

NCB8AMIP

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

23 Cr. 110 (MKV)

5 BORIS AMINOV,

6 Defendant.

Plea

7 -----x
8 New York, N.Y.
9 December 11, 2023
2:30 p.m.

10 Before:

11 HON. MARY KAY VYSKOCIL,

District Judge

12 APPEARANCES

13 DAMIAN WILLIAMS

14 United States Attorney for the
15 Southern District of New York

BY: JEFFREY W. COYLE

JACLYN DELLIGATTI

16 Assistant United States Attorneys

17 ABELL ESKEW LANDAU LLP

Attorneys for Defendant

18 BY: DAVID M. ESKEW

-and-

19 JAMES KOUSOUROS

20 Also present: Konstantin Garnov, Standby Interpreter (Russian)

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1 (In open court; case called)

2 THE DEPUTY CLERK: Counsel, starting with the
3 government, please state your name for the record.

4 MR. COYLE: Good afternoon, your Honor. Jeff Coyle
5 and Jackie Delligatti for the government.

6 THE COURT: Good afternoon, Mr. Coyle and Ms.
7 Delligatti.

8 MR. ESKEW: Good afternoon, Judge. David Eskew, Abell
9 Eskew Landau, on behalf of the defendant, Boris Aminov, who is
10 seated to my left.

11 MR. KOUSOUROS: Good afternoon, your Honor. As
12 co-counsel, this is James Kousouros. I also represent Mr.
13 Aminov.

14 THE COURT: Good afternoon to both of you.

15 Good afternoon, Mr. Aminov.

16 Good afternoon to our court reporter and our
17 interpreter.

18 MR. ESKEW: With respect to the translation, Mr.
19 Aminov speaks fluent --

20 THE COURT: Let me just get to that when I get to it.

21 Let me just begin by saying good afternoon. It is the
22 Court's understanding we are here for a change of plea hearing.

23 Is that correct, counsel?

24 MR. ESKEW: Yes, Judge.

25 THE COURT: So let's turn now to the interpreter.

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1 It was my understanding that Mr. Aminov did not need
2 an interpreter. We didn't have one for any of the earlier
3 proceedings, but he has now requested an interpreter; is that
4 correct?

5 MR. ESKEW: That's correct, Judge. He has requested
6 the interpreter only for purposes of standby translation, in
7 the event that he doesn't understand something. We had
8 discussed briefly before the plea hearing whether he would get
9 the simultaneous translation, but he is not comfortable with
10 that. He has asked just to proceed in English and have the
11 translator on standby, in the event that he doesn't understand
12 something, given the gravity of the appearance here today. But
13 he does speak and understand clearly English.

14 THE COURT: Mr. Aminov, let me ask you to talk to me
15 directly. How would you characterize your ability to speak and
16 to understand and to comprehend English?

17 THE DEFENDANT: I speak and understand English.

18 THE COURT: Well, sir?

19 THE DEFENDANT: Yes.

20 THE COURT: And you do not need to have things
21 translated simultaneously?

22 THE DEFENDANT: No.

23 THE COURT: You only want this interpreter here in
24 case you have a question and need assistance?

25 THE DEFENDANT: Yes, Judge.

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1 THE COURT: Ms. Dempsey, I have a question for you
2 then.

3 (Court and deputy clerk confer)

4 THE COURT: You are on the court certified list?

5 THE INTERPRETER: Yes, I am.

6 THE COURT: Thank you very much then.

7 Mr. Coyle, are there victims entitled to notice under
8 the Crime Victims Act?

9 MR. COYLE: There are, your Honor, and the government
10 has made notification.

11 THE COURT: Thank you.

12 So, on October 26th of this year, Mr. Aminov appeared
13 before me for arraignment. He pled not guilty to Counts One,
14 Three, and Five of the S1 superseding indictment in this
15 action. That's filed at ECF No. 88. The transcript of the
16 arraignment is at ECF No. 151.

17 I am informed that Mr. Aminov has an application to
18 withdraw his plea of not guilty to that S1 superseding
19 indictment and pursuant to a plea agreement with the government
20 enter a plea of guilty to Count One of the superseding
21 indictment. That count charges Mr. Aminov with conspiracy to
22 commit health care fraud and wire fraud, in violation of Title
23 18, United States Code, Section 1349.

24 It's the Court's understanding that pursuant to the
25 agreement between the parties, the government will accept a

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1 guilty plea to conspiracy to commit health care fraud only, in
2 violation of Title 18, United States Code, Section 1349.

3 Is that accurate, Mr. Coyle?

4 MR. COYLE: Absolutely, your Honor.

5 THE COURT: And that is the defense's understanding?

6 MR. ESKEW: Yes, Judge.

7 THE COURT: So, specifically, the government alleges
8 that from at least in or about 2020 through at least in or
9 about 2023, Mr. Aminov participated in a conspiracy with others
10 to commit health care fraud by selling and/or distributing
11 black-market prescription medications for HIV to HIV patients.

