

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

3 **UNITED STATES OF AMERICA,**

4 Plaintiff,

HON. GERSHWIN A. DRAIN

5 v.

No. 16-20641

6 **FUTOSHI HIGASHIDA,**

7 Defendant.
8 _____/

9 **PLEA HEARING/SENTENCING - CORRECTED TRANSCRIPT**
10 **Thursday, February 2, 2017**
11 **3:21 p.m.**

12 **APPEARANCES:**

13 For the Plaintiff:

JESSE L. REISING
CHESTER C. CHOI
ANDRE M. GEVEROLA
U.S. Department of Justice
209 S. LaSalle Street
Suite 600, Rookery Building
Chicago, Illinois 60604
(312) 984-7227

18 For the Defendant:

NIALL E. LYNCH
TYLER P. YOUNG
Latham & Watkins, LLP
505 Montgomery Street
Suite 2000
San Francisco, California
94111
(415) 391-0600

22 Also present:

Daiske Yoshida, Interpreter

23 To Obtain Certified Transcript, Contact:
24 Leann S. Lizza, CSR-3746, RPR, CRR, RMR, CRC
25 (313) 234-2608

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

TABLE OF CONTENTS

	<u>Page</u>
Plea hearing	3
Sentencing	15
<u>Exhibits:</u>	<u>Received</u>
(None offered.)	

PLEA HEARING

1 February 2, 2017
2 Detroit, Michigan

3 - - -

4 (Call to order of the Court, 3:21 p.m.)

5 (Court, Counsel and Defendant present.)

6 THE COURT CLERK: The Court calls the matter of
7 criminal action *United States of America versus Futoshi*
8 *Higashida*, Case Number 16-CR-20641.

9 Counsel, please place your appearances on the record.

10 MR. LYNCH: We go to the podium? Or from our seats?

11 THE COURT: Either way.

12 MR. LYNCH: Okay. We're happy to remain seated.

13 THE COURT: Okay.

14 MR. LYNCH: Niall Lynch appearing on behalf of the
15 Defendant, Futoshi Higashida, who is present and out of
16 custody. Also appearing on behalf of Mr. Higashida is
17 my associate, Tyler Young, seated behind me.

18 THE COURT: Okay.

19 MR. CHOI: Chester Choi for the United States, and I'm
20 joined by Andre Geverola and Jesse Reising.

21 THE COURT: Okay. Thank you.

22 All right. As I understand it, Mr. Higashida is
23 prepared to enter a plea of guilty. Is it to both counts of
24 the indictment or is it just one?

25 MR. CHOI: Yes, both counts.

PLEA HEARING

1 THE COURT: Both counts. So is that correct?

2 MR. LYNCH: Yes, Your Honor. Before we proceed,
3 Mr. Higashida's original language is Japanese and we have an
4 interpreter here for her --

5 THE COURT: Okay.

6 MR. LYNCH: -- for him. I don't know if you want him
7 sworn in.

8 THE COURT: I do. I do. I wasn't sure how --

9 MR. LYNCH: Yeah.

10 THE COURT: -- good his English was, just to be on the
11 safe side. I'm going to have my law clerk administer the
12 interpreter's oath.

13 THE LAW CLERK: Please raise your right hand.

14 (Daiske Yoshida, Interpreter, sworn, 3:23 p.m.)

15 THE COURT: All right then, I typically have one side
16 or the other put the essential terms of the Rule 11 plea
17 agreement on the record, so which one of you wants to do that?
18 Usually I have the government do it.

19 MR. LYNCH: Yeah.

20 THE COURT: So you can come to the podium if you want.

21 MR. CHOI: Sure.

22 THE COURT: Make it a little easier.

23 MR. CHOI: Yes, Your Honor. The Defendant agrees to
24 plead guilty to Count 1, conspiracy to obstruct an
25 investigation of a matter within U.S. jurisdiction, 18 U.S.

PLEA HEARING

1 Code 371 and 1519, and Count 2, attempted obstruction of
2 justice, 18 U.S. Code 1512(b)(2)(B).

3 The maximum penalties of Count 1 are a maximum term of
4 imprisonment of five years, fine not to exceed 250,000 and a
5 term of supervised release of three years following any term of
6 imprisonment.

7 The maximum penalties for Count 2 are maximum term of
8 imprisonment of 20 years, a fine not to exceed 250,000 and a
9 term of supervised release of three years following any term of
10 imprisonment.

