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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
vs.)
) No. 1:10-cr-10280-DPW-1
)
MICHAEL R. ANDERSON,)
)
Defendant.)

BEFORE: THE HONORABLE DOUGLAS P. WOODLOCK

PLEA/RULE 11 HEARING

John Joseph Moakley United States Courthouse
Courtroom No. 1
One Courthouse Way
Boston, MA 02210
Tuesday, January 27, 2011
10:35 am.

Brenda K. Hancock, RMR, CRR
Official Court Reporter
John Joseph Moakley United States Courthouse
One Courthouse Way
Boston, MA 02210
(617)439-3214

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APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE
By: Ryan M. DiSantis, AUSA
Victor A. Wild, AUSA
1 Courthouse Way
Boston, MA 02210
On behalf of the United States of America.

ROBERT L. SHEKETOFF, ESQ.
One McKinley Square
Boston, MA 02109
On behalf of the Defendant.

1 (The following proceedings were held in open court
2 before the Honorable Douglas P. Woodlock, United States
3 District Judge, United States District Court, District of
4 Massachusetts, at the John J. Moakley United States Courthouse,
5 One Courthouse Way, Courtroom 1, Boston, Massachusetts, on
6 Tuesday, January 27, 2011):

7 THE CLERK: All rise.

8 (The Honorable Court entered the courtroom at 10:35 a.m.)

9 THE CLERK: This is the matter of United States versus
10 Michael Anderson, Criminal Action 10-10280.

11 THE COURT: Well, I have Mr. Sheketoff's appearance,
12 and I have the revised Plea Agreement, which seems to address
13 the issue that I was concerned about the last time. Are there
14 any other modifications in the Plea Agreement that I might not
15 have noted than the deletion of the references to right of
16 appeal and collateral attack?

17 MR. DeSANTIS: No, your Honor, other than just some
18 general changes to reflect the fact this is not the initial
19 appearance, etc.

20 THE COURT: Yes. All right.

21 Well, based on that, then, what I am going to do is
22 ask Mr. Lovett to swear Mr. Anderson, and I will ask him some
23 questions.

24 DEFENDANT MICHAEL ANDERSON, DULY SWORN BY THE CLERK

25 THE COURT: Mr. Anderson, you may be seated.

1 The purpose of this hearing is like the last one; that
2 is, I want to be sure that you know what you are doing, and
3 what you are doing is voluntary in your intention to plead
4 guilty to some very serious charges. In order for me to do
5 that, I have to ask you some questions. Some of the questions
6 are personal in nature. You will understand I am not trying to
7 delve into your personal life, except as it helps me to decide
8 whether or not you know what you are doing and what you are
9 doing is voluntary.

10 Do you understand?

11 THE DEFENDANT: I do, your Honor.

12 THE COURT: Can you tell me how old a man you are?

13 THE DEFENDANT: Forty-one.

14 THE COURT: How far did you get in school?

15 THE DEFENDANT: A juris doctorate.

16 THE COURT: Were you practicing law for the past 15
17 years?

18 THE DEFENDANT: Ten, your Honor.

19 THE COURT: But up until today have you been
20 practicing law?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: In private practice, is what I am asking.
23 Maybe I should have stated it more broadly.

24 How have you been employed for the last ten years or
25 so?

1 THE DEFENDANT: As an attorney, your Honor.

2 THE COURT: In private practice?

3 THE DEFENDANT: Yes, for the last eight years.

4 THE COURT: And before that?

5 THE DEFENDANT: I was in the public sector, your
6 Honor.

7 THE COURT: Doing what?

8 THE DEFENDANT: Working for the District Attorney's
9 Office.

10 THE COURT: Where?

11 THE DEFENDANT: Middlesex County.

12 THE COURT: Now, have you ever had any problem with
13 substance abuse, either drugs or alcohol?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: Have you ever had occasion to consult with
16 a mental-health professional, like a psychiatrist, or a
17 psychologist, or a psychiatric social worker or anyone like
18 that?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: Are you under the care of a physician for
21 any kind of physical problems?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: Are you taking any prescription drugs?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: What are they?

1 THE DEFENDANT: Pravastatin, which is a generic brand
2 of Lipitor.

3 THE COURT: So, an anticholesterol drug.

4 THE DEFENDANT: Correct.

5 THE COURT: Anything else?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Now, there was a change in your
8 representation here from Mr. Murphy to Mr. Sheketoff. Have you
9 had an adequate opportunity to discuss this case and your
10 agreement to plead guilty with Mr. Sheketoff now?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: And are you satisfied you received from
13 him the kind of legal advice that you need to make your own
14 decision about whether or not to plead guilty?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Now, I made reference to the Plea
17 Agreement in its revised form, which is a letter dated December
18 6, 2010. But in the Plea Agreement -- I want to go through it
19 a little bit.

