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CLERK

4/23/2019 1:35 pm

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

-----X **Docket#**  
UNITED STATES OF AMERICA, : 18-cr-543-SJF-AKT  
: :  
- versus - : U.S. Courthouse  
: Central Islip, NY  
ISMAIL LATIF, : :  
: April 1, 2019  
Defendant. : 11:55 AM  
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE A. KATHLEEN TOMLINSON  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**

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BY: **Jeanine Martelle**

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1 THE CLERK: Calling criminal case 18-cr-543,  
2 United States of America v Ismail Latif.

3 Please state your appearance for the record.

4 MR. ROSE: For the government, Assistant United  
5 States Attorney Charlie Rose.

6 Good morning, your Honor.

7 THE COURT: Good morning.

8 MS. GAFFEY: And for Ismail Latif,  
9 Tracey Gaffey, Federal Defenders.

10 Good morning, your Honor.

11 THE COURT: Good morning.

12 Just a reminder, which I'm sure you're sick of  
13 hearing, to counsel and that's to get on top of the  
14 microphones, if you would, please, all right.

15 MR. ROSE: Yes, your Honor.

16 MS. GAFFEY: Yes, your Honor.

17 THE COURT: Thank you.

18 All right. You are Ismail Latif; is that  
19 correct, sir?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Mr. Latif, before we get into the  
22 business of your plea, there's just one thing I want to  
23 go over with you first.

24 First of all, I have before me an Order of  
25 Referral from Judge Feuerstein, who is the district judge

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1 assigned to your case. In this referral order, she says  
2 that you've consented to have your plea entered here, and  
3 that I'm to administer the allocution and to make a  
4 finding as to whether your plea is knowingly and  
5 voluntarily made and not coerced, and also then to make a  
6 recommendation to her as to whether your plea should be  
7 accepted.

8 Do you understand that?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Okay. I see that you signed this  
11 consent form, correct?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: I just want to make sure that you  
14 understand that you have an absolute constitutional right  
15 to have your plea entered before Judge Feuerstein; are  
16 you aware of that?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Did you have a chance to talk about  
19 this referral to Ms. Gaffey about it?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: All right. And notwithstanding the  
22 fact that you have the right to have your plea entered  
23 before Judge Feuerstein, are you, nonetheless, agreeing  
24 to proceed here before me this morning?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: All right. All right, then let's  
2 proceed.

3 Mr. Latif, you're here today because the grand  
4 jury has returned an indictment charging you with a  
5 number of counts, which I'm going to go over with you  
6 right now.

7 First of all, you're charged in count one with  
8 conspiracy to distribute and possess with intent to  
9 distribute a controlled substance -- controlled  
10 substances I should say -- and, specifically, that in or  
11 about and between November of 2017 and September of 2018,  
12 here in the Eastern District of New York and elsewhere,  
13 you're charged together with others with knowingly and  
14 intentionally conspiring to distribute and possessing  
15 with intent to distribute one or more controlled  
16 substances, which offense involved, first of all, a  
17 substance containing heroin, a Schedule I Controlled  
18 Substance;

19 second, a substance containing;  
20 N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl, as best as I  
21 can make that out, propanamide, which is known as  
22 fentanyl, a Schedule II Controlled Substance;

23 third, a substance containing an analogue of  
24 fentanyl, here specifically, cyclopropylfentanyl, a  
25 Schedule I Controlled Substance; and

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1           fourth, a substance containing an analogue of  
2 fentanyl, specifically here, 2-furanylbenzylfentanyl, a  
3 Schedule I Controlled Substance, contrary to Title 21  
4 United States Code § 841(a)(1). The amount of  
5 cyclopropylfentanyl and 2-furanylbenzylfentanyl involved  
6 in a conspiracy that's attributable to you, as a result  
7 of your own conduct and the conduct of other  
8 co-conspirators reasonably foreseeable to you was, first  
9 of all, 10 grams or more of a substance containing  
10 cyclopropylfentanyl; and, secondly, 10 grams or more of a  
11 substance containing 2-furanylbenzylfentanyl.

