

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE PAPADOPOULOS,

Defendant.

Criminal Action
No. 1:17-cr-00182-RDM

Washington, DC
October 5, 2017

2:12 p.m.

TRANSCRIPT OF ARRAIGNMENT/PLEA AGREEMENT HEARING
BEFORE THE HONORABLE RANDOLPH D. MOSS
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES

For the Plaintiff:

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Proceedings recorded by realtime stenographic shorthand;
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P R O C E E D I N G S

1
2 **DEPUTY CLERK:** Criminal action 17-182, the United
3 States of America versus George Papadopoulos. Will counsel
4 please approach the podium and identify yourselves for the
5 record.

6 **MR. GOLDSTEIN:** Good afternoon, your Honor.
7 Andrew Goldstein and Aaron Zelinsky from the Special
8 Counsel's Office representing the United States. And with
9 us at counsel table is FBI Special Agent Curtis Heidi.

10 **THE COURT:** Good afternoon to all of you.

11 **MR. STANLEY:** Good afternoon, your Honor. Robert
12 Stanley and Tom Breen on behalf of Mr. Papadopoulos who's at
13 counsel table.

14 **THE COURT:** Good afternoon to all three of you.

15 **MR. BREEN:** Good afternoon, your Honor.

16 **THE COURT:** First of all, we're proceeding today
17 under seal. I assume that everyone in the courtroom here is
18 affiliated with one of the parties in the case, is that
19 correct?

20 **MR. GOLDSTEIN:** That's correct, your Honor.

21 **THE COURT:** So today's proceeding will be under
22 seal. I want to come back to that issue at the end of
23 today's proceedings. I wanted to just touch on a couple of
24 preliminary matters before we get to the arraignment,
25 principally just putting a couple of things on the record.

1 The first thing I wanted to note for the record
2 was that I did meet briefly earlier this week with
3 Mr. Zelinsky and Mr. Goldstein. They indicated that that
4 was with the consent of Mr. Papadopoulos' counsel, and it
5 was for purposes of really discussing procedural issues and
6 the sealed nature of the proceeding. I had a brief follow
7 up conversation with Mr. Zelinsky. Nothing was disclosed to
8 me in the course of those conversations that has not
9 appeared in the papers that have been filed in this
10 proceeding.

11 If there's anything that either Mr. Goldstein or
12 Mr. Zelinsky wants to add by way of clarification, you're
13 welcome to do so.

14 **MR. GOLDSTEIN:** Nothing, your Honor.

15 **THE COURT:** Okay, thank you. Let me simply for
16 purposes of the record ask Mr. Breen or Mr. Stanley if you
17 would confirm just for the record that that was with your
18 consent?

19 **MR. STANLEY:** It was, your Honor.

20 **THE COURT:** Okay, thank you. The other thing I
21 wanted to just put on the record is that as some of you may
22 know, I was a partner at Wilmer, Cutler, Pickering, Hale &
23 Dorr before I became a judge. Mr. Mueller and Ms. Rhee,
24 who's on the papers in this case, and some of the other
25 lawyers from that office were also previously lawyers at

1 Wilmer, Cutler, Pickering, Hale & Dorr. I know them, I've
2 worked with some of them, but that's true of many lawyers
3 who appear in front of me. I of course did not work with
4 them on anything even remotely related to this case or these
5 proceedings.

6 I wanted to make sure that you were all aware of
7 this fact. It doesn't strike me as raising any concerns or
8 recusal issues. I left the firm in December of 2014, so
9 it's been almost three years since I left the firm. I have
10 no continuing connection to the firm. I don't, for example,
11 receive any retirement payments from the firm. Mr. Mueller
12 and Ms. Rhee and the others of course have all left the firm
13 as well. So I don't see an issue here, but I did want to
14 put it on the record.

15 If anyone wanted to raise anything with me with
16 respect to that, I would welcome that.

17 **MR. BREEN:** Your Honor, the firm hasn't been the
18 same since you left. We have no objection to that.

19 **THE COURT:** Well, thank you for that. So why
20 don't we start with the arraignment then of
21 Mr. Papadopoulos. If I could ask that you and your counsel
22 come to the podium.

23 **DEPUTY CLERK:** May the record reflect that the
24 Defendant has received a copy of the information. George
25 Papadopoulos, in criminal case 17-182 in which you are

1 charged by an information on count one, false statements, do
2 you waive the formal reading of the information and how do
3 you wish to plea?

4 **MR. STANLEY:** We waive formal reading.

5 **THE DEFENDANT:** I plead guilty.

6 **THE COURT:** Okay, thank you. So we'll now go
7 through a much longer process to confirm that that's the
8 plea that you really want to enter in this case. Before we
9 do so, let me ask that the Deputy Clerk place
10 Mr. Papadopoulos under oath.

11 **DEPUTY CLERK:** Please raise your right hand. Do
12 you solemnly swear that you will well and truly answer all
13 questions propounded to you by the Court, so help you God?

14 **THE DEFENDANT:** I do.

15 **THE COURT:** So Mr. Papadopoulos, do you understand
16 that you're under oath, and if you don't answer the Court's
17 questions truthfully today that you could be prosecuted for
18 perjury or for making false statements?

19 **THE DEFENDANT:** Yes.

20 **THE COURT:** The purpose of today's hearing,
21 Mr. Papadopoulos, is for you to make an important decision:
22 A decision about whether you want to go to trial in the case
23 and put the Government to its burden of proof or whether you
24 would like to enter a plea of guilty. Before you make such
25 a serious decision, I think we all want to make sure that

1 you understand your rights, understand what you're pleading
2 to and the terms of the agreement. So we're going to go
3 through all of that in some detail.

4 If at any point during today's proceedings there's
5 anything that you feel as though you don't understand or
6 would like clarification on, you're welcome to take a break
7 and confer with your counsel. You're welcome to ask me a
8 question at any point. Our goal here is just to make sure
9 that when you make your decision at the end of today's
10 proceeding, you're making a knowing, informed and voluntary
11 decision, okay?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** So let me ask you to have a seat for a
14 moment. I'm going to ask that the Government come up and
15 state the original charges against Mr. Papadopoulos, and
16 then indicate what, if any, charges will be dropped as a
17 condition or term of the plea.