20 The Plea Agreement has you pleading guilty to three
21 sets of charges. One is so-called Mail (sic) Fraud, one is
22 Bank Fraud -- not Mail Fraud -- Wire Fraud, one set of charges
23 is Bank Fraud, and one is Money Laundering. For the Mail (sic)
24 Fraud counts, and there are 16 of them, the maximum penalty for
25 each of the counts is 20 years in prison, a fine of \$250,000.

1 I said "Mail Fraud," again, I guess. Wire Fraud is
2 what I meant.

3 I saw you poised, Mr. DeSantis, to get up to correct
4 me. I assume that was the correction.

5 MR. DeSANTIS: That was, your Honor. Thank you.

6 THE COURT: I have not done something more that needs
7 correction?

8 MR. DeSANTIS: No, no. Absolutely not.

9 THE COURT: But back to the Wire Fraud, we are talking
10 about serious time, 20 years in prison for each of those
11 counts, a fine of \$250,000 or twice the gross pecuniary benefit
12 or loss, restitution, forfeiture in the amount of the loss, and
13 three years of supervised release and a special assessment on
14 each of those counts of \$100.

15 In connection with the Bank Fraud, it is 30 years in
16 prison for the Counts Seventeen through Twenty-Five, which I
17 suppose is eight counts, a fine of \$1,000,000 or twice the
18 gross pecuniary gain or twice the gross lost, restitution in
19 the amount of the loss, and forfeiture in the amount of the
20 loss, and five years of supervised release, again special
21 assessments of \$100.

22 And then for the Money Laundering, it is up to 10
23 years in prison, a fine of \$250,000 or twice the amount of the
24 criminally derived property, restitution in the amount of the
25 loss, forfeiture in the amount of the loss, three years of

1 supervised release, and a special assessment of \$100. I think
2 there are two counts of Money Laundering charged here. So, it
3 adds up.

4 Do you understand that these are serious offenses with
5 serious potential penalties that can be imposed?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Now, what the parties have done is tried
8 to understand the case from the perspective of the *Sentencing*
9 *Guidelines*, and the *Sentencing Guidelines* are a series of
10 directives to me that tell me what the range of sentence ought
11 to be for someone with your background who has committed these
12 kinds of crimes. There are various kinds of factors that are
13 taken into consideration, and the parties have calculated those
14 factors, including the larger concern about grouping of
15 multiple types of charges, like Mail (sic) Fraud -- Wire Fraud,
16 excuse me -- and Bank Fraud. That tells you how old I am, that
17 I refer to "Mail Fraud" rather than "Wire Fraud."

18 But Wire Fraud and Bank Fraud together are grouped in
19 one category and Money Laundering in another category, and that
20 produces some consequences in terms of the *Guidelines*, and the
21 parties have identified what their respective positions are on
22 these various factors, and there are disputes about some and
23 agreement about others.

24 But have you had an adequate opportunity to discuss
25 with Mr. Sheketoff how those calculations of the *Guidelines*

1 might work in this case --

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: -- and the impact that it might have on my
4 judgment about what the proper sentence will be?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Do you think you know enough about it to
7 be able to plead guilty in the face of uncertainty about what I
8 am going to do in this case?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Now, the parties have also indicated what
11 potential recommendations might be made, and among those
12 potential recommendations the Government says that if you do
13 not cooperate with them, that they are going to recommend
14 something in the guideline range, and they also say if you do,
15 then they will consider making a motion to me to reduce the
16 sentence.

17 Do you understand that that is what is in play here?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Now, I want to emphasize something again.
20 I am not bound by what the Government says; I will make my own
21 determination about it, whether or not they recommend a
22 guideline sentence or ask me to reduce the sentence. You are
23 in a position of pleading guilty without knowing what I am
24 going to do.

25 Do you understand that?

1 THE DEFENDANT: I do, your Honor.

2 THE COURT: And the implication of that is, if you do
3 not like what I do in imposing the sentence, you do not get to
4 withdraw the sentence; you are stuck with it.