11 The elements of Count 1 are two or more persons
12 conspired or agreed to commit the crime of obstructing a
13 contemplated investigation of a matter within jurisdiction of a
14 department and agency of the United States in violation of 18
15 U.S. Code 1519; second, the Defendant knowingly joined the
16 conspiracy; and third, a member of the conspiracy did one of
17 the overt acts described in the indictment for the purpose of
18 advancing or helping the conspiracy.

19 The elements of Count 2 are, one, the Defendant
20 attempted to corruptly persuade another person; two, that the
21 Defendant acted knowingly; and three, the Defendant acted with
22 the intent to cause or induce that person to alter an object
23 with the intent to impair the object's integrity or
24 availability for use in official proceeding.

25 The Defendant agrees to cooperate with the

PLEA HEARING

1 government's ongoing investigation of the automotive body
2 sealing parts industry, and the terms of his cooperation are
3 described further in paragraph 15 of the plea agreement. In
4 return, the government agrees not to bring criminal charges
5 against the Defendants for any conduct before the date of
6 signature of this plea agreement that was undertaken in
7 furtherance of the antitrust conspiracy involving the
8 manufacture and sale of automotive body sealing products or for
9 any of the facts that are described in paragraph 4(g)
10 through -- 4(g) through (j) of the plea agreement. That's all.

11 THE COURT: Anything else? Okay. All right then --

12 MR. CHOI: Sorry, Your Honor. The agreed upon
13 sentence is 14 months imprisonment, a fine of \$7,500 and no
14 order of restitution.

15 THE COURT: Okay. All right then. Defense counsel,
16 the Defendant, the interpreter, you all can approach the podium
17 now too.

18 MR. LYNCH: Your Honor, Niall Lynch appearing on
19 behalf of Mr. Higashida and with me is Mr. Higashida standing
20 next to me and the interpreter.

21 THE COURT: Okay. All right then. I'm going to have
22 my law clerk, again, administer an oath to Mr. Higashida.

23 THE LAW CLERK: Please raise your right hand.

24 (**Futoshi Higashida**, sworn, 3:27 p.m.)

25 THE LAW CLERK: Okay.

PLEA HEARING

1 THE COURT: All right. Mr. Higashida, I'm going to
2 ask you quite a few questions, and I know your attorneys have
3 discussed these matters with you already, but the court rules
4 and the statutes that govern criminal proceedings require me to
5 do that. So do you understand that?

6 THE DEFENDANT: I understand.

7 THE COURT: Okay. So do you understand that you are
8 now under oath and if you answer any of my questions falsely,
9 your answers may later be used against you in a separate
10 prosecution for perjury or false statement? You understand
11 that?

12 THE DEFENDANT: I understand.

13 THE COURT: So what is your full name, sir?

14 THE DEFENDANT: It is Futoshi Higashida.

15 THE COURT: And how old are you?

16 THE DEFENDANT: 53 years old.

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

18 THE DEFENDANT: I obtained an associate degree from
19 college.

20 THE COURT: Okay. And have you been treated recently
21 for any type of mental illness or addiction to narcotics or
22 alcohol?

23 THE DEFENDANT: No.

24 THE COURT: And are you currently under the influence
25 of any type of drug, medication or alcoholic beverage?

PLEA HEARING

1 THE DEFENDANT: No.

2 THE COURT: Okay. And have you received a copy of the
3 indictment that's been returned against you and had a chance to
4 discuss that with your attorney?

5 THE DEFENDANT: Yes, I have.

6 THE COURT: And are you fully satisfied with the
7 counsel and advice you received from your attorneys up to this
8 point?

9 THE DEFENDANT: Yes, I am satisfied.

10 THE COURT: And have you had an chance to read over or
11 someone read to you the Rule 11 plea agreement that's been made
12 in this case?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. And I've got, I think, the original
15 up here, and on the last page it purports to have the signature
16 of your attorney and you. Did you sign the agreement?