12           Do you understand that's what you're charged  
13 with in count one?

14           THE DEFENDANT: Yes.

15           THE COURT: Count two, and I understand your  
16 plea is to count one, but I want to go through this for  
17 the record, all right.

18           In count two you were charged with distribution  
19 of 2-furanylbenzylfentanyl, and specifically on or about  
20 May 14, 2018, here in the Eastern District of New York  
21 and elsewhere, together with others, you are charged with  
22 knowingly and intentionally distributing and possessing  
23 with intent to distribute a controlled substance, which  
24 offense involved a substance containing an analogue of  
25 fentanyl, here specifically, 2-furanylbenzylfentanyl, a

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1 Schedule I Controlled Substance.

2 Do you understand that's what you're charged  
3 with in count two?

4 THE DEFENDANT: Yes.

5 THE COURT: Count three is for distribution of  
6 2-furanylbzylfentanyl, specifically here, that on or  
7 about May 24, 2018, here in the Eastern District of  
8 New York and elsewhere, together with others, you are  
9 charged with knowingly and intentionally distributing and  
10 possessing with intent to distribute a controlled  
11 substance, which offense involved 10 grams or more of a  
12 substance containing an analogue of fentanyl, here  
13 specifically, 2-furanylbzylfentanyl, a Schedule I  
14 Controlled Substance.

15 Do you understand that's what you're charged  
16 with in count three?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: In count four, distribution of  
19 2-furanylbzylfentanyl, you're charged specifically with  
20 on or about June 25, 2018, here in the Eastern District  
21 of New York and elsewhere, together with others, you are  
22 charged with knowingly and intentionally distributing and  
23 possessing with intent to distribute a controlled  
24 substance, which offense involved 10 grams or more of a  
25 substance containing an analogue of fentanyl, here

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1 specifically, 2-furanylbenzylfentanyl, a Schedule I  
2 Controlled Substance.

3 Do you understand that's what you're charged  
4 with in count four?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: All right. Now, have you had a  
7 chance to review the indictment and these charges with  
8 Ms. Gaffey as your attorney?

9 THE DEFENDANT: Yes.

10 THE COURT: Ms. Gaffey, have you reviewed the  
11 indictment with Mr. Latif?

12 MS. GAFFEY: I have, your Honor.

13 THE COURT: Do you have any concern about  
14 whether or not he understands what the charges are  
15 against him?

16 MS. GAFFEY: I do not.

17 THE COURT: Do you want me to read the full  
18 indictment out loud?

19 MS. GAFFEY: No, your Honor.

20 THE COURT: Is Mr. Latif prepared to plead?

21 MS. GAFFEY: Yes, he is.

22 THE COURT: All right. As I said earlier, my  
23 understanding is that he is going to be entering a plea  
24 to count one only, correct?

25 MS. GAFFEY: Correct.

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1 THE COURT: Mr. Latif, what is your plea with  
2 respect to count one?

3 THE DEFENDANT: Guilty.

4 (Pause in proceedings.)

5 THE COURT: All right. Well, I apologize. I  
6 think I just arraigned him a second time, so we'll  
7 proceed with the plea, all right. All right, and it's  
8 only Monday morning, but let's go ahead, all right.

9 Mr. Latif, before hearing your plea and making  
10 a recommendation to Judge Feuerstein, there are a number  
11 of questions that I must ask you to insure that this is a  
12 valid plea. If for some reason, you don't understand one  
13 or more of the questions I'm about to ask you, please let  
14 Ms. Gaffey know that in some way or raise your hand and  
15 let me know, and I will try to reword the question in a  
16 way that you can answer it.

17 Do you understand that?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: And you're willing to do that?  
20 You're willing to do that?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay, all right.

