

THE COURT: Did you graduate from high school?

THE DEFENDANT: No, sir.

THE COURT: How many years of school did you complete?

THE DEFENDANT: From tenth grade I went straight to college.

THE COURT: Oh. You graduated from college?

THE DEFENDANT: Two years.

THE COURT: What college did you attend? Do you remember where it was?

THE DEFENDANT: Upstate New York.

THE COURT: What degree were you pursuing?

THE DEFENDANT: Business management.

THE COURT: After you left school, did you receive any other type of formal training or education?

THE DEFENDANT: No, Your Honor.

[5] THE COURT: What is the last job that you held?

THE DEFENDANT: Carvel.

THE COURT: Pardon me?

THE DEFENDANT: Carvel.

THE COURT: Is that the name of a company?

THE DEFENDANT: Yes. I also worked for the Social Security Administration.

THE COURT: What did you do for Carvel?

THE DEFENDANT: Served ice cream.

THE COURT: What did you do for the Social Security Administration?

THE DEFENDANT: Move documents.

THE COURT: Have you ever been diagnosed or treated for any type of mental problem?

THE DEFENDANT: Yes.

THE COURT: For what have you been treated?

THE DEFENDANT: Depression, PTSD, anxiety, things of that nature.

THE COURT: When were you last treated for any of those conditions?

THE DEFENDANT: A few years -- a few years back.

THE COURT: Have you been evaluated for any health issues while you've been in custody?

THE DEFENDANT: Yes.

THE COURT: Has any physician recently

recommended up [6] that receive treatment for those conditions?

THE DEFENDANT: No, not recently.

THE COURT: Mr. Leonard, have you noticed any mental deficiencies on the part of your client?

MR. LEONARD: No, I have not, Your Honor.

THE COURT: Mr. Hunter, have you been able to communicate with your lawyer okay?

THE DEFENDANT: My lawyer? Yes. Yes, sir.

THE COURT: Have you ever been diagnosed or treated for addiction to drugs or alcohol?

THE DEFENDANT: No, Your Honor.

THE COURT: Have you taken any type of drug or medicine within the last 24 hours?

THE DEFENDANT: No, Your Honor.

THE COURT: How many times have you spoken with your lawyer, Mr. Leonard, about this case approximately?

THE DEFENDANT: Ten times.

THE COURT: Ten times?

THE DEFENDANT: Yes, sir.

THE COURT: Has he discussed with you the charges against you and what the government would have to prove to establish your guilt?

THE DEFENDANT: For the most part, yes, sir.

THE COURT: Well, there are elements of various offenses. Has he discussed with you the elements that the



[7] government would have to prove?

THE DEFENDANT: Yes.

THE COURT: And has he reviewed with you the evidence that the government has against you?

THE DEFENDANT: Yes sir.

THE COURT: Has he discussed with you how the federal advisory sentencing guidelines might apply in your case?

THE DEFENDANT: Yes, sir.

THE COURT: Has your lawyer answered all of your questions?

THE DEFENDANT: Yes, sir.

THE COURT: Has he done everything that you have asked him to do?

THE DEFENDANT: So far.

THE COURT: Are you fully satisfied with the advice and counsel that your lawyer has provided you?

THE DEFENDANT: So far.

THE COURT: Well, I can only ask you so far. I mean up until today are you satisfied?

THE DEFENDANT: Yes, sir.

THE COURT: All right. You do not have to plead guilty. You have a right to go to trial. If you went to trial, you would have the right to the assistance of a lawyer at all stages of the trial. If you could not afford a lawyer, the Court could appoint a lawyer for you. You would have a [8] right to see and hear the government's witnesses at trial and have your lawyer question them. You could

require other people to come into court and provide evidence for you. You would not be required to testify at a trial, and you could not be convicted at trial unless the jury unanimously found beyond a reasonable doubt that you were guilty. If you plead guilty today, however, there will not be a trial and you will give up the right to a trial and all of the protections associated with a trial. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: The maximum sentence that you face if you plead guilty is 30 years in prison and a fine not to exceed \$1 million or twice the gross gain or gross loss, whichever is greater. In addition you could receive five years of supervised release, a 100-dollar special assessment and restitution to any victims. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: There is no parole in federal court. That means you'll have to serve your sentence in custody. Your term of supervised release will be subject to a number of conditions that will be monitored by a probation officer. If I found that you violated those conditions, I could revoke your supervised release and send you back to prison without any credit for the time that you had already served on supervised release. Do you understand that?