17 THE DEFENDANT: Yes, I did sign it.

18 THE COURT: Do you have any questions about the
19 agreement at all?

20 THE DEFENDANT: No.

21 MR. LYNCH: Your Honor, I'll just note it was fully
22 translated into Japanese for the benefit of the Defendant.

23 THE COURT: All right. Thank you.

24 So have there been any other promises made to you
25 other than what's contained in the Rule 11 plea agreement?

PLEA HEARING

1 THE DEFENDANT: No.

2 THE COURT: And has anyone forced you or threatened
3 you or told you that you must enter this plea of guilty?

4 THE DEFENDANT: No.

5 THE COURT: And are you pleading guilty freely and
6 voluntarily?

7 THE DEFENDANT: That is correct.

8 THE COURT: And do you understand that the offenses
9 you are pleading guilty to are felonies?

10 THE DEFENDANT: Yes, I understand.

11 THE COURT: And as a result, you'll have a felony --
12 you will have felony convictions on your record. You
13 understand that?

14 THE DEFENDANT: Yes, I understand that.

15 THE COURT: And so as I understand it, you are a
16 citizen of Japan; is that correct?

17 THE DEFENDANT: Yes.

18 THE COURT: And do you understand that this plea of
19 guilty may affect or probably will affect your right to become
20 a citizen in the United States or maybe even affect your right
21 to enter and come and go into the United States? You
22 understand that?

23 THE DEFENDANT: Yes, I understand.

24 THE COURT: Okay. And do you understand that the
25 normal maximum sentence for Count 1 is five years and the

PLEA HEARING

1 normal maximum sentence for Count 2 is 20 years? Do you
2 understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: And you understand that the normal
5 mandatory supervised release could be up to three years?

6 THE DEFENDANT: Yes.

7 THE COURT: And do you also understand that there is a
8 mandatory \$200 special assessment with regard to each of the
9 counts in the indictment?

10 THE DEFENDANT: Yes.

11 THE COURT: And so, also, do you understand that we
12 have, or I say your attorneys and the government, we have
13 figured out your sentencing guidelines and your sentencing
14 guidelines are 15 to 21 months. You understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: And do you understand that you're giving
17 up the right to appeal the case and the sentence as part of
18 this agreement?

19 THE DEFENDANT: Yes, I understand.

20 THE COURT: Okay. And so do you also understand that
21 if you wanted to, you could have a trial on your case and your
22 trial could be either by jury or you could have a trial by
23 judge if the government and I agree? Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: And at the trial you'd have the right to

PLEA HEARING

1 be presumed innocent and the government would have to prove you
2 guilty beyond a reasonable doubt. You understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. And also at trial, your
5 attorney, Mr. Lynch, could continue to represent you and assist
6 you throughout the trial and at a trial the government would
7 have to bring in witnesses to testify against you and Mr. Lynch
8 could cross-examine and question those witnesses. Do you
9 understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: And also at a trial, you could remain
12 silent if you wanted to and your silence couldn't be used
13 against you in any way. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: And also at a trial if you wanted to
16 testify, you could do so and if you wanted to call witnesses in
17 your defense, I would help you bring in witnesses with
18 subpoenas. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. And so do you understand that by
21 hearing these pleas of guilty, that you will stand convicted of
22 these charges and there will be no trial on your case?

23 THE DEFENDANT: Yes, I understand.

24 THE COURT: All right then. Tell me what it is that
25 makes you guilty of these two offenses in Count 1 and Count 2.

PLEA HEARING

1 And maybe one of the attorneys, either for the defense or for
2 the government, can elicit a factual basis here. It doesn't
3 matter to me who does it.

4 MR. LYNCH: He also has a statement in his own words.

5 THE COURT: Okay.

6 THE DEFENDANT: First, while I worked at Nishikawa
7 Rubber Company and Nisco, N-I-S-C-O, at certain times I told my
8 subordinate to delete records of phone communications and
9 e-mails with competitors. I also helped Mr. Katsumaru,
10 K-A-T-S-U-M-A-R-U, to send a message to members of the sales
11 department in Japan that they delete records of conduct with
12 competitors.

13 THE COURT: Okay. How many subordinates did he have?
14 Just roughly?

15 THE DEFENDANT: About ten people.

16 THE COURT: Okay. I think the law -- or the
17 guidelines require at least four, so okay.

18 THE DEFENDANT: The reason I did these things was
19 because I thought that it would be bad for the company if such
20 records existed in the case there were future investigations
21 including in the United States.

22 THE COURT: Okay. And did these events occur from
23 2008 until September of 2012? Is this the time period?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. And so you knew that there

PLEA HEARING

1 were investigations going on about the price fixing or
2 conspiracy to do that?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. And so your goal there then was to
5 obstruct the investigation?

