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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 18-80179-CR-COHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-v-)	
)	
ANTHONY MICHAEL D'AMICO,)	
)	
Defendant.)	Fort Lauderdale, Florida
)	May 29, 2019
_____)	9:01 a.m.

TRANSCRIPT OF DEFENSE COUNSEL'S MOTION TO WITHDRAW
 BEFORE THE HONORABLE JAMES I. COHN
 U.S. DISTRICT JUDGE

Appearances:

For the Government:	LISA MILLER
	Assistant United States Attorney
	99 NE 4th Street
	Miami, Florida 33132

For the Defendant:	DIMOND KAPLAN & ROTHSTEIN, PA
	BY: MICHELLE SUSKAUER, ESQ.
	515 North Flagler Drive
	West Palm Beach, Florida 33401

Reporter:	Karl Shires, RMR, FCRR
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	299 East Broward Boulevard, # 203G
	Fort Lauderdale, Florida 33301

1 (Call to Order of the Court.)

2 THE COURT: The matter before the Court is the United
3 States of America versus Anthony Michael D'Amico. This is Case
4 Number 18-80179-CR.

5 Mr. D'Amico is present. He is represented by Michelle
6 Suskauer. The government is represented by Assistant United
7 States Attorney Lisa Miller.

8 Ms. Suskauer, who's seated with you at --

9 MS. SUSKAUER: Good morning, Your Honor. Seated next
10 to me is my associate Tyler DiMaio.

11 MR. DiMAIO: Good morning Your Honor.

12 THE COURT: Good morning.

13 We are here on defense counsel's motion to withdraw,
14 which is Docket Entry 44. Prior to filing of the motion to
15 withdraw, Mr. D'Amico pro se filed a pleading entitled "Letter
16 for Review of Judge Cohn," which is Docket Entry 43. The Court
17 has reviewed both pleadings.

18 The Court was concerned because in Mr. D'Amico's
19 letter to the Court he makes some very serious allegations,
20 including an allegation that a disbarred attorney by the name
21 of John Garcia, in Mr. D'Amico's words, actually handled every
22 aspect of his case. And I wanted to give Ms. Suskauer an
23 opportunity to respond.

24 MS. SUSKAUER: Thank you so much.

25 THE COURT: Good morning.

1 MS. SUSKAUER: Good morning, Your Honor. And also I
2 have -- present in the back of the courtroom is John Garcia,
3 who is present for Your Honor, who is all the way in the back.
4 If the Court had any questions for him, he certainly is present
5 and available.

6 Your Honor, and those are very serious allegations
7 that Mr. D'Amico has levied against us. When we first were
8 retained by Mr. D'Amico, we had an initial conference with
9 Mr. Garcia who I've known for over 25 years and the last ten
10 years or so we have utilized in a variety of capacities as a
11 paralegal and also in federal -- in our federal cases when the
12 potential sentence could possibly be prison, he is there in
13 order to advise, to explain. We used him as an expert so that
14 our clients, if they're sentenced as such, will be able to be
15 better acclimated to the procedure.

16 He was never held out as an attorney. He was never
17 held out as a practicing attorney. He was there to review
18 documents with us. He met with Mr. D'Amico both individually
19 and with us. Every time he met with Mr. D'Amico individually,
20 there was a subsequent conference with me. I would take the
21 information, I would utilize it, and any documents that were
22 prepared were prepared by our office, by me, by Mr. DiMaio,
23 with assistance in terms of giving us information as any
24 paralegal would, which Mr. Garcia is able to do. But he was
25 never held out as a practicing attorney.

1 THE COURT: So Mr. Garcia does not have a Florida Bar
2 license; is that correct?

3 MS. SUSKAUER: Absolutely, he does not.

4 THE COURT: Was he ever admitted to the Florida Bar?

5 MS. SUSKAUER: Oh, yes, he was, Your Honor. Actually,
6 I think he -- he's tried cases before Your Honor. And he's
7 present in the back of the courtroom.

8 THE COURT: Okay. And I understand he has been
9 disbarred?

10 MS. SUSKAUER: That's correct.

11 THE COURT: When was he disbarred?

12 MS. SUSKAUER: Your Honor, would I be able to inquire
13 of Mr. Garcia? I don't have the exact year that he was
14 disbarred.