[9] THE DEFENDANT: Yes, sir.

THE COURT: The Court has not made any decision about what your sentence will be. If I accept your guilty plea, a probation officer will interview you, investigate the facts of the case and prepare a presentence investigation

report. You will have an opportunity to read the report and to discuss the report with your lawyer before your sentencing. You or the government may file objections to the report. At the time of your sentencing, I will rule on any objections; and then after hearing from you, your lawyer and the government's lawyer, I will determine your advisory guideline range and your sentence. What you need to understand today is that this process of determining your sentence has not yet begun. That means no one knows what advisory guideline range the probation officer will recommend or what advisory guideline range the Court will find applicable or what sentence the Court will impose. Do you understand that?

THE DEFENDANT: Yes, Your Honor.

THE COURT: If the sentence that I impose is greater than the sentence that you now expect or greater than the sentence that your lawyer or anyone else may have predicted, you will be bound by your guilty plea today, regardless of your sentence. You will not be allowed to change your mind and withdraw your guilty plea because you are not satisfied with your sentence. Do you understand that?

[10] THE DEFENDANT: Yes, Your Honor.

THE COURT: The government has provided the Court with a copy of the written plea agreement. Have you read the agreement?

THE DEFENDANT: Yes, sir.

THE COURT: When did you read it?

THE DEFENDANT: This morning and also again five minutes ago.

THE COURT: Have you talked to your lawyer about

the agreement?

THE DEFENDANT: Yes, Your Honor.

THE COURT: How much time would you estimate you spent talking to your lawyer about the plea agreement?

THE DEFENDANT: About an hour.

THE COURT: Was that sufficient time for your lawyer to answer any questions you had?

THE DEFENDANT: Yes.

THE COURT: Did he answer any questions that you had?

THE DEFENDANT: Yes.

THE COURT: Do you have a copy in front of you?

THE DEFENDANT: Yes, sir.

THE COURT: I want to go over the essential parts again to be sure that you understand them.

In Paragraph 1 you agree to plead guilty to Count 5, which I described earlier.

[11] If you will, please turn to Page 2.

Paragraph 5 says: "Defendant is aware that Title 28 United States Code Section 1291 and Title 18 United States Code Section 3742 afford a defendant the right to appeal the conviction and sentence imposed. Defendant is aware that Title 28 United States Code Section 2255 affords the right to contest or collaterally attack a conviction or sentence after the judgment of the conviction and sentence has become final. Defendant knowingly and voluntarily waives the right to appeal or collaterally attack the conviction and sentence except that the defendant

does not waive the right to raise a claim of ineffective assistance of counsel on direct appeal if otherwise permitted or on collateral review in a motion under Title 28, Section 2255.”

Have you discussed that provision with your lawyer?

THE DEFENDANT: No. Well, I understand it, Your Honor.

THE COURT: Well, let me just be sure. You’re going to be sentenced if I accept your guilty plea. The most frequent basis for an appeal is complaining of this sentence. It’s very unlikely that you could appeal that under this waiver. Basically you’re agreeing to whatever sentence I impose. Do you understand that?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And then the next paragraph: “Defendant [12] waives any and all legal challenges to the prosecution charged in the superseding indictment in this district.”

In other words, you can’t complain that you were charged in the wrong court. Do you understand that?

THE DEFENDANT: Yes Your Honor.

THE COURT: If you will, turn to the next page, Paragraph 8.

“In agreeing to these waivers, defendant is aware that the sentence that not yet been determined by the Court.”

Do you understand that?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And then in Paragraph 9: “Defendant understands and agrees that each and all waivers contained in the agreement are made in exchange for the concessions made by the government in the agreement.”

And the next paragraph, Paragraph 10: “The government agrees to dismiss the remaining counts at the time of sentencing.”