12 Is that accurate, Mr. Eskew?

13 MR. ESKEW: Yes, Judge.

14 THE COURT: I have a copy of what I am told is the
15 plea agreement between the parties. It is a six-page letter on
16 the letterhead of the United States Department of Justice, the
17 U.S. Attorney's Office for the Southern District of New York,
18 addressed to Mr. Kousouros and Mr. Eskew, *In re United States*
19 *v. Boris Aminov*, S1 23 Cr. 110 (MKV).

20 Is that the operative plea agreement? It's dated
21 December 8, 2023. Is that the operative plea agreement?

22 MR. COYLE: The December 8 agreement is the operative
23 agreement.

24 THE COURT: Mr. Eskew, you agree with that?

25 MR. ESKEW: Yes, Judge.

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1 THE COURT: So that will be marked in the record as
2 Government Exhibit 1.

3 Mr. Aminov, before I can turn to accepting a plea from
4 you, there are a number of questions that I need to ask you,
5 and I need for you to be under oath while I ask you those
6 questions. That is in order that I can be certain that any
7 plea you enter is, in fact, a valid plea.

8 Now, I may cover points more than once. I may cover
9 topics that were addressed in various forms or agreements that
10 you have previously signed. If I do that, the reason I am
11 doing so is because it is very important, as your counsel said
12 earlier, that you understand what is happening here today.
13 This is a very serious proceeding in your case.

14 So, I am going to ask you, please, if at any point you
15 don't understand what I am saying, please stop me, let me know
16 that. You can talk to your lawyer. If needed, we can ask the
17 interpreter to help, if it's a communication problem. Or if
18 you don't understand what I am saying, tell me that, and I will
19 try to clarify for you. Will you do that, sir?

20 THE DEFENDANT: Yes, Judge.

21 THE COURT: Thank you.

22 Ms. Dempsey, would you please administer the oath to
23 Mr. Aminov.

24 (Defendant sworn)

25 THE COURT: Please be seated.

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1 Mr. Aminov, do you understand that you have now just
2 solemnly promised to tell the truth, and that if you answer any
3 of my questions falsely, your false or untrue answers may later
4 be used against you in another prosecution for perjury or
5 making a false statement?

6 THE DEFENDANT: Yes, Judge.

7 THE COURT: Can you tell me, sir, how old are you?

8 THE DEFENDANT: 47.

9 THE COURT: How far have you gone in school?

10 THE DEFENDANT: I have a bachelor and master degree in
11 science.

12 THE COURT: In the field of science or a bachelor of
13 science?

14 THE DEFENDANT: Physical therapy.

15 THE COURT: And you told me you do speak and
16 understand English well?

17 THE DEFENDANT: Yes.

18 THE COURT: So far are you having any trouble
19 understanding me?

20 THE DEFENDANT: No.

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

22 THE DEFENDANT: Yes.

23 THE COURT: Were you born here or are you naturalized?

24 THE DEFENDANT: Naturalized.

25 THE COURT: When were you naturalized and how were you

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1 naturalized?

2 THE DEFENDANT: It was in 1995.

3 THE COURT: You took the exam and went through the
4 process of being naturalized?

5 THE DEFENDANT: Yes. I took the exam and everything.

6 THE COURT: Are you now or have you recently been
7 under the care of a doctor or other medical professional?

8 THE DEFENDANT: Yes.

9 THE COURT: Can you tell me about that, please.

10 THE DEFENDANT: I'm taking medications for diabetes.
11 I am seeing the special doctor for diabetes.

12 THE COURT: Okay. Any other treatments by a doctor?

13 THE DEFENDANT: No.

14 THE COURT: Other than routine medical care.

15 THE DEFENDANT: Actually, I'm sorry, I am also seeing
16 the psychiatry doctor.

17 THE COURT: I am going to get to that in a minute.

18 Mr. Eskew, let him answer what I am asking him. He is
19 following better than you are.

20 You're accurate, Mr. Aminov. Let me talk to you first
21 about diabetes. Is anything about your condition -- you have
22 diabetes, I take it?

23 THE DEFENDANT: Yes.

24 THE COURT: Is anything about the fact that you have
25 diabetes interfere with your ability to have a clear mind and

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1 to understand what we are doing today?

2 THE DEFENDANT: No.

3 THE COURT: Are you physically well today, healthy?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: Now let's turn to mental health
6 professionals. Can you tell me, are you now or have you
7 recently been under the care of a mental health professional?

8 THE DEFENDANT: Yes, Judge.

9 THE COURT: Tell me about that, please.

10 THE DEFENDANT: I start seeing the psychiatry doctor
11 like months ago.

12 THE COURT: Months ago?

13 THE DEFENDANT: Like a month ago, yes. And he was
14 giving me the medication, Zoloft for depression and Klonopin
15 for the panic attack.