15 THE COURT: Yes, he can come up and confer with you.

16 MS. SUSKAUER: Thank you, Your Honor.

17 Thank you, Your Honor. I believe it was either 2007
18 or 2008.

19 THE COURT: Okay. And he is currently disbarred?

20 MS. SUSKAUER: That is correct, Your Honor.

21 THE COURT: Okay. And you were aware of this?

22 MS. SUSKAUER: Of course, Your Honor.

23 THE COURT: You indicated that Mr. Garcia has met with
24 Mr. D'Amico individually; is that correct?

25 MS. SUSKAUER: Yes, there are times when they've met

1 individually because -- again, Your Honor, I don't want to
2 waive any attorney-client privilege conversations.

3 THE COURT: I'm not asking for you to divulge any
4 client conversations. I'm more interested in Mr. Garcia's role
5 in the representation of Mr. D'Amico.

6 MS. SUSKAUER: Your Honor, during our representation,
7 since the fall of Mr. D'Amico -- since the fall, it has been
8 very challenging to communicate with Mr. D'Amico, and there are
9 times when Mr. D'Amico would only respond to phone calls from
10 Mr. Garcia. And so there were times -- and so he -- we would
11 call him, text him, sent him emails, sent him letters, and
12 sometimes he just -- the only way we could get him is via
13 Mr. Garcia in terms of communication.

14 So Mr. Garcia is a -- he's not -- he's an independent
15 contractor. He was introduced to Mr. D'Amico from the very
16 beginning. As such, it was Mr. D'Amico's decision whether or
17 not to utilize him. We said, in cases like this, there are
18 times when we utilize Mr. Garcia. Is that something that you
19 would like to do? He said yes. It was very clear from day one
20 Mr. Garcia's very limited role in performing as a paralegal,
21 never as an attorney, and that was what was discussed.

22 THE COURT: What was Mr. Garcia's professional
23 arrangement with your law firm?

24 MS. SUSKAUER: We did not pay Mr. Garcia. Mr. Garcia
25 was paid by Mr. D'Amico as a independent contractor as a

1 paralegal. He's not held himself out as an attorney. He is
2 not an attorney. Again, in two roles: As a paralegal, which
3 he is permitted to perform as, and also as a sentencing
4 specialist given his personal experience with the federal
5 prison system. And we have used him on a number of occasions
6 when our clients are facing some significant time in order to
7 assist our clients.

8 THE COURT: But you suggested according to -- well,
9 according to Mr. D'Amico, he alleges that after retaining you
10 that he was instructed to hire and pay an additional sum of
11 \$10,000 directly to John Garcia as he was identified as the
12 firm's federal court specialist. Is that a correct statement?

13 MS. SUSKAUER: Your Honor, we explained this is who we
14 would like to use. He didn't -- he was never forced. He never
15 had to. We said this will be helpful.

16 Mr. Garcia was a very, very well-represented criminal
17 defense attorney. They've had multiple conversations together
18 with us, and -- but it wasn't part and parcel that this had to
19 happen for our representation.

20 THE COURT: Well, let me ask you this. Was John
21 Garcia identified by you as the firm's federal court
22 specialist?

23 MS. SUSKAUER: Did I identify him as a federal court
24 specialist for us? I'm sure that I said that --

25 THE COURT: Okay.

1 MS. SUSKAUER: -- in some respect. I don't know if I
2 called him a federal court specialist per se. If I did, it's
3 possible, but I certainly explained that we've used him before
4 for the last ten or so years, these are the situations, Your
5 Honor, that we've used him. It certainly isn't mandatory. We
6 would like to use him. We think it would be helpful for your
7 case given the seriousness of the offenses, given the
8 possibility, the real possibility of a federal prison sentence.

9 THE COURT: How did your firm and you use Mr. Garcia
10 with respect to the representation of Mr. D'Amico?

11 MS. SUSKAUER: Mr. Garcia did not appear in Court on
12 behalf of Mr. D'Amico.

13 THE COURT: Wasn't he present for the plea hearing?

14 MS. SUSKAUER: He may have been.

15 THE DEFENDANT: Yes.

16 MS. SUSKAUER: He wasn't --

17 THE COURT: I was told that -- he did not speak, but I
18 was told that he sat at defense counsel table next to
19 Mr. D'Amico. Are you aware of that?