18 **MR. GOLDSTEIN:** Thank you, your Honor. The
19 Defendant was charged by complaint with one count of a
20 violation of 18 U.S.C. 1001, false statements; and one count
21 of deletion or destruction of records under 18 U.S.C. 1519.
22 In this proceeding, the Defendant is only pleading guilty to
23 one count of false statements, 18 U.S.C. 1001.

24 **THE COURT:** And what are the terms of the plea
25 agreement?

1 **MR. GOLDSTEIN:** The terms of the plea agreement
2 are that the Defendant is pleading guilty, acknowledging the
3 statement of the offense and all of the conduct that is set
4 forth in the statement of the offense. The Defendant is
5 waiving his right to appeal his sentence except under
6 limited circumstances. And the Defendant is also waiving
7 venue to the extent that there's any challenge to venue in
8 this proceeding.

9 And the Government in the agreement agrees to
10 bring to the Court's attention at sentencing the Defendant's
11 efforts to cooperate with the Government on the condition
12 that the Defendant continue to meet with and provide
13 information to the Government on request.

14 **THE COURT:** Okay, thank you. So Mr. Papadopoulos,
15 you and your counsel are welcome to come back up.

16 So Mr. Stanley, did Mr. Goldstein accurately state
17 the terms of the plea agreement?

18 **MR. STANLEY:** He did, your Honor.

19 **THE COURT:** And Mr. Papadopoulos, do you
20 understand that those are the terms of the agreement?

21 **THE DEFENDANT:** Yes, I do, your Honor.

22 **THE COURT:** How old are you?

23 **THE DEFENDANT:** I'm 30 years old.

24 **THE COURT:** And how far did you go in school?

25 **THE DEFENDANT:** I have a Master's degree.

1 **THE COURT:** Were you born in the United States?

2 **THE DEFENDANT:** Yes, Chicago.

3 **THE COURT:** And you're a U.S. citizen I assume?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** In the last 48 hours, have you taken
6 any alcohol, drugs or medicine that could affect your
7 ability to understand what you're doing by pleading guilty?

8 **THE DEFENDANT:** No, your Honor.

9 **THE COURT:** Have you ever received any treatment
10 for any type of mental illness or emotional disturbance?

11 **THE DEFENDANT:** No, your Honor.

12 **THE COURT:** Have you received a copy of the
13 information pending against you? Those are the written
14 charges that you entered your plea to just a few moments
15 ago. Have you received a copy of those?

16 **THE DEFENDANT:** Yes, I have.

17 **THE COURT:** And have you had a chance to read
18 those carefully?

19 **THE DEFENDANT:** Yes, I have.

20 **THE COURT:** And have you had a chance to confer
21 with your counsel about those?

22 **THE DEFENDANT:** Yes, I have.

23 **THE COURT:** Did you understand what's in those
24 charges?

25 **THE DEFENDANT:** Yes.

1 **THE COURT:** Are you satisfied with the services of
2 your lawyers in this case?

3 **THE DEFENDANT:** Yes, I am.

4 **THE COURT:** And have you had enough time to talk
5 with your lawyers about your case?

6 **THE DEFENDANT:** Yes, I have.

7 **THE COURT:** And have you had enough time to talk
8 with your lawyers about the plea offer and whether you
9 should accept it?

10 **THE DEFENDANT:** Yes, I have.

11 **THE COURT:** Mr. Papadopoulos, I want to explain to
12 you certain rights that you have in this matter. Listen
13 carefully, and any questions you have, feel free to ask me
14 or feel free to take a moment to confer with your counsel.

15 First, do you waive any objection to venue in the
16 District of Columbia?

17 **THE DEFENDANT:** Yes, I -- yes.

18 **THE COURT:** So I'm going to sign -- do we have a
19 waiver for the actual form for that?

20 **DEPUTY CLERK:** There's no waiver of venue, your
21 Honor, because it's part of the plea agreement.

22 **THE COURT:** All right. I will make a finding on
23 the record that Mr. Papadopoulos has waived venue or any
24 objection to venue in the District of Columbia.

25 Do you also understand that if the Government were

1 to proceed against you, that you would have a right to
2 require that they proceed by grand jury indictment? In
3 other words, that would mean that the Government would have
4 to convince 12 grand jurors out of at least 16, and at most
5 23, that there's probable cause that the crime that is
6 alleged against you was committed and that you committed
7 that crime?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** And do you understand that you're
10 giving up your right to put the Government to its burden of
11 convincing a grand jury that there's probable cause?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** So I think I have the waiver. I have
14 a waiver of indictment which has been signed. Do you have
15 in front of you, Mr. Papadopoulos, this waiver of
16 indictment?

17 **MR. STANLEY:** We do not, there was only one.

18 **THE COURT:** Let me just make sure that you've
19 taken a look at that. I just want to make sure that's your
20 signature?

21 **THE DEFENDANT:** Yes, it is.

22 **THE COURT:** So I'm going to go ahead and sign that
23 document as well then. Do you understand, Mr. Papadopoulos,
24 that you have a right to plead not guilty and have a trial
25 in this case?

1 **THE DEFENDANT:** Yes, I do.

2 **THE COURT:** And if you plead not guilty, do you
3 understand that you would have a right to a jury trial?
4 That would mean that 12 citizens would sit in the jury box,
5 and they would decide your innocence or guilt based solely
6 on the evidence presented in the courtroom?

7 **THE DEFENDANT:** Yes, I do.

8 **THE COURT:** And do you understand that if you had
9 a trial, you'd have a right to be represented by your lawyer
10 at that trial and at every other stage of the proceeding?

11 **THE DEFENDANT:** Yes, I do.

12 **THE COURT:** And do you understand that at trial,
13 you'd have a right through your lawyer to confront and
14 cross-examine any witnesses against you?

15 **THE DEFENDANT:** Yes, I do.

16 **THE COURT:** And do you understand that at trial
17 you would have a right to present your own witnesses, and
18 you would have the right to require or to compel them to
19 come to court and to testify in your case?