5 Do you understand that?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Now, there are particular provisions here
8 for what the Government says is a protection of assets that
9 might be available for purposes of restitution, or forfeiture
10 or fine, and they have indicated, basically, a position that
11 you are not supposed to transfer any assets or anything of
12 interest without their express approval except for superior
13 secured interests in which you have an equity interest of less
14 than \$5,000, in which the defendant has an equity interest of
15 less than \$5,000, the ordinary living expenses, which they say
16 should not exceed \$5,000, your attorney's fees in this case.
17 And, at least as I understand it, that agreement has been
18 effective as of December 6th here.

19 THE DEFENDANT: Yes.

20 THE COURT: You understand you are bound now by
21 controls and constraints by the Government over how you can use
22 your assets?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: And that is part of the Plea Agreement.

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: And the Plea Agreement will be vacated if
2 you do not comply with that.

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Now, there are further discussions of
5 various aspects of the case, including the questions of
6 forfeiture and your obligation to provide information for the
7 Presentence Report. But one thing that this, apparently, does
8 not do is, it does not resolve any civil liability that you
9 might have or any tax liability that you might have.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Do you have any other questions or any
13 questions at all of me regarding this Plea Agreement?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: Do you understand you do not have to plead
16 guilty at all; that under our system of justice a person who is
17 accused of a crime is presumed innocent unless and until the
18 Government proves beyond a reasonable doubt each essential
19 element of the offense charged against that individual? You do
20 not have to do anything at all. You can look the Government
21 straight in the eye and say, "Prove it," and unless and until
22 they do, you cannot be found guilty, unless, of course, you
23 plead guilty.

24 So, by pleading guilty, you are giving up very
25 valuable *Constitutional* rights. Do you understand that?

1 THE DEFENDANT: I do, your Honor.

2 THE COURT: Do you understand you do not have to sit
3 back; you can challenge the Government's case? That is to say,
4 Mr. Sheketoff could cross-examine the Government's witnesses,
5 he could bring in witnesses on your own behalf. If the
6 witnesses would not come in here voluntarily, I would give him
7 Court process to force them to come in here.

8 And you could take the witness stand yourself, or you
9 could choose not to, and if you chose not to, I would tell the
10 jury, and of course I would observe this principle myself if I
11 were the finder of fact, we cannot hold that against you. That
12 is another valuable *Constitutional* right that serves to
13 emphasize that the burden always rests with the Government.
14 The Government cannot force someone, directly or indirectly, to
15 testify or offer evidence himself in response to a criminal
16 accusation.

17 You are giving up all of those rights. Do you
18 understand that?

19 THE DEFENDANT: I do, your Honor.

20 THE COURT: Now, this is a very lengthy indictment, as
21 I recited, or I should say "Information," because you pled to
22 an Information the last time we were here. But this
23 Information charges a fairly complex scheme of what we would
24 call Mortgage Fraud and Money Laundering in connection with it.

25 But the basic charges, as I indicated, are Wire Fraud,

1 Bank Fraud and Money Laundering, and in connection with those
2 charges, do you understand that for Wire Fraud, for example,
3 the Counts One through Sixteen, the Government has to show that
4 you, together with persons who are known and apparently unknown
5 to the Government or to the United States Attorney, devised a
6 scheme to defraud and obtain money by means of material false
7 and fraudulent pretenses and did cause some writings or signals
8 or something to be wired for the purpose of executing the
9 scheme, although those wires do not have to be themselves
10 fraudulent. And then they list for each of those sixteen
11 counts a number of wires of what appears to be money from
12 various accounts here.

13 Now, Wire Fraud can be a somewhat complex kind of
14 charge. Have you had an adequate opportunity to discuss with
15 Mr. Sheketoff the elements the Government has to prove, what
16 they have to develop in this case?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Do you understand the Government has to
19 show that you did this willfully and knowingly; this was not
20 some mistake or you were not paying attention at your law
21 office? You knew what you were doing, and you got yourself
22 involved in this fraud scheme.

23 Do you understand that?

24 THE DEFENDANT: I do, your Honor.

25 THE COURT: Then they have charged you with Bank

1 Fraud, and those are the Counts Seventeen through Twenty-Five.
2 Here they say you knowingly and willfully executed the scheme
3 to defraud the Salem Five Cents Savings Bank by means of false
4 and fraudulent pretenses and representations, and they cite a
5 series of mortgage loans that are a part of that process here.

6 Again, Bank Fraud is a complex charge, or can be a
7 complex charge, and I want to be sure that you have had a full
8 opportunity to have discussed it with Mr. Sheketoff to
9 determine what the Government has to prove and what initiatives
10 you might have to defend against that. Have you done that?