20 MS. SUSKAUER: I wasn't present, Your Honor.

21 THE COURT: Okay.

22 MS. SUSKAUER: I usually do not have Mr. Garcia next
23 to me. I have my associate next to me.

24 THE COURT: All right. Well, I kind of interrupted
25 you. How did your firm use Mr. Garcia in the representation of

1 Mr. D'Amico?

2 MS. SUSKAUER: As a paralegal, Your Honor. And we
3 didn't go to --

4 THE COURT: Well, what does that mean, "as a
5 paralegal"? What type of work did Mr. Garcia do?

6 MS. SUSKAUER: He would go through discovery. He
7 would work with me and my associate in terms of summarizing the
8 discovery. He would review that. He met with -- we would have
9 meetings in our office where Mr. Garcia was present. He would
10 take notes. He met with my associate privately, he met with me
11 privately, and he also met with Mr. D'Amico. He would
12 sometimes be a conduit of information from Mr. D'Amico to me
13 when Mr. D'Amico would refuse to speak with me or our
14 associate.

15 THE COURT: Do you know whether Mr. Garcia went with
16 Mr. D'Amico for the interview with US Probation with respect to
17 the preparation of the presentence investigative report?

18 MS. SUSKAUER: Yes, Your Honor.

19 THE COURT: Did anyone else from your law firm
20 accompany Mr. D'Amico?

21 MS. SUSKAUER: No, we -- no, Your Honor. The answer
22 is no. We prepared Mr. D'Amico ahead of time for that
23 interview. We spoke with probation. But, no, we did not
24 appear.

25 THE COURT: Are there Florida Bar rules governing the

1 use of disbarred attorneys?

2 MS. SUSKAUER: Your Honor, I don't -- and again,
3 you're asking -- I don't have the rules regulating the Florida
4 Bar in front of me, and certainly I don't want to misstate
5 that, especially given my position with the Florida Bar. I
6 know that -- I don't have that information. I don't believe
7 so. But certainly you can't hold yourself out to be an
8 attorney because that would be the unlicensed practice of law.
9 But he did not.

10 THE COURT: Do you know if the Florida Bar requires a
11 member of the bar to provide notice that you are employing or
12 associating a disbarred attorney?

13 MS. SUSKAUER: I do not.

14 THE COURT: Do you know whether the Florida Bar
15 requires quarterly reports regarding the employment of a
16 disbarred attorney?

17 MS. SUSKAUER: I do not. We do not -- I'm sorry, Your
18 Honor. I don't mean to interrupt you.

19 THE COURT: Go ahead.

20 MS. SUSKAUER: We do not pay Mr. Garcia.

21 THE COURT: But you use his services, correct?

22 MS. SUSKAUER: Our clients do. But we do not -- he's
23 an independent contractor. Our clients retain him. So I don't
24 want to misstate any of -- other than that, that is the way
25 that we utilize him.

1 THE COURT: Do you know if the Florida Bar prohibits a
2 disbarred attorney from having direct client contact?

3 MS. SUSKAUER: Your Honor, I don't have the rules
4 regulating the Florida Bar in front of me. If the Court would
5 like to point something out to me specifically, I would
6 certainly read that.

7 But Mr. DiMaio, Your Honor, who is here, was with
8 Mr. D'Amico and Mr. Garcia. Mr. DiMaio is a Florida Bar
9 attorney who would work with Mr. Garcia and Mr. D'Amico in
10 order to prepare Mr. D'Amico, go through discovery with
11 Mr. D'Amico, communicate with Mr. D'Amico.

12 Your Honor, I also have a list of -- if the Court is
13 interested, a list of all of our office conferences that I had
14 with Mr. D'Amico, as well as meeting with Mr. D'Amico and his
15 two civil counsels he now has now unrepresented in his civil
16 case before -- that's sort of related to this. But I have ten
17 meetings with Mr. D'Amico. I don't --

18 I am concerned that the Court or Mr. D'Amico is
19 alleging that we have not been working on his matter, that I
20 have not been working on his matter. And we have been
21 representing Mr. D'Amico since the fall going through
22 significant discovery and meeting with him and talking with him
23 constantly about his defense so -- but I took the time to
24 prepare to go through all of the different meetings that I've
25 had with Mr. D'Amico, whether it's just alone, with Mr. DiMaio,

1 or with Mr. Garcia as well.

2 THE COURT: Do you feel that -- with respect to
3 Mr. Garcia's interaction with Mr. D'Amico, do you feel he was
4 practicing law without a license?