So basically in return for the government’s agreement to dismiss the remaining counts, you’re waiving or giving up your right to appeal and to collaterally attack your conviction and sentence. Do you understand that?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Now, other than the factual basis for your [13] guilty plea, which I will discuss in a moment, have I correctly described your plea agreement as you understand the agreement?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Other than what is stated in the written agreement, has the United States Government made any promises to you in connection with your guilty plea?

THE DEFENDANT: No, Your Honor.

THE COURT: Has the government told you what sentence you will receive if you plead guilty?

THE DEFENDANT: No, Your Honor.

THE COURT: Has your lawyer or anyone else told you what sentence you’ll receive if you plead guilty?

THE DEFENDANT: No, Your Honor.

THE COURT: Has anyone threatened you or forced you to plead guilty?

THE DEFENDANT: No, Your Honor.

THE COURT: In order for the government to prove your guilt as to Count 5, the government would have to show first that you knowingly devised a scheme to defraud; second, that the scheme to defraud employed false material representations; third, that you transmitted or caused to be transmitted by means of wire communications in interstate commerce a writing, sign, signal or picture for the purpose of executing the scheme; and, fourth, that you acted with a specific intent to defraud, that is, intent to deceive and cheat a person for the [14] purpose of bringing about a financial gain.

Now, if you will, please refer back to your plea agreement on Page 6, Paragraph 15.

Paragraph 15 says: "Defendant is pleading guilty because he is, in fact, guilty of the charges contained in Count 5 of the superseding indictment.

"If this case were to proceed to trial, the United States could prove each element of the offense beyond a reasonable doubt. The following facts, among others, would be offered to establish the defendant's guilt."

And then on Page 7 the government sets out the facts it says it could prove at trial.

Mr. Hunter, have you carefully read the facts stated on Page 7?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Are all the facts stated there true?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Did you do everything stated on that page?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And in particular did you open up a fictitious account at the Chase New York Bank under the name of Keesha N. Jones?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And on June 23rd, 2015, did you cause approximately \$38,000 to be transferred electronically from an [15] account of M.A. at Capital One in this district to pay the credit card account opened fictitiously in the name of Keesha N. Jones?

THE DEFENDANT: Yes, Your Honor.

THE COURT: How do you plead to the offense charged against you in Count 5? Guilty or not guilty?

THE DEFENDANT: Guilty, Your Honor.

THE COURT: Mr. Leonard, do you think any other advice of rights is required before I can accept your client's guilty plea?

MR. LEONARD: I do not, Your Honor.

THE COURT: The defendant and counsel may now sign the plea agreement.

It is the finding of the Court that the defendant is fully competent and capable of entering an informed plea of guilty and that the defendant's plea of guilty is a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense. I, therefore, accept your plea and now adjudge you guilty of Count 5 of the superseding



indictment.

Your sentencing will be May 10th at 2 p.m.

Does either counsel wish to say anything else.

MR. LEWIS: No, Your Honor.

MR. LEONARD: Yes, Your Honor. I have two requests. Is it possible for the Court to in any way fast-track the [16] sentencing, in other words, a date sooner than the May date?

THE COURT: Well, yes; but I'm required to give you 35 days to prepare the presentence report and then 35 days to file objections to it. That's the statute. You can file a motion to expedite sentencing and discuss it with probation; but until I see that motion, I'm going to keep the sentencing date.

MR. LEONARD: Understood, Your Honor.

And the second request, would the Court consider a presentence release for my client, Mr. Hunter?

THE COURT: Not given his criminal record, no.

All right. Defendant is remanded to the custody of the marshal. Counsel are excused.

Court is adjourned.

THE MARSHAL: All rise.

(The proceedings were adjourned.)

\* \* \* \* \*

#### COURT REPORTER'S CERTIFICATE

I, David S. Smith, CSR, RPR, CRR, Official Court Reporter, United States District Court, Southern District of Texas, do hereby certify that the foregoing is a true and

correct transcript, to the best of my ability and understanding, from the record of the proceedings in the above-entitled and numbered matter.

/s/ David S. Smith  
Official Court Reporter