20 **THE DEFENDANT:** Now I do, yes.

21 **THE COURT:** Do you have any questions about that?

22 **THE DEFENDANT:** No.

23 **THE COURT:** Do you understand that if there were a
24 trial, you'd have a right to testify and present evidence on
25 your own behalf but that you wouldn't have to do that; you

1 wouldn't have to testify or present evidence? And that's
2 because it's the Government that has the burden of proving
3 your guilt beyond a reasonable doubt?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** And do you understand that if you
6 decided not to testify in the case, that you could request
7 that I instruct the jury and I would instruct the jury that
8 the jury could not hold against you the fact that you were
9 not testifying?

10 **THE DEFENDANT:** Yes, now I do.

11 **THE COURT:** Do you understand that unless and
12 until I accept your guilty plea, you're presumed by the law
13 to be innocent because it's the Government's burden to prove
14 your guilt beyond a reasonable doubt; and that you cannot be
15 convicted at trial until the Government carries that burden?

16 **THE DEFENDANT:** Yes.

17 **THE COURT:** And do you understand that if you went
18 to trial and you were convicted, you'd have a right to
19 appeal your conviction to the Court of Appeals and to have
20 the assistance of a lawyer in preparing your appeal?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** And do you understand that by pleading
23 guilty, you're giving up your rights to appeal with certain
24 exceptions? And I want to take a minute to go through the
25 exceptions. The exceptions are that you can appeal your

1 conviction if you believe that your guilty plea was somehow
2 unlawful or involuntary or there was some other fundamental
3 defect in the proceeding that was not waived by your guilty
4 plea. If you're unable to pay the cost of appeal, you may
5 appeal what's referred to as in forma pauperis which means
6 without paying the fee. If you appealed in forma pauperis,
7 the Clerk of the Court would prepare the notice of appeal
8 for you.

9 In addition, under the terms of the plea
10 agreement, you're agreeing to waive your right to appeal
11 your sentence in the case except to the extent that I were
12 to impose a sentence that was above the statutory maximum or
13 guidelines range or if you assert that you received
14 ineffective assistance of counsel in which case you could
15 appeal.

16 But as to all of this, you would be limited to
17 appealing just to those issues?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** And do you understand that you're also
20 agreeing to waive your right to bring what we refer to as a
21 collateral challenge? And that's a separate motion or
22 action that is brought after you're sentenced in the case
23 that would challenge your conviction or your sentence. And
24 under the terms of the agreement, you're waiving your right
25 to bring a collateral challenge except to the extent that

1 such a motion or action is based on newly discovered
2 evidence or on a claim that you received ineffective
3 assistance of counsel?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** And do you also understand that you're
6 reserving your right to seek a reduction in your sentence if
7 the United States Sentencing Commission lowers the
8 applicable sentencing range at a later date; but that under
9 the terms of your agreement, you're agreeing to waive your
10 right to appeal any denial of such a motion?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** And finally, as part of the plea
13 agreement, you're also waiving your right to request records
14 from any department or agency of the United States
15 pertaining to the investigation or prosecution in this case.
16 And that would mean records that you might otherwise be able
17 to seek under FOIA or the Privacy Act?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** I have one question about this, and it
20 may be because the independent counsel in front of me today,
21 they haven't been confronted with this. Our U.S. Attorney's
22 Office has been confronted with this recently. The D.C.
23 Circuit several months ago decided a case called Price
24 versus the Department of Justice in which the Court held
25 that district courts should decline to enforce plaintiffs'

1 plea agreements that waive their FOIA rights unless the
2 Government is able to articulate a legitimate criminal
3 justice interest for doing so. In that case, the Court held
4 that the Government had failed to do so.

5 I've had this come up in a number of cases. At
6 times, the Government has simply agreed to drop that
7 provision from the plea agreement. Otherwise, I think what
8 I would need is some showing that there's some particular
9 reason in this case why the waiver of FOIA rights serves a
10 criminal justice interest.

11 **MR. ZELINSKY:** Your Honor, the criminal justice
12 interest being vindicated here is there's a large scale
13 ongoing investigation of which this case is a small part.
14 FOIA matters related to Mr. Papadopoulos, particularly as
15 relates to his plea and as set forth in the statement of
16 facts, will necessarily involve potential disclosure of a
17 wide variety of information related to those ongoing
18 investigative matters.

19 **THE COURT:** Let me hear from Mr. Papadopoulos'
20 counsel.

21 **MR. BREEN:** If we can have just a moment, your
22 Honor.

23 (Brief pause in the proceedings)

24 **MR. STANLEY:** Your Honor, I would just add that
25 under FOIA, if Mr. Papadopoulos requested something and it

1 was part of an ongoing investigation, the Government could
2 just simply deny it under FOIA I would assume.

3 **THE COURT:** I think that's right, although I do
4 think that I could understand why it might be a legitimate
5 law enforcement concern if they had an ongoing investigation
6 in which they were devoting a lot of resources and time to,
7 that they wouldn't have to necessarily go through the --
8 have to sort of anytime soon go through the process of doing
9 detailed declarations to a court to support the proposition
10 that in that particular case, that it would undermine the
11 process.

12 I'm wondering if maybe the right way to handle
13 this under the present circumstances is if we might agree to
14 just time limit this in some way so that Mr. Papadopoulos is
15 not permanently barred from filing a FOIA request for
16 records that could relate to this, but also respects that
17 law enforcement issues have been articulated. I don't know
18 what that time period would be, but perhaps we can just add
19 a number of months or years to the provision.

20 **MR. ZELINSKY:** I think that would be acceptable,
21 your Honor. The other important factor in this case is that
22 in the process of his ongoing efforts to cooperate, the
23 Government has shared substantial information with the
24 Defendant that has provided a road map of sorts, if you
25 will, to information that might then be sought on FOIA.

1 And it will chill the Government's ability to
2 continue to have the Defendant cooperate if the information
3 that's being provided by the Defendant and the continued
4 efforts to jog his memory are then used to create a road map
5 to the ongoing investigation and the FOIA requests that
6 would ensue from that.