5 MS. SUSKAUER: No, I do not. And I would -- I would
6 never permit that, Your Honor. You know, I've -- as a member
7 of the bar for almost 28 years, as the president, I certainly
8 would not permit anyone to practice law without a license.
9 However, it's my understanding that he is permitted to perform
10 paralegal duties without holding himself out. Certainly with
11 his breath of experience, as long as he's been involved in the
12 law, his personal experience, he's incredibly valuable to me,
13 which is why I utilized him as an assistant. And I believe
14 that all the duties that he provided he was permitted to do.

15 THE COURT: Well, perhaps you should acquaint yourself
16 with Florida Bar Rule of Professional Conduct 3-6.1(d)(2). I
17 think you may come away with a different opinion.

18 MS. SUSKAUER: Okay, Your Honor.

19 THE COURT: Now, with respect to -- I'm going to --
20 yes, Mr. D'Amico.

21 THE DEFENDANT: I just had some -- if I could add some
22 more other than what I had given to you in there.

23 In regard to not -- to speaking only with Mr. Garcia,
24 I have over a hundred emails that are directly between me and
25 Mr. Garcia. I don't even have a phone number for Ms. Suskauer.

1 In regard to reviewing my discovery, I brought with me
2 some of the emails. There's multiple requests after the plea
3 where I'm emailing Mr. Garcia to please let me review the
4 discovery, and it wasn't reviewed by me. And that's directly
5 with him.

6 Ms. Suskauer says he's not portraying himself as an
7 attorney. I did submitted the card that I was given that says
8 "PA." I assume that not -- an attorney is an attorney. This
9 is Mr. Garcia's current website, if you would like to see it.
10 It says "John Garcia, Attorney at Law." This is the actual
11 website that I found online. I have it right here as well.

12 Regarding the meetings I saw in the motion and it said
13 that I wasn't willing to come into the last meeting, I have the
14 two emails. Because it's very rare that -- if I sent an email
15 that included Ms. Suskauer, I didn't get a response from
16 Ms. Suskauer. I got a response eventually from Mr. Garcia.

17 The last meeting I had with him was with Mr. Garcia,
18 and Ms. Suskauer was never in a meeting. It was for a couple
19 minutes. She would get up, leave, and then I would deal with
20 Mr. Garcia or Mr. Garcia and Mr. DiMaio.

21 But Kelly Camburn, the legal assistant there, in
22 regard to that last meeting that they said was going to happen
23 on May 28th, that meeting -- the information for the date and
24 time of the meeting was sent only to me and Mr. Garcia. And it
25 wasn't sent to Ms. Suskauer. Even her own assistant. They

1 sent it directly to me, me and him.

2 And in regard to his -- him not, you know, saying that
3 he was just in a paralegal sense, in Exhibit F, that I gave to
4 you, it shows that he was the one who prepared the objections
5 to the PSI and sent them to the assistant and said Anthony
6 didn't approve these. And those were exactly what were
7 submitted. He was the one that prepared them, not my counsel.

8 In regard to the plea itself, I put this in there,
9 he's the one advising me to the amount of loss that's going to
10 be in the plea, which was completely incorrect.

11 Just, I have a plethora of emails regarding him with
12 federal probation where you could see he's obviously acting as
13 counsel. One of them said -- is titled "legal question," and
14 he replies to the one that's titled legal -- you didn't have
15 this. It's titled "legal question." I'm asking him about
16 information and the dates regarding my cell phone. And the one
17 that replies is Mr. Garcia going over the details of my cell
18 phone and that issues with the government and he'll figure it
19 out. That's him saying he's going to figure it out.

20 There's more. They're all titled -- if you want to
21 see them -- "Garcia" or "Garcia Misinformation."

22 This one right here, it's John telling me to come to
23 his office for a meeting directly alone with him. So you
24 understand, I would meet him at his office. And the office was
25 in a law office, it's an actual law -- it says a lawyer's name

1 on the door. And I think it's Glenn Mitchell. It's not
2 Garcia. It's a different lawyer. It says the name on the
3 door. And you go in, he's got a giant office in the back.

4 Also in this one right here -- I'm sorry. I'm almost
5 completed. This shows -- you know, part of the information was
6 even in the factual proffer. I went over that with Mr. Garcia,
7 and he was giving me information. I noted here, this is from
8 December, where I'm telling him one thing and that he's telling
9 me, oh, it's okay if information is incorrect, that helps you.
10 That's not even good legal counsel I found out after. And it
11 goes on and on.