23 Madam Clerk, would you please swear in  
24 Mr. Latif.

25 THE CLERK: Please stand and raise your right



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1 hand.

2 I S M A I L L A T I F,

3 called as a witness, having been first duly sworn,  
4 was examined and testified as follows:

5 THE COURT: Have a seat, please.

6 Mr. Latif, do you understand that having been  
7 sworn now, your answers to my questions will be subject  
8 to the penalties of perjury or making a false statement,  
9 if you do not answer them truthfully?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: What is your full name?

12 THE DEFENDANT: Ismail Latif.

13 THE COURT: How old are you?

14 THE DEFENDANT: Thirty-two.

15 THE COURT: Are you a citizen of the  
16 United States?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: What is the highest level of  
19 schooling or education that you have completed?

20 THE DEFENDANT: Eleventh grade.

21 THE COURT: Are you now or have you recently  
22 been under the care of a physician or a psychiatrist?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Okay. Which one is it or is it  
25 both?

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1 THE DEFENDANT: Psychiatrist.

2 THE COURT: Okay. Are you presently taking any  
3 medication?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Can you tell the court what it is  
6 you were prescribed?

7 THE DEFENDANT: Remeron.

8 THE COURT: Anything else?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: Is there anything about your taking  
11 that medication that would impair your ability here this  
12 morning to answer my questions fully and completely and  
13 truthfully?

14 THE DEFENDANT: No.

15 THE COURT: All right. Ms. Gaffey, are you  
16 aware of any concerns with respect to the medication  
17 impacting what Mr. Latif is doing here today?

18 MS. GAFFEY: No, your Honor.

19 THE COURT: All right. Now, other than the  
20 Remeron that you just mentioned that you've been  
21 prescribed, in the last 24 hours, other than that drug,  
22 have you taken any narcotic drugs, medicine or pills, or  
23 drank any alcoholic beverage?

24 THE DEFENDANT: No, your Honor.

25 THE COURT: Have you ever been hospitalized or

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1 treated for narcotics addiction?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: How long ago was your last  
4 hospitalization?

5 THE DEFENDANT: Two years ago.

6 THE COURT: All right, so we sufficiently moved  
7 on from that period of time?

8 THE DEFENDANT: Yes.

9 THE COURT: Correct?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: All right. The Remeron is not  
12 treating you for any type of narcotics addiction,  
13 correct?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: All right. Now, is your mind clear  
16 as you sit here this morning?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand what is going on  
19 here in the courtroom?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: All right.

22 Ms. Gaffey, have you discussed this matter with  
23 Mr. Latif?

24 MS. GAFFEY: I have, your Honor.

25 THE COURT: Does he understand the rights that

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1 he would be waiving by pleading guilty here?

2 MS. GAFFEY: Yes, he does.

3 THE COURT: To the best of your knowledge, is  
4 he capable of understanding the nature of these  
5 proceedings?

6 MS. GAFFEY: Yes, he is.

7 THE COURT: Do you have any doubt as to  
8 Mr. Latif's competency to plead at this time?

9 MS. GAFFEY: I do not.

10 THE COURT: Mr. Latif, you have a right to  
11 plead not guilty; do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: If you plead not guilty, under the  
14 constitution and laws of the United States, you are  
15 entitled to a speedy and public trial by a jury with the  
16 assistance of counsel on the charges.

17 Do you understand that?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: At the trial you would be presumed  
20 to be innocent, and the government would have to overcome  
21 that presumption and prove you guilty by competent  
22 evidence and beyond a reasonable doubt, and you would not  
23 have to prove that you are innocent. If the government  
24 failed, the jury would have the duty to find you not  
25 guilty.

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1 Do you understand that?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: In the course of the trial, the  
4 witnesses for the government have to come to court and  
5 testify in your presence, and your counsel has the right  
6 to cross examine the witnesses for the government, to  
7 object to evidence offered by the government, and to  
8 offer evidence on your behalf.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: You also have the right to compel  
12 the attendance of witnesses at the trial.