6 THE DEFENDANT: Yes.

7 MR. LYNCH: Your Honor, if I could clarify one thing.

8 THE COURT: Yes.

9 MR. LYNCH: This is under 1519 and conspiracy to
10 violate, 1519. So there was not an existing investigation of
11 his company but there was in the auto parts industry.

12 THE COURT: Okay.

13 MR. LYNCH: So it's in contemplation of a possible
14 investigation which is covered under 1519.

15 THE COURT: Okay, okay.

16 MR. LYNCH: Yeah.

17 THE COURT: Okay. Is the factual basis I've heard so
18 far, is that sufficient with regard to Count 1 and Count 2?
19 Are there other questions that need to be covered?

20 MR. LYNCH: From the Defendant's perspective, I think
21 you've covered everything that's sufficient for both counts.

22 THE COURT: What about the government, are you
23 satisfied that the factual basis that -- was he finished
24 reading his statement?

25 THE INTERPRETER: Yes, yes.

PLEA HEARING

1 THE COURT: Is there anything else I need to ask him
2 for the factual basis here?

3 MR. CHOI: We'd just like to add for Count 2, the
4 factual basis for that count.

5 THE COURT: I'm sorry?

6 MR. CHOI: The factual basis for Count 2.

7 THE COURT: Okay.

8 MR. CHOI: On or about September 25th, 2012, in the
9 Eastern District of Michigan, the Defendant knowingly attempted
10 to corruptly persuade a subordinate employee to delete phone
11 numbers and call records from a cellular phone and data from
12 his computer that would reflect communications with
13 competitors. The Defendant sent these instructions with the
14 intent to cause his subordinate employee to impair his computer
15 and cell phone's integrity and availability for use in a
16 contemplated prosecution of his employer and its employees for
17 antitrust crimes before a court of the United States.

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. So this is a very specific act that
20 occurred on September the 25th, 2012; is that correct?

21 THE DEFENDANT: Yes, on September 25th.

22 THE COURT: Okay. Anything else from the government?

23 MR. CHOI: No, Your Honor.

24 THE COURT: Okay. Then are both sides in agreement
25 that I've complied with Rule 11 in terms of taking the plea?

SENTENCING

1 MR. LYNCH: Yes, Your Honor, on behalf of the
2 Defendant. Yes.

3 MR. CHOI: Yes, Your Honor, on behalf of the United
4 States.

5 THE COURT: All right. Now, there was a question to
6 have an immediate sentencing, and is that still what the
7 parties want to do?

8 MR. LYNCH: Yes, Your Honor.

9 THE COURT: Okay. All right. And I really don't
10 normally do this. I've done it in a few immigration cases. I
11 don't normally do it, so I guess -- and let me just say, too,
12 that I wasn't sure the guidelines were computed correctly
13 because I talked with one of our supervisors in probation and
14 they had a question about the guidelines, and the record should
15 reflect that I brought all counsel in chambers and we talked
16 about it, and the issue that my probation officer and I had
17 about the sentencing and the sentencing guidelines was pretty
18 much cleared up. So the Court is in agreement that the
19 guidelines are, in fact, 15 to 21 months.

20 And, let's see, Mr. Lynch, you've explained to your
21 client that he does have the right to have a presentence report
22 prepared in his behalf if he wants to?

23 MR. LYNCH: Yes, Your Honor, I've advised him of that
24 and he's prepared to waive that right.

25 THE COURT: Okay. And so, Mr. Higashida, is that

SENTENCING

1 correct? You don't want to have a presentence investigation or
2 report done on your case and you're ready to proceed to
3 sentencing now?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. All right. Then let me also say
6 that I have received a joint sentencing memoranda that was
7 prepared jointly by both sides, and I have had a chance to
8 review and read the report, and at this point I would ask the
9 attorneys -- well, I'll start with defense counsel. Is there
10 anything you want to say prior to sentencing, Mr. Lynch?

11 MR. LYNCH: No. The only things I'd like to say, Your
12 Honor, and these were -- some are addressed in the sentencing
13 memorandum and some are not. But just wanted to identify that
14 one of the material terms of the plea agreement and, if
15 possible, we would like this inserted into the -- any ultimate
16 judgment is that we request that the Court make a
17 recommendation to the Bureau of Prisons that the Bureau of
18 Prisons designates the Defendant to be assigned to a federal
19 minimum security camp and specifically to the federal prison
20 camp at Taft, California. That facility has housed many of the
21 Japanese nationals prosecuted in the auto parts investigation
22 and they're particularly well suited to house Japanese
23 nationals. So that's one item.