12 I have endless amounts of case review with Mr. Garcia.
13 And then when I did realize this, you want to see that I wasn't
14 just sitting by waiting and trying to buy time. I have
15 contact -- I have emails going back for over a month with
16 Mr. Paresh Patel. I met him through another attorney that I
17 knew. Paresh is a Federal Public Defender in Maryland. And I
18 was speaking to him saying how do I get another attorney to
19 help me, how do I have somebody come into court and help me?
20 And he said he would reach out to the Public Defender in South
21 Florida. And then they eventually just said, well, let's --
22 unless Ms. Suskauer is withdrawn as your attorney, nothing can
23 be done.

24 And that's where I'm at today. I have everything for
25 you to see. Clearly, I was under the impression that he was an

1 attorney, he was my counsel. He was -- Ms. Suskauer, I never
2 had a phone number for her and I never spoke with her.

3 I do have an attorney here, Jonathan Friedman, to help
4 me because I'm not a lawyer. I need help. I have all of the
5 items if you would like them.

6 THE COURT: No, I -- how much time would you say you
7 spent with Mr. Garcia versus the amount of time you spent with
8 Ms. Suskauer?

9 THE DEFENDANT: In total me and Ms. Suskauer probably
10 spent face-to-face less than 15, 20 minutes together. And
11 that's at the very beginning of the meetings and the one time
12 at the FBI's office. That is it. And we've never spoken on
13 the phone. And I only have three email replies to her, one in
14 the beginning requesting payment or she's going to withdraw as
15 counsel, and I asked when my payment's due, and then not again
16 until April regarding my complaints. But, no, at best it's
17 sitting down in her office while Mr. Garcia is there and then
18 she would get up and leave and let Mr. Garcia or Mr. Garcia and
19 Tyler sit there and I would go everything with them.

20 As for Mr. Garcia, we have 120 plus emails back and
21 forth. I don't know the number of hours that I spent going
22 over everything with Mr. Garcia. It would be one thing if what
23 he was saying to me was correct, but it's, one, the contact
24 with him but, two, the fact that what he's telling me. Because
25 after I reached out to Mr. Paresh, Mr. Koskomore, another

1 attorney, Mr. Friedman, my former attorney Deric Zacca, they --
2 and told them, you know, someone needs to help me, this is
3 what's going on, they said not only -- they were all, you know,
4 bamboozled by what was happening, that Mr. Garcia was the one
5 helping me. But, moreover, that the stuff I was being
6 presented with, which I have all of the emails, and that's not
7 even including the phone calls and the meetings in the office,
8 it's incorrect.

9 THE COURT: Have you now retained Mr. Friedman to
10 represent you?

11 THE DEFENDANT: I'm prepared to retain Mr. Friedman,
12 but before retaining him I would have to have my current
13 counsel --

14 THE COURT: I understand.

15 THE DEFENDANT: -- withdrawn and then --

16 THE COURT: I'm prepared to rule on that.

17 THE DEFENDANT: Okay. Then I'm -- yes, then I'm
18 retaining Mr. Friedman.

19 THE COURT: All right. Let me hear from Ms. Suskauer.
20 She looked like she wanted to speak.

21 MS. SUSKAUER: Your Honor, I disagree with pretty much
22 everything that Mr. D'Amico is saying without again violating
23 attorney-client privilege, with the -- Your Honor, without
24 going through every single allegation. Of course he had my
25 phone number. He had my phone number. He had my cell phone

1 number.

2 THE DEFENDANT: I don't have that.

3 MS. SUSKAUER: We met over ten times.

4 THE DEFENDANT: No.

5 MS. SUSKAUER: Again, Your Honor, I was actively
6 involved in this case. I worked on his case. I prepared. I
7 spoke and met with the government. We were at the proffer,
8 et cetera.

9 So, Your Honor, again I believe that in closing,
10 obviously, the relationship is irretrievably broken. I would
11 ask to be withdrawn from the case.

12 THE COURT: My concern -- my primary concern is not
13 necessarily what you did or didn't do. My primary concern is
14 the role of Mr. Garcia. And I'm sure that you've seen all of
15 the emails between Mr. Garcia and Mr. D'Amico. Certainly his
16 role was more than that of a paralegal. And he had direct
17 client contact, which is prohibited by the Florida Bar. And it
18 is a serious allegation.