13 Do you understand that as well?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: At the trial, while you would have  
16 the right to testify if you choose to do so, you would  
17 not be required to testify. Under the Constitution of  
18 the United States, you cannot be compelled to incriminate  
19 yourself. If you decided not to testify, the court would  
20 instruct the jury that they could not hold that against  
21 you.

22 Do you understand that?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: If you plead guilty, and if I  
25 recommend to Judge Feuerstein that the plea be accepted,

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1 you will be giving up your constitutional rights to a  
2 trial and all the other rights that I have just discussed  
3 with you. There will be no further trial of any kind and  
4 no right to appeal or collaterally attack, or at any time  
5 question whether you are guilty or not. A judgment of  
6 guilty will be entered on the basis of your guilty plea,  
7 and that judgment could never be challenged. However,  
8 you have the right to appeal with respect to the  
9 sentence.

10 Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: If you plead guilty, Mr. Latif, I'll  
13 have to ask you some questions about what you did, in  
14 order to satisfy myself that you are guilty of the charge  
15 to which you are seeking to plead guilty, and you will  
16 have to answer my questions and acknowledge your guilt.  
17 Therefore, you will be giving your right not to  
18 incriminate yourself.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Mr. Latif, are you willing to give  
22 up your right to a trial and the other rights that I just  
23 discussed with you?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: All right. I have before me what's

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1 been handed up as your plea agreement, which we have now  
2 marked as Court Exhibit 1.

3 Did you have the opportunity to review the plea  
4 agreement with your attorney, Ms. Gaffey?

5 THE DEFENDANT: Yes.

6 THE COURT: I see that you signed the  
7 agreement; is that correct?

8 THE DEFENDANT: Yes.

9 THE COURT: Did you have enough time to discuss  
10 the agreement with Ms. Gaffey?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. I'm going to ask the  
13 government then, Mr. Rose, if you would, to list whether  
14 there's any waiver of appeal or other waiver of rights  
15 contained in the plea agreement.

16 MR. ROSE: Certainly, your Honor.

17 The defendant agrees to waive his rights to  
18 appeal or otherwise challenge his conviction or sentence,  
19 in the event that the court imposes a term of  
20 imprisonment at or below 262 months. There's additional  
21 waivers of additional discovery and some waivers that  
22 pertain to some defenses, if the plea is somehow vacated  
23 later on, but the chief waiver is the waiver of right to  
24 appeal, your Honor.

25 THE COURT: Okay. Mr. Latif, have you had the

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1 opportunity to review the waivers that are in this plea  
2 agreement?

3 MS. GAFFEY: Your Honor, may I just have one  
4 moment?

5 THE COURT: Sure.

6 (Pause in proceedings.)

7 MS. GAFFEY: Thank you, your Honor.

8 THE COURT: All right. So I had asked,  
9 Mr. Latif, if you had the opportunity to review the  
10 waivers that are contained in this plea agreement?

11 THE DEFENDANT: Yes.

12 THE COURT: Did you go over them with  
13 Ms. Gaffey?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: All right. I just want to draw  
16 attention for a moment to the waiver that's in paragraph  
17 three because it's very important.

18 This basically says that you are agreeing that,  
19 if Judge Feuerstein sentences you to a term of  
20 incarceration that's either 262 months or less than that,  
21 that, in effect, you're giving up your right to file an  
22 appeal and also your right to bring a petition under  
23 Section 2255, and I want to make sure that you understand  
24 that provision.

25 THE DEFENDANT: Yes.



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1 THE COURT: You do, all right. Again, did you  
2 have a sufficient opportunity to discuss this with  
3 Ms. Gaffey?

4 THE DEFENDANT: Yes.

5 THE COURT: All right. Now, your counsel has  
6 confirmed that you are going to be entering a plea of  
7 guilty to count one of the indictment, and so, Mr. Rose,  
8 I'm going to call on you once again, if you would,  
9 please, to outline the elements of the crime that's  
10 charged in count one.