7 **THE COURT:** Mr. Stanley?

8 **MR. STANLEY:** I would just say that
9 Mr. Papadopoulos at this time has no intention of issuing
10 FOIA requests, and we are fine with putting a time limit on
11 this.

12 **THE COURT:** So why don't we do that. What I would
13 suggest we do is under the circumstances, I think it's
14 appropriate to come up with a pretty generous window. I'm
15 not asking the Government to be in a position in which it is
16 articulating today in a document that may -- when this
17 proceeding is unsealed, then represents a statement of when
18 the Government actually sees this investigation coming to a
19 close.

20 **MR. ZELINSKY:** Your Honor, perhaps we could put
21 for the length of the Special Counsel's investigation?

22 **THE COURT:** Why don't we do that. Is that
23 acceptable?

24 **MR. STANLEY:** That's fine with us, your Honor.

25 **THE COURT:** So let me hand the plea agreement back

1 to you. If I can just ask that you pencil that in perhaps
2 and initial it.

3 **MR. ZELINSKY:** Your Honor, just to put on the
4 record, the information I was referring to earlier -- that
5 is, that the Government has shared with Mr. Papadopoulos, is
6 all information that Mr. Papadopoulos either created or
7 would have access to initially and was found as a result of
8 searches. The Government was not in any way giving him
9 information that he might not at one point have seen or had
10 access to. We're showing him things that he was unaware of
11 in an attempt to refresh his recollection.

12 **THE COURT:** Okay, I appreciate that clarification,
13 thank you.

14 Mr. Papadopoulos, those are your initials?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Okay, thank you. Mr. Papadopoulos, on
17 the final page of this document, the plea agreement, am I
18 correct that that's your signature?

19 **THE DEFENDANT:** Yes, it is, your Honor.

20 **THE COURT:** Mr. Papadopoulos, going back to all
21 the rights that I just described to you that you have. Do
22 you understand that if you plead guilty in this case, you're
23 giving up all those rights because there's not going to be a
24 trial in the case?

25 **THE DEFENDANT:** Yes, I do, your Honor.

1 **THE COURT:** Mr. Papadopoulos, what I'm going to do
2 now is I'm going to ask that Mr. Goldstein or Mr. Zelinsky
3 come back up to the podium. What I'm going to ask them to
4 do is to describe in detail what the Government submits it
5 believes it would be able to prove beyond a reasonable doubt
6 if this case were to go to trial.

7 I'm going to ask that you listen very carefully to
8 what they say. When they're done, I'm going to ask that you
9 come back up and I'm going to ask you whether everything
10 they've said is absolutely true or whether there's anything
11 that needs to be clarified, modified or was incorrect, okay?

12 **THE DEFENDANT:** Absolutely, yes.

13 **THE COURT:** Okay, thank you. Mr. Goldstein?

14 **MR. GOLDSTEIN:** Thank you, your Honor. A fuller
15 recitation of the offense conduct is set forth in the
16 statement of offense that's attached to the plea agreement
17 and that the Defendant signed. But for the purposes of this
18 proceeding, the Government would be able to prove at trial
19 that the Defendant was interviewed by the FBI on
20 January 27th, 2017. During that voluntary interview, the
21 agents with the FBI asked the Defendant a series of
22 questions that pertained to the FBI's ongoing investigation
23 into Russia's efforts to interfere with the 2016
24 presidential election; and whether there was any
25 coordination between the campaign of candidate Donald Trump

1 and Russia's efforts to interfere in the election.

2 In the course of that interview, the Defendant
3 made a series of deliberate false statements and deliberate
4 omissions that are including, but not limited to, the timing
5 of when he met certain individuals that the Defendant
6 understood had substantial connections to high-level Russian
7 government officials; and the extent and the nature of his
8 communication with those individuals and with certain
9 Russian nationals that he was communicating with during the
10 campaign.

11 The Government would be able to prove this conduct
12 by, among other evidence, a record of the statement itself
13 which was recorded; e-mails; text messages; communications
14 via social media such as Facebook; Skype records; records of
15 internet searches; location data; and other evidence which
16 would show that the Defendant's statements that were made
17 during that January 27th interview were false. And that he
18 knew that they were false at the time they were made, and
19 that there was a deliberate effort to provide false
20 information to the Government.

21 **THE COURT:** Okay, thank you. Mr. Papadopoulos,
22 you're welcome to come back up with your counsel.

23 Mr. Papadopoulos, is what Mr. Goldstein just
24 described completely accurate?

25 **THE DEFENDANT:** I believe so, yes.

1 **THE COURT:** Anything that you think needs to be
2 modified or clarified with respect to what he said?

3 **THE DEFENDANT:** No.

4 **THE COURT:** And Mr. Stanley, do you concur in
5 that?

6 **MR. STANLEY:** I do, your Honor.

7 **THE COURT:** Mr. Stanley, if the Government were to
8 take its case to trial, do you concur that the Government
9 would be able to prove each of the necessary elements of the
10 offense beyond a reasonable doubt?

11 **MR. STANLEY:** Yes, your Honor.

12 **THE COURT:** Mr. Papadopoulos, do you have in front
13 of you the statement of offense?

14 **THE DEFENDANT:** Yes, I do, your Honor.

15 **THE COURT:** And did you read that document
16 carefully?

17 **THE DEFENDANT:** Yes, I did, your Honor.

18 **THE COURT:** Is everything in that document true?

19 **THE DEFENDANT:** Yes, it is, your Honor.

20 **THE COURT:** Is that your signature at the final
21 page, page 14?

22 **THE DEFENDANT:** Yes, it is, your Honor.

23 **THE COURT:** Is there anything in that document
24 that you think needs to be clarified or amended?

25 **THE DEFENDANT:** No, your Honor.

1 **THE COURT:** So now I want to take a few moments
2 talking about the plea agreement and the potential sentence
3 in the case.

4 Do you have a copy of the plea agreement in front
5 of you, Mr. Papadopoulos?

6 **THE DEFENDANT:** Yes, I do, your Honor.

7 **THE COURT:** Have you had a chance to read that
8 carefully?