19 I'm going to grant your motion to withdraw. But,
20 quite honestly, the Florida Bar needs to take a look at this,
21 and I plan to refer it to the Florida Bar.

22 So you're discharged. You have no further
23 responsibility with respect to the representation of
24 Mr. D'Amico.

25 MS. SUSKAUER: Thank you, Your Honor.

1 THE COURT: You're welcome.

2 Mr. Friedman, you're prepared to enter an appearance?

3 MR. FRIEDMAN: Yes. Good morning, Judge.

4 THE COURT: Good morning.

5 MR. FRIEDMAN: If I can approach.

6 I am. I haven't been formally retained, but I
7 anticipate that is going to take place within the next few
8 hours, later this morning. But, yes, the answer is yes.

9 And obviously, I don't want to comment on what just
10 transpired in the courtroom, but myself and Mr. D'Amico
11 obviously are going to have some discussions, and I have to
12 finally look at all of the evidence and see what his -- what he
13 wants to do at this point. Obviously, I would need more time
14 if we were proceeding to the sentencing hearing in this case.
15 But from reading the letter that he submitted to the Court, it
16 may be a situation where we may move the Court to withdraw the
17 plea.

18 THE COURT: That's what I'm anticipating that you will
19 do. Why don't we do this. Why don't we set this for a status
20 June 6th at 10:30 and you be prepared to advise the Court
21 whether it's your intention to file a motion to withdraw a
22 plea.

23 MR. FRIEDMAN: Perfect.

24 THE COURT: And we'll just leave the sentencing
25 obviously in abeyance.

1 MR. FRIEDMAN: Thank you, Judge.

2 THE COURT: Okay?

3 All right. That will conclude this hearing you.

4 MR. FRIEDMAN: Thank you.

5 MS. MILLER: Your Honor, obviously the plea still
6 stands and so I believe the speedy trial rights -- you know,
7 because there's technically already been a conviction -- that
8 wouldn't apply. But in an abundance of caution due to the
9 unclear intent of the defendant with respect to the plea, I
10 would just ask in an abundance of caution to waive any rights
11 to speedy trial to the extent that's later found to be
12 something he has under these circumstances.

13 MR. FRIEDMAN: I haven't done the calculation as to
14 what time was remaining at the time that the conviction was
15 entered, but does the Court know what that is? Are we --

16 THE COURT: I don't.

17 MR. FRIEDMAN: I mean, I don't want to agree to that
18 just yet, but I don't think it's -- I don't think we're in
19 danger.

20 MS. MILLER: Certainly. I think we may have a week to
21 spare. I just wanted to ask in an abundance of caution that
22 the interest of justice, the government's view, and the
23 public's right to a speedy trial under these circumstances.

24 Again, the government's position is because the plea
25 is still on the record, the defendant has been convicted as of

1 this time, you know, he wouldn't have speedy trial rights. But
2 again, if it's later found that he did or if for some reason
3 it's unclear whether the plea was valid, I just wanted to ask
4 in an abundance of caution.

5 MR. FRIEDMAN: I really haven't looked into that,
6 Judge, to know what to do at this point with regard to that.
7 But if we're just talking until June 6th, Judge, I could be in
8 a better position to advise the Court, obviously, as to what
9 Mr. D'Amico's going to want to do with regard to either
10 proceeding further or moving to set aside the plea.

11 THE COURT: Well, here's what I could do. Instead of
12 a status on June 6th, set sentencing for June 6th.

13 MR. FRIEDMAN: Well, that's the problem, Judge. I'm
14 not going to be prepared for sentencing, and that's one of the
15 reasons I didn't enter the appearance until this hearing
16 concluded to know what the Court's preference was going to be.
17 I just -- there's just no way --

18 THE COURT: Well, the government is concerned, and I
19 don't know whether rightfully or not at this point, that there
20 could be a speedy trial issue.

21 MR. FRIEDMAN: For purposes of this moment, Judge,
22 there is a conviction. Until we file a motion, until the Court
23 makes a ruling on that, there's a conviction. So I presume
24 speedy trial is probably being -- it's tolled. It's not an
25 issue at this moment. I think we should address that issue if,

1 in fact, we move to set aside the plea, if we move to withdraw
2 it, and then try to figure out where we stand with regard to
3 that. I'm not sure that's going to be an issue. If we
4 withdraw the plea, I'm going to need time to prepare the case.