11 MR. ROSE: Certainly, your Honor.

12 The government would have to prove at trial  
13 that on or about and between November 2017 and September  
14 2018, that the defendant, together with others, within  
15 the Eastern District of New York, conspired to distribute  
16 and possess with intent to distribute controlled  
17 substances. Specifically, the conspiracy involved  
18 heroin, fentanyl, and two analogues of fentanyl: one  
19 being cyclopropylfentanyl, which is a Schedule I  
20 Controlled Substance; and another analogue of fentanyl,  
21 2-furanylbenzylfentanyl, another Schedule I Controlled  
22 Substance.

23 The amounts that the conspiracy involved with  
24 respect to each of those two fentanyl analogues, the  
25 cyclopropylfentanyl and the 2-furanylbenzylfentanyl was

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1 over 10 grams of each of those substances.

2 THE COURT: All right, thank you.

3 So, Mr. Latif, you just heard the prosecutor  
4 outline the elements of the crime with which I'm told  
5 you're going to enter a guilty plea.

6 First of all, do you understand those elements?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Again, did you have the opportunity  
9 to discuss them with Ms. Gaffey?

10 THE DEFENDANT: Yes.

11 THE COURT: I want to take a minute now to go  
12 over the terms of your plea agreement.

13 First of all, under the statute that applies in  
14 these circumstances with respect to this count one, the  
15 maximum term of imprisonment that Judge Feuerstein could  
16 impose here is a period of forty years.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Under the same statute, the minimum  
20 term of imprisonment that Judge Feuerstein could impose  
21 is five years.

22 Do you understand that as well?

23 THE DEFENDANT: Yes.

24 THE COURT: If Judge Feuerstein imposes a term  
25 of incarceration, she's required to also then impose a

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1 term of supervised release. Here, the minimum term of  
2 supervised release is four years. The maximum period of  
3 supervised release is life.

4 Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: That is to follow on any term of  
7 imprisonment. If you were to violate a condition of your  
8 supervised release, you could be sentenced to up to three  
9 years without any credit for pre-release imprisonment or  
10 time previously served on post-release supervision.

11 Do you understand that?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: That is, I know, a complicated, or  
14 I should say, at least a long sentence, and I want to  
15 make sure you had the chance to discuss that with  
16 Ms. Gaffey, did you?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: All right. Under the statute that  
19 applies here, as well, there is a maximum fine attached  
20 to the plea to this count. That maximum fine is  
21 \$5 million; are you aware of that?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: And you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. There is also a \$100

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1 special assessment attached to the entry of your guilty  
2 plea. That is, essentially, in the form of an  
3 administrative fee that has to be paid in the short term.

4 Do you understand that as well?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: All right.

7 Mr. Latif, did you have a opportunity to speak  
8 with Ms. Gaffey about the federal sentencing guidelines?

9 THE DEFENDANT: Yes.

10 THE COURT: Under a specific supreme court  
11 decision, the federal sentencing guidelines have been  
12 declared to be advisory only and not mandatory. In other  
13 words, Judge Feuerstein must consider the federal  
14 sentencing guideline range, but she's not compelled to  
15 sentence you within that range.

16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: After considering the federal  
19 sentencing guideline range, Judge Feuerstein must  
20 consider all the other factors in your case. She must  
21 consider the statutory reasons for sentencing, and those  
22 include, first of all, the nature and characteristics of  
23 the offense and the history and characteristics of you as  
24 the defendant;

25 number two, she has to consider the need for

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1 the sentence imposed to reflect the seriousness of the  
2 offense, to promote respect for the law, and to provide  
3 just punishment for the offense;

4           third, she has to consider the need to afford  
5 deterrence as to other criminal conduct; and

6           four, she has to consider the need to protect  
7 the public from further crimes that you might commit.