9 **THE DEFENDANT:** Yes, I have, your Honor.

10 **THE COURT:** Do you understand what's in that
11 document?

12 **THE DEFENDANT:** Yes, I do.

13 **THE COURT:** Have you had a chance to talk in
14 detail with your lawyers about that document?

15 **THE DEFENDANT:** Yes, I have.

16 **THE COURT:** Have you had a chance to ask them any
17 questions you might have about what's in the plea agreement?

18 **THE DEFENDANT:** Yes, I have.

19 **THE COURT:** Do you understand that you are
20 agreeing to plead guilty to one count of making a false
21 statement to the Federal Bureau of Investigation in
22 violation of 18 U.S.C. section 1001?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** Do you understand that the count of
25 making a false statement to the FBI carries a maximum

1 sentence of five years of imprisonment?

2 **THE DEFENDANT:** Yes, I do.

3 **THE COURT:** And do you understand that in addition
4 to your sentence of imprisonment, I may sentence you to a
5 maximum term of three years of supervised release? And that
6 means that after you're released from prison, if you do
7 serve a period of time in prison, that it will be subject to
8 certain conditions; and if you violated those conditions you
9 could go back to prison?

10 **THE DEFENDANT:** Yes, I do.

11 **THE COURT:** Do you understand that in addition to
12 or in place of any sentence of incarceration I may impose on
13 this count, the count also carries a maximum fine of
14 \$250,000?

15 **THE DEFENDANT:** Yes.

16 **THE COURT:** Do you also understand that you're
17 required to pay a special assessment of \$100?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** Mr. Papadopoulos, Congress has created
20 something called the United States Sentencing Commission
21 which has issued a complex set of guidelines that are set
22 forth in this lengthy book right here. The Court's not
23 bound by those guidelines, but I am required to consider
24 them in sentencing. The Commission has set forth sentencing
25 ranges for specific offenses, and those ranges are all set

1 forth in that book.

2 While today we may have some idea what your
3 sentencing guidelines range would be, we're not going to
4 know that for sure until the Probation Office has an
5 opportunity to prepare its report; until your lawyer has an
6 opportunity to review it and comment on it; you've had an
7 opportunity through your lawyer to comment on it and raise
8 any objections; and counsel for the Government has had an
9 opportunity to do so. And at the end of the day it's my
10 decision, I'm the one who will actually decide what the
11 correct sentencing guidelines range is.

12 Do you understand that?

13 **THE DEFENDANT:** Yes, I do.

14 **THE COURT:** Today we can give you some idea of
15 what it may be, but I just want to make sure that you
16 understand that today it's our best understanding but that
17 it may change over time?

18 **THE DEFENDANT:** Yes, I do.

19 **THE COURT:** Do you also understand that the
20 guidelines are advisory and the Court could impose a
21 sentence outside the guidelines range based on considering
22 the factors that Congress has specified in 18 U.S.C. section
23 3553(a)?

24 **THE DEFENDANT:** Yes, I do.

25 **THE COURT:** But I can never sentence you to longer

1 than the statutory maximum, do you understand that?

2 **THE DEFENDANT:** I understand.

3 **THE COURT:** Have you and your lawyer or lawyers
4 had a chance to talk about the guidelines and how they apply
5 in your case?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** Do you feel as though you understand
8 that?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Mr. Stanley, do you feel as though
11 Mr. Papadopoulos understands how the guidelines apply?

12 **MR. STANLEY:** I do, your Honor.

13 **THE COURT:** So today I can only offer an estimate,
14 and I want to make sure you understand that. Let's walk
15 through what our estimate is today.

16 The parties have agreed that under the guidelines,
17 the base offense level is six. The Government agrees that
18 you're entitled to a two-level reduction if you accept
19 responsibility for your actions, adhere to the plea
20 agreement and display acceptable conduct between now and
21 sentencing. And you also acknowledge in the plea agreement
22 with the Government that the Government is not limited --
23 that the agreement does not limit the Government from
24 seeking a denial of the two-level adjustment or an
25 imposition of an adjustment for obstruction of justice

1 should you withdraw your guilty plea after it is entered or
2 should it be determined by the Government that you either
3 engaged in conduct unknown to the Government at the time of
4 signing the agreement that constitutes obstruction of
5 justice or engaged in additional criminal conduct after
6 signing the agreement.

7 Do you understand that?

8 **THE DEFENDANT:** I understand.

9 **THE COURT:** So based on the representations and
10 based on what I know today, although I don't know for sure,
11 I estimate that your applicable guidelines offense level
12 would be four. It's also represented that you don't have
13 any previous criminal convictions which would put you in
14 criminal history category one. Again, that's something we
15 won't know for sure until the Probation Office has had an
16 opportunity to do its investigation. If it were to disclose
17 prior convictions, that would change this.

18 But based on the assumption that you're in
19 criminal history category one and that your offense level is
20 four, that means that the guidelines recommendation for your
21 offense would be a term of imprisonment between zero to six
22 months.

23 Do you understand that?

24 **THE DEFENDANT:** Yes, I do.

25 **THE COURT:** And the recommended fine under the

1 guidelines would be between \$500 and \$9,500. Do you
2 understand that?

3 **THE DEFENDANT:** Yes, I do.

4 **THE COURT:** Do you also understand that under the
5 plea agreement, you'll have the right to request that I not
6 impose a fine?

7 **THE DEFENDANT:** Now I do, yes.

8 **THE COURT:** Okay. Do you understand that after
9 I've reviewed how the guidelines apply in your case, I could
10 conclude that a departure from the guidelines is appropriate
11 which could make the advisory guidelines sentence either
12 higher or lower?

13 **THE DEFENDANT:** Yes, I do.

14 **THE COURT:** And do you understand that under the
15 plea agreement, that both you and the Government have agreed
16 that you will not seek a departure from the guidelines
17 range?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** But that doesn't prevent me from doing
20 so, do you understand that?

21 **THE DEFENDANT:** Yes.