11 THE DEFENDANT: I have, your Honor.

12 THE COURT: And, finally, you have got the charge of
13 what we call Money Laundering. Here what the Government has to
14 show is that you knowingly engaged or attempted to engage in a
15 monetary transaction by or through a financial institution in
16 or affecting interstate commerce involving criminally derived
17 property of a value greater than \$5,000. Here they are
18 referring back, I gather, to certain of the charges that relate
19 to the Wire Fraud. They are talking about wire transfers: One
20 of \$161,115.94, that is Count Twenty-Six, and in Count
21 Twenty-Seven one for \$105,000 involving transfers from your
22 account to some other account.

23 Now, have you had an adequate opportunity to discuss
24 this dimension of the charges against you with Mr. Sheketoff?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: And all of this, I want to be sure you
2 understand, leads to the potential for forfeiture of the monies
3 that are involved here, the proceeds that can be traceable to
4 the commission of the several offenses in this case.

5 Do you understand that you are going to be subject to
6 forfeiture and potentially restitution in this case?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Now, one of the things I have to do is
9 satisfy myself that there is sufficient evidence from which a
10 finder of fact could find you guilty of the offenses that have
11 been charged here, and, in order to do that, I am going to ask
12 Mr. DeSantis, I guess who will be telling us briefly what the
13 Government's evidence would be if this case went to trial.

14 I want you to listen very carefully to what he has to
15 say, because when he is through I am going to turn to you and
16 say, "Is that what happened?" All right?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Mr. DeSantis.

19 MR. DeSANTIS: Thank you very much, your Honor. Your
20 Honor, if this case were to go to trial, the Government would
21 prove beyond a reasonable doubt that the defendant, Michael
22 Anderson, participated in a large-scale mortgage fraud scheme
23 from in or about September of 2006 to in or about April of 2008
24 with others.

25 In essence, the defendant and others defrauded

1 mortgage lenders and obtained monies, funds, credits, assets
2 and other property --

3 THE COURT: Mr. DeSantis, you are doing what I do,
4 which is, when I read, I read fast, and it is hard for the
5 court reporter. So, if you can try to pace yourself a little
6 bit.

7 MR. DeSANTIS: Thank you, your Honor. I apologize for
8 that. I didn't recognize that.

9 In essence, the defendant and others defrauded
10 mortgage lenders and obtained money, funds, credits, assets and
11 other property owned by and under the custody and control of
12 mortgage lenders by means of material false and fraudulent
13 pretenses, representations and promises in connection with the
14 financing of residential real estate purchases in Massachusetts
15 by straw buyers recruited by the defendant and/or others.

16 The general description of the fraud scheme here is
17 found at paragraphs 15 through 17 of the Information.
18 Basically what happened was, a developer, Michael David Scott,
19 and others identified multi-family buildings for purchase and
20 resale. Mr. Anderson, a developer and others, recruited straw
21 buyers to purchase units in buildings as so-called investments.

22 The straw buyers in many cases were paid for their
23 participation, and the straw buyers were also promised in many
24 cases several things. They were promised that loans to
25 purchase properties would be obtained in their names; they were

1 promised that no down payments or the paying of funds in
2 connection with closings would be necessary by them; they were
3 promised that properties would be maintained on behalf of the
4 straw buyers; they were promised that tenants would be found
5 for the straw buyers and mortgage payments would be made from
6 rents; they were also promised that mortgage payments would be
7 covered for in some cases up to a year; and they were promised
8 that they would share in the proceeds when the properties were
9 sold.

10 Mr. Scott and others engaged mortgage brokers and loan
11 originators to prepare fraudulent loan applications to secure
12 mortgage loan financing. Mr. Scott and others also arranged
13 for the preparation of fraudulent loan applications that
14 falsely reflected information such as that relating to purchase
15 price, the intent of straw buyers to occupy properties as
16 primary or secondary residences, and that straw buyers owned
17 substantial bank account assets in their names.

18 Mr. Anderson conducted the closings in many of these
19 transactions and with others arranged to prepare loan closing
20 documents, specifically HUD-1 settlement statements, that
21 falsely represented straw buyers made down payments and paid
22 other funds in connection with the closings in these property
23 transactions.

24 Mr. Anderson and others caused lenders to wire loan
25 proceeds to Mr. Anderson's bank account through the use of the

1 interstate wires. Mr. Anderson and others then caused loan
2 proceeds to be disbursed to Mr. Scott, the developer and
3 others.