8           Once Judge Feuerstein has considered the  
9 federal sentencing guideline range and all the other  
10 circumstances that I just described to you, her job at  
11 that point is to determine a sentence that is reasonable,  
12 taking all of those factors into account.

13           Do you understand that?

14           THE DEFENDANT: Yes.

15           THE COURT: Mr. Latif, do you also realize that  
16 if the sentence that Judge Feuerstein imposes here is  
17 more severe than what you might have expected, you will,  
18 nonetheless, be bound by your guilty plea, and you will  
19 not be permitted to withdraw it.

20           Do you understand that?

21           THE DEFENDANT: Yes.

22           THE COURT: Okay. Mr. Latif, do you have any  
23 questions that you'd like to ask me about the charge, or  
24 your rights, or anything else relating to this matter?

25           THE DEFENDANT: No.

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1 THE COURT: Okay. Are you ready to plead?

2 THE DEFENDANT: Yes.

3 THE COURT: Ms. Gaffey, do you know of any  
4 legal reason why Mr. Latif should not plead guilty

5 MS. GAFFEY: No, your Honor.

6 THE COURT: Mr. Latif, are you satisfied with  
7 your legal representation up to this point?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you feel that your attorney has  
10 done a good job?

11 THE DEFENDANT: Yes.

12 THE COURT: Mr. Latif, what then is your plea  
13 to count one of the indictment, conspiracy to distribute  
14 and possess with intent to distribute controlled  
15 substances? What is your plea?

16 THE DEFENDANT: Guilty.

17 THE COURT: Are you making the plea of guilty  
18 voluntarily and of your own free will?

19 THE DEFENDANT: Yes.

20 THE COURT: Has anyone threatened you or forced  
21 you in any way to get you to plead guilty?

22 THE DEFENDANT: No.

23 THE COURT: Other than the agreement with the  
24 government, which we have marked now as Court Exhibit 1  
25 -- that's your plea agreement -- other than that

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1 agreement, has anybody made any promises to you that  
2 caused you to plead guilty?

3 THE DEFENDANT: No.

4 THE COURT: Has anyone made any promise to you  
5 as to what your sentence will be?

6 THE DEFENDANT: No.

7 THE COURT: Now, bear with me, Mr. Latif.

8 Did you as charged in count one of the  
9 indictment, conspiracy to distribute and possess with  
10 intent to distribute controlled substances, did you on  
11 about and between November of 2017 and September of 2018,  
12 here in the Eastern District of New York and elsewhere,  
13 together with others, did you knowingly and intentionally  
14 conspire to distribute and possess with intent to  
15 distribute one or more controlled substances, which  
16 offense involved, first of all, a substance containing  
17 heroin, a Schedule I Controlled Substance;

18 second, a substance containing  
19 N-phenyl-N[1-(2-phenylethyl)-4-piperidinyl] propanamide,  
20 meaning fentanyl, a Schedule II Controlled Substance;

21 third, a substance containing an analogue of  
22 fentanyl, specifically, cyclopropylfentanyl, a Schedule I  
23 Controlled Substance;

24 and fourth, a substance containing an analogue  
25 of fentanyl, here specifically, 2-furanylbenzylfentanyl,

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1 a Schedule I Controlled Substance, contrary to Title 21  
2 United States Code § 841(a)(1).

3 The amount of cyclopropylfentanyl and  
4 2-furanylbenzylfentanyl involved in the conspiracy  
5 attributable to you, as a result of your own conduct and  
6 the conduct of other conspirators, reasonably foreseeable  
7 to you was 10 grams or more of a substance containing  
8 cyclopropylfentanyl and 10 grams or more of a substance  
9 containing 2-furanylbenzylfentanyl.

10 Did you commit those acts?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: All right. Mr. Latif, I'm going to  
13 need you now, if you would, please, to describe in your  
14 own words what you did in connection with the conduct  
15 that's charged in count one of the indictment.