22 **THE COURT:** And do you understand that if I do
23 sentence you to a term of imprisonment, you'll serve the
24 full amount of time that I sentenced you to with a possible
25 reduction of good time of up to 54 days a year -- which

1 actually would not be applicable in your case as I'm
2 thinking about this now, because the good time only applies
3 for sentences that are longer than a year. So that would
4 only be the case if I were to vary from the guidelines and
5 sentence you to a term of longer than a year. So let me
6 clarify this.

7 Do you understand that if I sentence you to a term
8 of a year or less of imprisonment, that you will serve that
9 entire period?

10 **THE DEFENDANT:** Yes, I do.

11 **THE COURT:** And that if I sentence you to a term
12 outside the guidelines recommendation that is longer than a
13 year, then you would serve that entire period with a
14 possible reduction of up to 54 days for good time?

15 **THE DEFENDANT:** Yes, I do.

16 **THE COURT:** And do you understand that the offense
17 that you're pleading guilty to is a felony, and that if I
18 accept your plea and you're found guilty of that offense you
19 may be deprived of certain valuable civil rights such as the
20 right to vote; the right to hold public office; the right to
21 serve on a jury; and the right to possess any kind of
22 firearm or ammunition?

23 **THE DEFENDANT:** Yes, I do.

24 **THE COURT:** Has anyone, including your attorney,
25 the police, the prosecutor, the FBI, anyone from the Special

1 Counsel's office, anyone you've come into contact with since
2 the time of your arrest promised or suggested to you that
3 merely because you're pleading guilty you're guaranteed a
4 lighter sentence in this case?

5 **THE DEFENDANT:** No, your Honor.

6 **THE COURT:** Has anyone forced, threatened or
7 coerced you in any way to enter into a guilty plea?

8 **THE DEFENDANT:** No, your Honor.

9 **THE COURT:** Do you understand that the agreement
10 reached in this case was the result of negotiations between
11 your lawyers and the lawyers for the Government?

12 **THE DEFENDANT:** Yes, I do, your Honor.

13 **THE COURT:** Has anyone made any promise to you in
14 connection with your guilty plea other than those that are
15 contained in the plea agreement or stated here in open
16 court?

17 **THE DEFENDANT:** No, your Honor.

18 **THE COURT:** Do you understand at this time I don't
19 know what sentence I will impose in this case because I
20 haven't heard from your lawyers, the lawyers for the
21 Government, from the Probation Office and from you if you
22 wanted to be heard?

23 **THE DEFENDANT:** Yes, your Honor.

24 **THE COURT:** Is there anything you don't understand
25 about today's proceeding, about your guilty plea, about the

1 case against you that you'd like to understand before you
2 make a decision?

3 **THE DEFENDANT:** No, your Honor.

4 **THE COURT:** Anything you want to talk to your
5 lawyer about first?

6 **THE DEFENDANT:** I don't.

7 **THE COURT:** Is there anything further that the
8 Government suggests that the Court inquire about?

9 **MR. GOLDSTEIN:** No, your Honor.

10 **THE COURT:** Okay. Anything further the defense
11 suggests the Court inquire about at this time?

12 **MR. STANLEY:** No, your Honor.

13 **THE COURT:** So Mr. Papadopoulos, are you ready to
14 make a decision about whether you want to enter a plea of
15 guilty or whether you wish to go to trial in this case?

16 **THE DEFENDANT:** Yes, your Honor.

17 **THE COURT:** And what's your decision?

18 **THE DEFENDANT:** I'd like to plead guilty, your
19 Honor.

20 **THE COURT:** And are you entering this plea of
21 guilty voluntarily and of your own free will because you are
22 guilty and for no other reason?

23 **THE DEFENDANT:** Yes, your Honor.

24 **THE COURT:** It is the finding of the Court in the
25 case of the United States versus George Papadopoulos,

1 17-cr-182, that the Defendant is fully competent and capable
2 of entering an informed plea. The Defendant is aware of the
3 nature of the charges and the consequences of the plea, and
4 that the plea of guilty is a knowing and voluntary plea
5 supported by an independent basis in fact containing each of
6 the essential elements of the offense.

7 The plea is therefore accepted, and the Defendant
8 is adjudged guilty of count one of the information, making
9 false statements to the Federal Bureau of Investigation, in
10 violation of 18 U.S.C. section 1001.

11 I'm going to sign the waiver of trial by jury.
12 With respect to Mr. Papadopoulos' status pending sentencing,
13 am I correct in understanding that the parties are in
14 agreement that Mr. Papadopoulos should remain on release
15 pending sentencing?

16 **MR. GOLDSTEIN:** That's correct, your Honor. And
17 there is -- if we could be heard just about a modification
18 of the Defendant's bail conditions?

19 **THE COURT:** Okay, you're welcome to do so. One
20 thing I will do is I'm going to direct that the Defendant
21 call the pretrial officer Tammy Everett immediately after
22 the hearing today also with respect to finalizing his
23 release pending sentencing.

24 But I'm happy to hear from the parties with
25 respect to the terms of Mr. Papadopoulos' release. You can

1 have a seat just for a moment.

2 **MR. GOLDSTEIN:** At the Defendant's arrest and then
3 initial appearance in the Eastern District of Virginia, the
4 conditions that were set were surrender of his passport and
5 no new applications. His travel was restricted to the
6 Northern District of Illinois, the Eastern District of
7 Virginia and the District of Columbia.

8 And he was directed not to have any contact,
9 direct or indirect, with individuals relating to the
10 campaign or to any of the conduct set forth in the
11 complaint. The Government provided a list of those
12 individuals to the Defendant and defense counsel.

13 The only modification that we seek at this time is
14 for the Defendant to be permitted to travel anywhere within
15 the United States, but on the condition that he provide
16 advanced notice to and obtain consent from both the
17 Government and the Pretrial Services Office prior to any
18 travel. And if he doesn't obtain such consent, then he can
19 raise it with the Court. But without obtaining advanced
20 consent, he would not be able to travel outside of those
21 three original districts.

22 **THE COURT:** Okay. Mr. Stanley?

23 **MR. STANLEY:** Yes, that's our agreement, your
24 Honor.