4 Following the closings of these property transactions
5 and the disbursement of loan proceeds, Mr. Scott would tender
6 to Mr. Anderson funds in amounts falsely represented on HUD-1
7 settlement statements as having been paid by the straw
8 borrowers (ph) in these cases. Most of the properties here,
9 your Honor, went into default, and some of them went into
10 foreclosure.

11 There are specific property transactions that are
12 described in the Information in this case, and they are set
13 forth in detail at pages 6 through 19 of the Information, and
14 the charged property transactions are identified again at Pages
15 20 and 25 in the counts set forth in the Information. In
16 essence --

17 THE COURT: 20 through 25 you mean?

18 MR. DeSANTIS: Yes.

19 THE COURT: You said "20 and 25."

20 MR. DeSANTIS: Oh, I'm sorry. 20 through 25.

21 THE COURT: Just so I am clear, sorry to interrupt
22 you, but are the counts in Bank Fraud and Wire Fraud
23 overlapping, or are they independent, separate charges?

24 MR. DeSANTIS: They are independent, separate charges
25 relating to the unique property transactions, and the Money

1 Laundering charges relate to unique wire frauds that were not
2 charged as specific counts in the Wire Fraud section of this
3 Information.

4 Your Honor, with regard to the property specifics, Mr.
5 Anderson was the closing attorney on each of the transactions
6 that are charged as counts in this information, and some of
7 these properties, obviously, had multiple loans.

8 Mr. Anderson signed certifications on HUD-1 settlement
9 statements, stating that they accurately reflected transactions
10 when, in fact, they contained material false representations
11 regarding in nearly every case cash collected from straw buyers
12 at the closing and/or in some cases false down payments, down
13 payments that had not been made by straw borrowers (ph).

14 Mr. Anderson then collected the loan closing documents
15 and caused them to be submitted to lenders. After mortgage
16 lenders had wired funds into Mr. Anderson's IOLTA account, he
17 disbursed the proceeds to the developer and others, knowing
18 that they were obtained by fraud, and the developer, Mr. Scott,
19 would tender funds after closing that had been falsely
20 represented on these HUD-1 settlement statements as having been
21 paid by the straw borrowers (ph) in this case.

22 Your Honor, with regard to the Wire Fraud counts,
23 Counts One through Sixteen, the scheme perpetrated by
24 Mr. Anderson and others caused these interstate wires, which
25 are described again in detail on pages 20, 21 and 22 of the

1 Information.

2 With regard to the Bank Fraud counts, again,
3 Mr. Anderson and others perpetrated the scheme that caused the
4 federally insured institution, Salem Five Cents Savings Bank
5 referenced in the Counts Seventeen through Twenty-Five, the
6 nine counts there of the Information, to approve and issue
7 these loan proceeds.

8 And, finally, your Honor, with regard to the Money
9 Laundering counts, Mr. Anderson engaged in the monetary
10 transactions described in these two counts as set forth. Both
11 of the transactions were for amounts well over \$10,000, and the
12 proceeds, as Mr. Anderson knew at the time, were obtained
13 through the Wire Frauds that are described in the Specified
14 Unlawful Activities section of page 25, Counts Twenty-Six
15 through Twenty-Seven.

16 Your Honor, these are the facts that the Government
17 would prove beyond a reasonable doubt if this case were to go
18 to trial. Thank you.

19 THE COURT: All right. Thank you.

20 So, you have heard what Mr. DeSantis tells me the
21 evidence would be if this case went to trial. Do you dispute
22 any of that?

23 THE DEFENDANT: Your Honor, I agree with the facts
24 that were stated by Mr. DeSantis. I understand the facts -- as
25 they might differ slightly, I understand that they would meet

1 the elements that were required under the charges.

2 THE COURT: Well, is there anything that you
3 understand to be significant in the facts as stated by
4 Mr. DeSantis that you disagree with?

5 THE DEFENDANT: For the most part, no, your Honor.

6 THE COURT: Well, which causes me to say what about
7 the other part?

8 (Atty. Sheketoff conferring with defendant off the record)

9 MR. SHEKETOFF: There are portions of the statement
10 read by the prosecutor that involve what other people knew, so
11 he is not exactly sure what other people knew. For instance,
12 he wasn't involved in creating the false loans, those
13 applications and things like that. I mean, he believes that
14 that is what occurred, but he didn't --

15 THE COURT: Well, and he knew at the time that they
16 were false loans. Is that right or wrong?

17 MR. SHEKETOFF: He knew there were straw buyers. He
18 knew that down payments hadn't been made. He knew that money
19 was going to come back from the person he disbursed the money
20 to, the developer, back to him. So, he knew enough that all
21 the elements are met, but that the developer was creating false
22 loan application documents was not something that -- that's not
23 a part of the conspiracy he was involved in.