16 THE DEFENDANT: Between '17 and '18, November,  
17 I conspired with others to sell fake Oxycontin pills that  
18 they contained 10 grams or more of a controlled  
19 substance. On different dates, I did sell fake Oxycontin  
20 pills to a confidential informant containing 10 grams or  
21 more in Suffolk County -- 10 grams or more of a  
22 controlled substance, and this happened in Suffolk  
23 County.

24 THE COURT: All right. Let me just ask a  
25 couple of questions.



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1 First of all, did you enter into a conspiracy  
2 with other people to perform these acts?

3 THE DEFENDANT: Yes.

4 THE COURT: Did these acts take place here in  
5 the Eastern District of New York? I know I just heard  
6 you mention Suffolk County.

7 THE DEFENDANT: Yes.

8 THE COURT: With respect to the substance  
9 containing heroin here, as well as the fentanyl  
10 substances that are described here in count one, you are  
11 agreeing that you committed each of those acts; is that  
12 correct?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: At the time you committed those  
15 acts you were aware that, that was against the law; is  
16 that correct?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: You also acknowledge that with  
19 respect to the amount of drugs that are attributable to  
20 you as part of this conspiracy was 10 grams or more of a  
21 substance containing cyclopropylfentanyl and 10 grams or  
22 more of a substance containing 2-furanylbenzylfentanyl;  
23 is that correct?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: All right. Do you need anything

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1 else, Mr. Rose?

2 MR. ROSE: No, your Honor.

3 THE COURT: All right. Mr. Rose, I'm going to  
4 ask you now, once again on behalf of the government, if  
5 you would, to outline the proof in this case, if the case  
6 were to go to trial.

7 MR. ROSE: Certainly, your Honor.

8 During the dates of the indictment, the  
9 government investigated the defendant and co-conspirators  
10 who were conspiring to sell to fake Oxycodone pills in  
11 Suffolk County. The pills contained analogues of  
12 fentanyl. They were manufactured here on Long Island.  
13 The fentanyl analogues involved were cyclopropylfentanyl  
14 and 2-furanylbenzylfentanyl. The conspiracy involved  
15 more than 10 grams of each of those substances.

16 And during the course of the investigation, the  
17 agents were able to obtain from the defendant and  
18 co-conspirators the fake Oxycodone pills that contained  
19 the fentanyl analogues. The agents also recovered from  
20 the defendant quantities of heroin and straight-up  
21 fentanyl that are both named in count one.

22 The government would put evidence on at trial  
23 showing that the fentanyl analogues are indeed Schedule I  
24 Controlled Substances. The government has drug labs that  
25 confirmed they are what they purport to be.

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1           The government would put forth the fake  
2 Oxycodone pills that were recovered during the course of  
3 the investigation. There would also be the recordings of  
4 the interactions between the defendant and co-  
5 conspirators and the confidential informant.

6           The government would also introduce testimony  
7 from the agents and potentially co-conspirators regarding  
8 the nature of the conspiracy.

9           THE COURT: All right, thank you.

10           Based upon the information that's been  
11 given to me by the government, as well as by Mr. Latif  
12 and his counsel, Ms. Gaffey, I find that the defendant  
13 Ismail Latif is acting voluntarily, that he fully  
14 understands his rights and the consequences of his plea,  
15 and that there is, indeed, a factual basis for the plea.

16           I am , therefore, recommending to  
17 Judge Feuerstein that the plea of guilty to count one of  
18 the indictment be accepted.

19           Now, is there anything further from the  
20 government?

21           MR. ROSE: No, your Honor. Thank you.

22           THE COURT: Ms. Gaffey, anything further on  
23 behalf of Mr. Latif?

24           MS. GAFFEY: No, your Honor. Thank you.

25           THE COURT: All right, we are concluded then.

C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 7th day of April, 2019.

  
Rosalie Lombardi  
Transcription Plus II