24 The other is we request that the Defendant be released
25 following the Court's imposition of the sentence to allow him

SENTENCING

1 to self-surrender to the assigned prison facility and the
2 United States government has no objection. We also request
3 that the Defendant be allowed to travel to Japan between his
4 sentence and his reporting date. I'll note that the Defendant
5 has been under investigation for over three years and has
6 traveled back and forth to Japan on four separate occasions,
7 has notified the Department of Justice of his travel plans and
8 has voluntarily returned to this country every time even on the
9 eve of indictment when he knew he would be charged imminently.
10 So we would request that, and in order to be able to do that,
11 he would need his passport returned to him from Pretrial
12 Services which was handed over to pretrial services at his
13 arraignment.

14 And then the final request is that after his term is
15 completed, we request that the Court recommend the Defendant be
16 allowed to voluntarily leave the country within 72 hours of
17 completing his prison term and to leave the country on his own
18 without being detained and deported by immigration services.

19 THE COURT: All right. Anything else?

20 MR. LYNCH: No, Your Honor. That's it.

21 THE COURT: Okay. Does the government have any
22 comment at this point about the sentence to be imposed?

23 MR. CHOI: Yes. We'd just like to make a note on the
24 record that we'd like to make a motion pursuant to U.S.S.G.
25 Section 5K1.1 for a one-level departure from the bottom of the

SENTENCING

1 guidelines range based on the Defendant's substantial
2 assistance with the government's investigation of the
3 automotive body sealing parts industry. That's all.

4 THE COURT: All right. All right then. Mr. Higashida
5 can speak if he chooses to. Is there anything you want to say
6 prior to sentencing in this matter?

7 THE DEFENDANT: No.

8 MR. LYNCH: Your Honor, I apologize for interrupting.
9 I don't know that the Defendant has changed his plea. I don't
10 know if he's actually entered a guilty plea, but I could be
11 mistaken.

12 THE COURT: Okay. And maybe I should clarify that.

13 MR. LYNCH: Yeah.

14 THE COURT: So, Mr. Higashida, you're pleading guilty
15 to both of these counts. We talked about it already. So what
16 is your plea, guilty or not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: Okay. And that's as to both of the
19 counts?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. And so you don't have anything else
22 you want to say? You don't have to say anything. I'm just --
23 I have to give you the opportunity to speak if you want to.

24 THE DEFENDANT: Thank you for the opportunity, Your
25 Honor, but I don't have anything to add.

SENTENCING

1 THE COURT: Okay. All right then. I have read quite
2 a bit about the case, the indictment and then the -- there is
3 a -- there's a 22-page Rule 11 plea agreement that's been
4 entered into and signed and agreed to by all the important
5 parties here. And we've already talked about the guidelines,
6 and they're 15 to 21 months. And actually the sentence,
7 because of the 5K1 cooperation, would take us a little below
8 the guidelines with regard to the sentencing agreement. And I
9 think the sentence is a fair recommendation by both parties
10 because the Court does have to look at the seriousness of the
11 offense. And it is relatively serious in terms of the scheme
12 of things, obstructing justice and destroying evidence. That's
13 pretty serious. And then the Court does look at the background
14 of the Defendant, and he doesn't have any prior criminal
15 history. He's married, has two -- has a daughter, 26, and a
16 son, I think, 24. He's got family and no blemishes on his
17 record. So that's in his favor.

18 And then the Court does have to look at deterrence,
19 and that's one of the factors involved in the sentencing today,
20 is not only to deter you, Mr. Higashida, from doing this kind
21 of thing in the future but also to deter others who might be
22 interested in obstructing justice or involved in some type of
23 antitrust activity.

24 So looking at all of those things, I think that the
25 recommendation to the Court from the joint sentencing

SENTENCING

1 memorandum is appropriate. I do have to say one additional
2 thing. There is a mandatory \$100 special assessment that the
3 Court is required to impose in all cases on all counts, and I
4 don't know, is there a waiver of that? Because that's
5 something that does -- it's \$100 a count, so it's \$200. You
6 understand, sir? And I have to add that to the sentence to be
7 imposed here.

8 So it's the judgment and sentence of the Court that
9 the Defendant, Mr. Higashida, be committed to the United States
10 Bureau of Prisons for a period of 14 months, and I'm
11 recommending to the Bureau of Prisons that he serve that
12 sentence at the minimum security camp located at -- in Taft,
13 California, for the reasons that it was requested. And there's
14 also going to be a criminal fine in the amount \$7,500, and
15 there's no restitution, no supervised release on this case.