24 Does that make sense, your Honor?

25 THE COURT: Well, it does. It is a refinement, and it

1 does not mean that there are not sufficient facts here.

2 But I want to understand, and I will hear from the
3 Government too, precisely what Mr. Anderson is saying. That
4 is, he knew there was a scheme in play to defraud either as
5 Wire Fraud or Bank Fraud in connection with this but did not
6 understand all of the particulars of the documentation that was
7 being submitted. Is that a fair way of summarizing it?

8 MR. SHEKETOFF: Yes.

9 THE COURT: Is the Government asking me to do anything
10 further at this point?

11 MR. DeSANTIS: No, your Honor. I believe that inquiry
12 is sufficient.

13 THE COURT: So, Mr. Anderson, based on what I have
14 heard today, I find that there is sufficient facts for a finder
15 of fact to find you guilty of the offenses charged.

16 Mr. DeSantis, do you know of any reason why I should
17 not accept the plea of guilty?

18 MR. DeSANTIS: I do not, your Honor?

19 THE COURT: Mr. Sheketoff, do you know of any reason?

20 MR. SHEKETOFF: I do not.

21 THE COURT: So, I will ask Mr. Lovett to inquire of
22 Mr. Anderson.

23 THE CLERK: Mr. Anderson, on Criminal No. 10-10280,
24 Counts One through Sixteen of the Information charge you with
25 Wire Fraud in violation of Title 18 United States Code 1343;

1 counts Seventeen through Twenty-Five of the Information charge
2 you with Bank Fraud in violation of Title 18 United States Code
3 1344; and Counts Twenty-Six through Twenty-Seven of the
4 Information charge you with Unlawful Monetary Transactions in
5 violation of Title 18 United States Code 1957.

6 What say you as to Counts One through Sixteen, guilty
7 or not guilty?

8 THE DEFENDANT: Guilty.

9 THE CLERK: What say you as to Counts Seventeen
10 through Twenty-Five, guilty or not guilty?

11 THE DEFENDANT: Guilty.

12 THE CLERK: And what say you as to Counts Twenty-Six
13 and Twenty-Seven, guilty or not guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: You may be seated.

16 Based on the discussion we have had this morning, I
17 find that your decision to plead guilty is a knowing and
18 voluntary one, and, as I have said, is supported by substantial
19 evidence from which a finder of fact could find you guilty of
20 the several offenses charged. Accordingly, you are now
21 adjudged guilty of those offenses.

22 The next formal event in this case is sentencing. I
23 am going to set the sentencing on April 21st at 2:00 p.m. I
24 understand that there may be reasons to continue the sentencing
25 at some point, but it has been my practice to get the Probation

1 Office of the Court at work at preparing a Presentence Report,
2 which may or may not have to be amended at a later point. But
3 the purpose is to get things in place so that when sentencing
4 actually takes place we can move forward on it.

5 Now, we do have the question, I think, of release
6 here.

7 Does the Government have a recommendation with respect
8 to that?

9 MR. DeSANTIS: Your Honor, the Government would
10 recommend that the current conditions be kept in place.

11 THE COURT: Now, is there anything else that we need
12 to take up at this point?

13 MR. DeSANTIS: Your Honor, just one other minor
14 matter. The Government has filed --

15 THE COURT: A Motion to Seal?

16 MR. DeSANTIS: Yes.

17 THE COURT: Yes. That will be allowed.

18 MR. DeSANTIS: Thank you, your Honor.

19 THE COURT: If there is nothing further, then we will
20 be in recess.

21 THE CLERK: All rise.

22 (The Honorable Court exited the courtroom at 11:05 a.m.)

23 (WHEREUPON, the proceedings adjourned at 11:05 a.m.)

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C E R T I F I C A T E

I, Brenda K. Hancock, RMR, CRR and Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of *United States of America v Michael Anderson*, No. 1:10-cr-10280-DPW-1.

Date: July 13, 2011

/s/ Brenda K. Hancock

Brenda K. Hancock, RMR, CRR
Official Court Reporter