25 **THE COURT:** Okay. So the Court will direct that

1 those be the terms of Mr. Papadopoulos' release pending
2 sentencing. I have in front of me a report from Pretrial
3 Services that doesn't include the list of the names of the
4 individuals where there was no contact.

5 Is that something that actually should be in the
6 order that Pretrial Services would enter or is that
7 something that is going to be done separately just with an
8 understanding with the Office of the Special Counsel? I
9 wasn't sure how it was done in Virginia.

10 **MR. GOLDSTEIN:** The list was not provided to
11 Pretrial Services in Virginia. We are happy to provide a
12 list to the Court and to the Pretrial Services Office. The
13 Defendant and counsel has the list and they know who those
14 individuals are.

15 **MR. BREEN:** That's correct, we've honored the
16 request that was entered earlier, and I don't anticipate any
17 contact with those individuals. That list was given to the
18 Defendant in our presence. We went through it and explained
19 it to him. So I think we're monitoring it pretty well.

20 **THE COURT:** Well, it sounds to me as though the
21 parties understand what the terms are. I don't think you
22 need to provide me with a copy of the list as long as the
23 parties understand who is on the list and there's not a
24 disagreement about that. If that's something that's
25 certain, I don't think I need a copy of that.

1 **MR. GOLDSTEIN:** Thank you, your Honor.

2 **THE COURT:** And then I'm going to sign an order
3 just providing for routine processing. If there are any
4 issues that come up with respect to the terms or any
5 uncertainty with respect to the conditions of release
6 pending sentencing, the parties are welcome to just contact
7 me about that. If you even wanted to do it telephonically,
8 we probably could do something along those lines if there's
9 any uncertainty that comes up.

10 **MR. GOLDSTEIN:** Thank you, your Honor.

11 **MR. BREEN:** Judge, there is one thing in the
12 pretrial report that indicates that Mr. Papadopoulos should
13 call in every week. While I know that's not horribly
14 burdensome, he's in constant contact with our office. I
15 really don't see that as a necessary condition. Maybe once
16 a month would do it.

17 **THE COURT:** That is a standard condition I think.
18 What's the Government's position with respect to that? It
19 does seem to me that it's not terribly burdensome. I
20 understand it's not fun to do, but just to make a brief
21 telephone call to check in doesn't seem terribly burdensome
22 to me.

23 **MR. GOLDSTEIN:** Given that the Defendant's located
24 in Chicago and it's only required to be done telephonically
25 and it's a standard condition, the Government would prefer

1 that that condition remain in place.

2 **THE COURT:** Why don't I leave that in place,
3 because it just doesn't strike me that it's terribly
4 burdensome to him to do that.

5 So just for purposes of the record, here are the
6 additional conditions: Mr. Papadopoulos shall report to
7 Pretrial Services weekly by phone as we just discussed. He
8 shall verify his address with Pretrial Services immediately
9 or by the next business day; that he live at XXXXXXXXXXXXXXXX
10 XX.
11 There's a telephone number that's provided here that I'm not
12 going to put on the record at this point because these
13 proceedings may be unsealed at some point.

14 I don't know, Mr. Papadopoulos, if you'd prefer
15 that if these proceedings are unsealed at some point, if
16 your address remain confidential as well?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** So I know this whole proceeding is
19 under seal, but let me ask that within the transcript that
20 Mr. Papadopoulos' address be sealed further so that if the
21 transcript is otherwise released that that would not be
22 revealed.

23 Further, that as we've discussed, Mr. Papadopoulos
24 will provide Pretrial Services and the Office of Special
25 Counsel with notification of his travel before he does so,

1 and that he only travel outside of the three jurisdictions
2 that we discussed with prior authorization.

3 Is Mr. Papadopoulos' passport going to be returned
4 to him at this point? Does he have the passport?

5 **MR. GOLDSTEIN:** He does not, it was surrendered at
6 the time of his arrest. The Government would hold onto
7 that.

8 **THE COURT:** So Mr. Papadopoulos will not apply for
9 or possess a passport; surrender all passports that he may
10 have that are not already surrendered to Pretrial Services.
11 And that if the Government does return Mr. Papadopoulos'
12 passport to him, that he then turn it over to Pretrial
13 Services within 24 hours.

14 Anything further with respect to the conditions of
15 release?

16 **MR. GOLDSTEIN:** No, your Honor.

17 **MR. STANLEY:** No, your Honor.

18 **THE COURT:** Okay. So the only other thing that --
19 I guess two other things to discuss. We should discuss
20 either a sentencing date or whether you just want to provide
21 me with a status report at some point or a check-in with
22 respect to sentencing if you're not ready to specify a date.
23 Why don't we start with that.

24 **MR. GOLDSTEIN:** The Government would ask that you
25 provide a control date of either 90 or 120 days from now

1 where we can come back to the Court and see if that would be
2 the right time to then set a sentencing date.

3 **THE COURT:** Okay. If it turns out that the
4 parties are in agreement before that date, that we can
5 actually use that date as a sentencing date. You can
6 jointly notify the Courtroom Deputy and provide the
7 paperwork to me. Well, I take that back. We'll have to
8 order a presentence report, and we're not ready to order a
9 presentence report. So let's just do a status check-in
10 then.

11 What is the defense's position?

12 **MR. BREEN:** Judge, we have no objection to the
13 90-day status or whatever you want to call it.

14 **THE COURT:** So we'll have a status conference in
15 90 days. Let's just pick a date while everyone is here.

16 **MR. BREEN:** Can that be by phone, your Honor?

17 **THE COURT:** Any objection to doing that by
18 telephone?

19 **MR. GOLDSTEIN:** No objection, your Honor.

20 **THE COURT:** Okay. I assume that Mr. Papadopoulos
21 would be on the telephone for the call?

22 **MR. BREEN:** He will if you ask us, Judge.

23 **THE COURT:** I think he should be. If we're doing
24 that by telephone, I'd like to make clear on the record that
25 he's waiving any right he might have to be personally

1 present for such a proceeding.

2 **MR. BREEN:** That's correct.

3 **THE COURT:** Mr. Papadopoulos, do you understand
4 that you'd be waiving your right to be present in person and
5 would just participate by telephone?