5 THE COURT: Of course.

6 MR. FRIEDMAN: So obviously --

7 THE COURT: Of course. And then for good cause.

8 MR. FRIEDMAN: Absolutely.

9 THE COURT: Well, what do you suggest, Ms. Miller?

10 MS. MILLER: Well, I would suggest -- to be candid,
11 Your Honor, again this simply in an abundance of caution. I
12 don't believe it applies at this juncture. But because it is
13 unclear and because sometimes these things do come up later
14 after the fact, I just wanted to preserve the government's
15 request here.

16 But I propose that the Court rule that it's in the
17 interest of the public -- it's in the interest of the public
18 and the defendant, and any sort of speedy trial is outweighed
19 by his interest in conferring with his new counsel for a week
20 and the delay caused by that week is a cause that will create a
21 justifiable delay.

22 THE COURT: I have no problem making that finding.

23 MR. FRIEDMAN: Okay.

24 THE COURT: Okay. So we'll see you here for a status
25 conference on June 6th at 10:30 a.m.

1 MR. FRIEDMAN: Great.

2 THE COURT: You need to be here, Mr. D'Amico.

3 THE DEFENDANT: I'll be here.

4 THE COURT: Okay.

5 MR. FRIEDMAN: Thank you, Judge.

6 MS. MILLER: Thank you, Your Honor.

7 THE COURT: Thank you all.

8 (Proceedings concluded at 9:35 a.m.)

9

10 C E R T I F I C A T E

11 I, Karl Shires, Registered Merit Reporter and Federal
12 Certified Realtime Reporter, certify that the foregoing is a
13 correct transcript from the record of proceedings in the
14 above-entitled matter.