16 I assume that Mr. Higashida has been cooperative with
17 Pretrial Services, so I'm going to continue the bond that he's
18 on and allow him to self-surrender to the institution that he's
19 designated to and hopefully that will be the federal camp at
20 Taft, California.

21 I think the Bureau of Prisons follows our
22 recommendations in about 75 percent of the cases, so there's a
23 good likelihood that he'll be there.

24 And I'm also going to grant their request to allow
25 travel to Japan, and that travel will need to occur prior to

SENTENCING

1 the designation. So it's my understanding that it's usually
2 anywhere from three to six weeks before a person is designated
3 for an institution.

4 So Mr. Higashida will have to make sure that he's
5 notified -- or I should say make sure that he reports to the
6 institution that he's designated to at a particular time and
7 date that they indicate. So, Mr. Higashida, make sure that you
8 report to the institution that you're designated for. You'll
9 find out about that.

10 And so, Mr. Lynch, did you indicate that he is
11 prepared to waive the deportation proceedings and consent to
12 it?

13 MR. LYNCH: Well, I would phrase it this way.

14 THE COURT: Okay.

15 MR. LYNCH: He recognizes that his -- he fully
16 recognizes that his guilty plea could lead to deportation and
17 could lead to other adverse immigration consequences. The
18 request we're making is that at the end of his prison term,
19 that he simply be allowed 72 hours to leave the country to go
20 back to Japan and that he not be subject to detention and
21 deportation by the immigration and control administration. So
22 that's the request.

23 THE COURT: Okay.

24 MR. LYNCH: But we're not actually saying we're
25 agreeing to deportation at this time. We're trying to avoid

SENTENCING

1 that.

2 THE COURT: Okay.

3 MR. LYNCH: Yeah.

4 THE COURT: The government have any position on that
5 or everyone in agreement?

6 MR. CHOI: No objection.

7 THE COURT: All right. Then I will order that within
8 72 hours of his release he be allowed to return to Japan. And
9 I don't know how the deportation proceedings will go. I don't
10 really have any control over that, but I will order that he be
11 allowed to voluntarily return to Japan within 72 hours of his
12 release.

13 MR. LYNCH: Thank you, Your Honor.

14 THE COURT: Okay. All right. And, again, as I
15 mentioned, there's a 200 -- there's \$100 special assessment
16 that the Court is required to impose with regard to each count
17 that a person pleads guilty to. So there will be \$200 added to
18 the amounts that he'll have to pay.

19 All right. Is there anything else that we need to
20 take up on this matter?

21 MR. LYNCH: One last item, Your Honor. In order to
22 allow him to travel to Japan between now and his report date,
23 he will need a return of his passport which is currently being
24 held by Pretrial Services. So if you could order the return of
25 his passport, we would make that request as well.

SENTENCING

1 THE COURT: Okay. Any objection by the government?

2 MR. CHOI: No objection.

3 THE COURT: Okay. All right then. I will order that
4 Pretrial Services release his passport to him for his travel.

5 MR. LYNCH: Okay. Thank you.

6 THE COURT: Okay.

7 MR. LYNCH: Is that something -- I guess we'll just
8 wait for the judgment and then when he gets it, he will get his
9 passport.

10 THE COURT: Yeah. I don't know if Pretrial Services
11 is open right now, but you might want to contact them today and
12 see if you can arrange that.

13 MR. LYNCH: Okay.

14 THE COURT: Probably the sooner, the better.

15 MR. LYNCH: We will. Thank you, Your Honor.

16 THE COURT: All right. Anything else?

17 MR. LYNCH: No, just thank you for your accommodation
18 for the same-day sentencing. We appreciate that.

19 THE COURT: Okay. Then with that we'll be in recess.

20 THE LAW CLERK: All rise. Court is in recess.

21 (Proceedings concluded, 3:59 p.m.)

22 - - -

23

24

25

SENTENCING

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

CERTIFICATION OF REPORTER

I, Leann S. Lizza, do hereby certify that the above-entitled matter was taken before me at the time and place hereinbefore set forth; that the proceedings were duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party, nor interested in the event of this cause.

S/Leann S. Lizza 6-29-2017
Leann S. Lizza, CSR-3746, RPR, CRR, RMR Date