6 **THE DEFENDANT:** Yes, I do, your Honor.

7 **THE COURT:** Any objection to that?

8 **THE DEFENDANT:** No.

9 **THE COURT:** That would be fine, we can do that by
10 telephone. So I think we're talking about some time in mid
11 January.

12 How about January 22nd at 11:00 a.m.?

13 **MR. GOLDSTEIN:** That's fine with the Government,
14 your Honor.

15 **MR. STANLEY:** That's fine, your Honor.

16 **THE COURT:** I was actually being considerate of
17 the people from Chicago.

18 **MR. BREEN:** I love the 11:00 o'clock start.

19 **THE COURT:** Well, I realize that you are on a
20 slightly different time than the rest of us.

21 The other issue I wanted to bring up is I'm
22 sensitive to the fact that there are First Amendment
23 considerations with respect to this proceeding. As
24 indicated in my order, I was persuaded that there was
25 compelling reason to proceed today under seal, to have these

1 proceedings under seal and to have them remain under seal so
2 as not to interfere with an ongoing investigation.

3 Going forward though, I want to make sure that
4 that process doesn't take any longer than necessary and that
5 the public does have access to these proceedings as soon as
6 it can consistent with not undermining an ongoing
7 investigation.

8 So Mr. Goldstein, I don't know if you want to
9 speak to that. I think my order, as was proposed by your
10 office, provides for I think a status check-in, just filing
11 in 30 days to let me know what the status is. If I can just
12 ask you to maybe indicate for me what you anticipate by when
13 this may be made public and what the process would be for
14 doing that.

15 **MR. GOLDSTEIN:** We put 30 days in the proposed
16 order, your Honor, because we too are sensitive and
17 understand the First Amendment concerns that are at issue.
18 There are, as we put in the motion, certain aspects of the
19 ongoing investigation that we believe and we submitted to
20 the Court at this time give reason for sealing. When those
21 reasons don't exist anymore -- and we believe that it will
22 be in the near term, that we will immediately alert the
23 Court and ask for the proceedings to be unsealed.

24 If it is before 30 days, then we will alert the
25 Court at that time. If it goes beyond 30 days on the time

1 period as set forth in the order, we will come back and
2 explain to the Court why continued sealing is necessary.

3 **THE COURT:** Okay. Anything from the defense on
4 that issue?

5 **MR. BREEN:** No, your Honor. We have not objected
6 to this at all. There is a benefit I feel to our client.
7 And I certainly understand the Special Prosecutor's position
8 on this matter considering the very expansive investigation
9 that's going forward.

10 **THE COURT:** Okay, so we'll leave it that way.
11 I'll expect a report in 30 days. If there's a need to
12 revisit the issue at that point, we can do so then.

13 Anything further from the Government today?

14 **MR. GOLDSTEIN:** No, your Honor. Thank you.

15 **THE COURT:** Anything further from the defense?

16 **MR. BREEN:** No, your Honor.

17 **THE COURT:** Well, thank you all.

18 (Proceedings adjourned at 2:59 p.m.)

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C E R T I F I C A T E

I, **Jeff M. Hook, CSR, RPR**, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

October 30, 2017

DATE



Jeff M. Hook, CSR, RPR

\$	above [2] 13/12 41/5	along [1] 34/8
\$100 [1] 23/17	above-entitled [1] 41/5	already [1] 36/10
\$250,000 [1] 23/14	absolutely [2] 19/10 19/12	also [14] 3/25 7/6 9/25
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1	acceptable [3] 16/20 17/23	26/12 27/4 31/22
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11:00 a.m [1] 38/12	accurate [1] 20/24	amended [1] 21/24
12 [2] 10/4 11/4	accurately [1] 7/16	Amendment [2] 38/22 39/17
120 [1] 36/25	acknowledge [1] 25/21	AMERICA [2] 1/3 2/3
1215 [1] 1/18	acknowledging [1] 7/2	ammunition [1] 28/22
14 [1] 21/21	Act [1] 14/17	among [1] 20/12
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16 [1] 10/4	14/1	ANDREW [2] 1/13 2/7
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18 [6] 6/20 6/21 6/23	actually [6] 17/18 24/10	any [36] 4/7 4/11 6/4 6/8
22/22 24/22 31/10	28/1 33/5 37/5 38/16	6/16 7/7 8/6 8/9 8/10 9/13
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23 [1] 10/5	adjustment [2] 25/24 25/25	28/25 29/1 29/6 29/13
24 [1] 36/13	advanced [2] 32/16 32/19	anything [15] 3/11 4/4
27th [2] 19/20 20/17	advisory [2] 24/20 27/11	4/15 6/5 19/10 21/1 21/23
2:12 [1] 1/6	affect [1] 8/6	29/24 30/4 30/7 30/10
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39/24 39/25 40/11	afternoon [5] 2/6 2/10	appeal [11] 7/5 12/19
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5	agency [1] 14/14	appealing [1] 13/17
53 [1] 1/18	Agent [1] 2/9	Appeals [1] 12/19
54 [2] 27/25 28/14	agents [1] 19/21	appear [1] 4/3
6	ago [2] 8/15 14/23	appearance [1] 32/3
60604 [1] 1/19	agree [1] 16/13	APPEARANCES [1] 1/11
9	agreed [3] 15/6 25/16	appeared [1] 3/9
90 [2] 36/25 37/15	27/15	applicable [3] 14/8 26/11
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950 [1] 1/15	14/9 22/20	applications [1] 32/5
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a.m [1] 38/12	6/25 7/1 7/9 7/17 7/20	apply [4] 25/4 25/11 27/9
AARON [2] 1/12 2/7	9/21 13/10 13/24 14/9	36/8
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29/25 29/25 30/5 30/8	agrees [2] 7/9 25/17	12/25 17/4 17/10 18/14
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34/7 38/10 38/12	aided [1] 1/25	24/20 28/3 29/14 30/13
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	9/22 13/16 18/6 18/20	arraignment [3] 1/9 2/24
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	40/17	ARRAIGNMENT/PLEA [1] 1/9
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