15 Dated this 31st day of May, 2019.

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18 Karl Shires, RMR FCRR

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<p>MR. DIMAIO: [1] 2/10 MR. FRIEDMAN: [15] 18/2 18/4 18/22 18/25 19/3 19/12 19/16 20/4 20/12 20/20 21/5 21/7 21/22 21/25 22/4 MS. MILLER: [4] 19/4 19/19 21/9 22/5 MS. SUSKAUER: [37]</p> <p>THE COURT: [55] THE DEFENDANT: [9] 7/14 11/20 15/8 16/10 16/14 16/16 17/1 17/3 22/2</p>	<p>9 954 [1] 1/24 99 [1] 1/18 9:01 [1] 1/9 9:35 [1] 22/8</p> <p>A a.m [3] 1/9 21/25 22/8 abeyance [1] 18/25 able [3] 3/14 3/24 4/12 above-entitled [1] 22/14 Absolutely [2] 4/3 21/8 abundance [5] 19/8 19/10 19/21 20/4 21/11 acclimated [1] 3/15 accompany [1] 8/20 acquaint [1] 11/15 acting [1] 13/12 actively [1] 17/5 actual [2] 12/10 13/25 add [1] 11/21 additional [1] 6/10 address [1] 20/25 admitted [1] 4/4 advise [3] 3/13 18/20 20/8 advising [1] 13/9 agree [1] 19/17 ahead [2] 8/22 9/19 allegation [3] 2/20 16/24 17/18 allegations [2] 2/19 3/6 alleges [1] 6/9 alleging [1] 10/19 AMERICA [2] 1/4 2/3 amount [2] 13/9 15/7 amounts [1] 14/12 answer [2] 8/21 18/8 ANTHONY [3] 1/7 2/3 13/5 anticipate [1] 18/7 anticipating [1] 18/18 appear [2] 7/11 8/24 appearance [2] 18/2 20/15 Appearances [1] 1/16 applies [1] 21/12 apply [1] 19/8 approach [1] 18/5 approve [1] 13/6 April [1] 15/16 arrangement [1] 5/23 aside [2] 20/10 21/1 asked [1] 15/15 asking [3] 5/3 9/3 13/15 aspect [1] 2/22 assist [1] 6/7 assistance [1] 3/23 assistant [6] 1/18 2/6 11/13 12/21 12/25 13/5</p>	<p>associate [5] 2/10 7/23 8/7 8/10 8/14 associating [1] 9/12 assume [1] 12/8 attorney [28] attorney-client [2] 5/2 16/23 attorneys [1] 9/1 available [1] 3/5 aware [2] 4/21 7/19</p> <p>B back [6] 3/2 3/3 4/7 14/3 14/15 15/20 bamboozled [1] 16/4 bar [16] 4/1 4/4 8/25 9/4 9/5 9/10 9/11 9/14 10/1 10/4 10/8 11/7 11/16 17/17 17/20 17/21 Beach [1] 1/21 beginning [3] 5/16 15/11 15/14 behalf [1] 7/12 believe [6] 4/17 9/6 11/13 17/9 19/6 21/12 best [1] 15/16 better [2] 3/15 20/8 Boulevard [1] 1/24 breath [1] 11/11 broken [1] 17/10 brought [1] 12/1 Broward [1] 1/24 buy [1] 14/14</p>	<p>Clearly [1] 14/25 client [5] 5/2 5/4 10/2 16/23 17/17 clients [5] 3/14 6/6 6/7 9/22 9/23 closing [1] 17/9 COHN [3] 1/2 1/13 2/16 come [6] 4/15 11/17 12/13 13/22 14/19 21/13 comment [1] 18/9 communicate [2] 5/8 10/11 communication [1] 5/13 complaints [1] 15/16 completed [1] 14/5 completely [1] 13/10 concern [3] 17/12 17/12 17/13 concerned [3] 2/18 10/18 20/18 conclude [1] 19/3 concluded [2] 20/16 22/8 Conduct [1] 11/16 conduit [1] 8/12 confer [1] 4/15 conference [3] 3/8 3/20 21/25 conferences [1] 10/13 conferring [1] 21/19 constantly [1] 10/23 contact [4] 10/2 14/15 15/23 17/17 contractor [3] 5/15 5/25 9/23 conversations [3] 5/2 5/4 6/17 convicted [1] 19/25 conviction [4] 19/7 19/14 20/22 20/23 correct [8] 4/2 4/10 4/20 4/24 6/12 9/21 15/23 22/13 counsel [8] 7/18 13/7 13/13 14/10 15/1 15/15 16/13 21/19 counsel's [2] 1/12 2/13 counsels [1] 10/15 couple [1] 12/18 course [4] 4/22 16/24 21/5 21/7 court [24] Court's [1] 20/16 courtroom [3] 3/2 4/7 18/10 CR [2] 1/2 2/4 create [1] 21/20 criminal [1] 6/16 current [2] 12/9 16/12 currently [1] 4/19</p>	<p>D D'AMICO [44] D'Amico's [4] 2/18 2/21 5/16 20/9 danger [1] 19/19 date [1] 12/23 Dated [1] 22/15 dates [1] 13/16 day [2] 5/19 22/15 deal [1] 12/19 December [1] 14/8 decision [1] 5/16 defendant [5] 1/8 1/20 19/9 19/25 21/18 Defender [2] 14/17 14/20 defense [5] 1/12 2/13 6/17 7/18 10/23 delay [2] 21/20 21/21 Deric [1] 16/1 details [1] 13/17 didn't [7] 6/14 8/3 12/15 13/6 13/14 17/13 20/15 different [3] 10/24 11/17 14/2 DiMaio [6] 2/10 3/22 10/7 10/8 10/25 12/20 DIMOND [1] 1/20 direct [2] 10/2 17/16 directly [5] 6/11 11/24 12/4 13/1 13/23 disagree [1] 16/21 disbarred [9] 2/20 4/9 4/11 4/14 4/19 9/1 9/12 9/16 10/2 discharged [1] 17/22 discovery [6] 8/6 8/8 10/10 10/22 12/1 12/4 discussed [1] 5/21 discussions [1] 18/11 DISTRICT [3] 1/1 1/1 1/14 divulge [1] 5/3 Docket [2] 2/14 2/16 documents [2] 3/18 3/21 door [2] 14/1 14/3 Drive [1] 1/21 due [2] 15/15 19/8 duties [2] 11/10 11/14</p>
<p>\$ \$10,000 [1] 6/11</p> <p>-</p> <p>-v [1] 1/6</p> <p>1 10:30 [1] 18/20 10:30 a.m [1] 21/25 120 [1] 15/20 15 [1] 15/10 18-80179-CR [1] 2/4 18-80179-CR-COHN [1] 1/2</p>				
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