16 THE COURT: Is that for sleep, too?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you take it at bedtime?

19 THE DEFENDANT: Yes, Judge.

20 THE COURT: Do you take it during the day?

21 THE DEFENDANT: Zoloft I am taking every morning.
22 Klonopin as needed.

23 THE COURT: Did you take any today?

24 THE DEFENDANT: I took a Zoloft in the morning.

25 THE COURT: But not the Klonopin?

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1 THE DEFENDANT: Not the Klonopin.

2 THE COURT: Do you feel as though those medications
3 interfere with your ability to understand what is happening in
4 your daily routine?

5 THE DEFENDANT: No, Judge.

6 THE COURT: Do they interfere in any way with your
7 ability to understand what is happening today and to make an
8 informed decision?

9 THE DEFENDANT: No, Judge.

10 THE COURT: Have you ever been treated or hospitalized
11 for any mental illness?

12 THE DEFENDANT: No, Judge.

13 THE COURT: Have you ever been treated or hospitalized
14 for any type of addiction, drugs, alcohol, or any other
15 addiction?

16 THE DEFENDANT: No, Judge.

17 THE COURT: Have you ever been addicted, even if you
18 haven't been treated or hospitalized, to drugs, alcohol,
19 gambling, anything at all?

20 THE DEFENDANT: I was addicted to gambling and to the
21 alcohol.

22 THE COURT: You spoke in the past tense. Are you
23 still addicted to gambling?

24 THE DEFENDANT: No.

25 THE COURT: Are you still addicted to alcohol?

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1 THE DEFENDANT: Yes, Judge.

2 THE COURT: In the past 24 hours, have you had any
3 alcohol to drink?

4 THE DEFENDANT: No, Judge.

5 THE COURT: Have you taken any drugs or medicine or
6 pills other than the Zoloft that you told me you took this
7 morning and whatever you take for your diabetes?

8 THE DEFENDANT: I took Jardiance.

9 THE COURT: Do you take that all the time? Do you
10 take that routinely?

11 THE DEFENDANT: Yes, this morning.

12 THE COURT: So that's part of your diabetes
13 medication?

14 THE DEFENDANT: Yes.

15 THE COURT: But other than that and the Zoloft that
16 you told me you took this morning, have you taken any other
17 pills or medication of any kind today?

18 THE DEFENDANT: No.

19 THE COURT: In the last 24 hours?

20 THE DEFENDANT: Last 24 hours, no.

21 THE COURT: You have told me you haven't had any
22 alcohol to drink today, right?

23 THE DEFENDANT: Yes. No.

24 THE COURT: No, you have not; yes, that's what you
25 told me.

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1 THE DEFENDANT: Yes.

2 THE COURT: Do you consider your mind clear as you're
3 sitting here right now?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: You feel well?

6 THE DEFENDANT: Yes, Judge.

7 THE COURT: You're healthy?

8 THE DEFENDANT: Yes.

9 THE COURT: Are you represented by counsel?

10 THE DEFENDANT: Yes, Judge.

11 THE COURT: Who are your counsel?

12 THE DEFENDANT: James Kousouros and David Eskew.

13 THE COURT: Are you satisfied with your counsel?

14 THE DEFENDANT: Yes, Judge.

15 THE COURT: Have you had ample opportunity to talk
16 with your lawyers before we proceed today to understand the
17 nature of what is going to happen today and the consequences of
18 that?

19 THE DEFENDANT: Yes, Judge.

20 THE COURT: Do either counsel have any doubt as to Mr.
21 Aminov's competence to enter an informed plea at this time?

22 MR. COYLE: The government does not.

23 MR. ESKEW: I do not, Judge.

24 THE COURT: Thank you.

25 Mr. Aminov, your lawyer tells me that you wish to

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1 withdraw your plea of not guilty to the S1 superseding
2 indictment and to enter a plea of guilty to Count One, only to
3 the charge in that count of conspiracy to commit health care
4 fraud in that S1 superseding indictment.

5 Do you wish to do that, sir?

6 THE DEFENDANT: Yes, Judge.

7 THE COURT: You wish to enter a plea of guilty?

8 THE DEFENDANT: Yes, Judge.

9 THE COURT: Have you fully discussed your case with
10 your lawyers, including the charge to which you tell me you
11 intend to plead guilty and any possible defenses to that
12 charge?

13 THE DEFENDANT: Yes.

14 THE COURT: Have you discussed the consequences of
15 entering a plea of guilty?

16 THE DEFENDANT: Yes, Judge.

17 THE COURT: Are you satisfied with your lawyers and
18 their representation of you?

19 THE DEFENDANT: Yes, Judge.

20 THE COURT: On the basis of Mr. Aminov's responses to
21 my questions and my observation of his demeanor, I do find that
22 he is fully competent to enter an informed plea at this time.

23 Now, Mr. Aminov, before I accept any plea from you, I
24 want to ask you certain additional questions. Those questions
25 are intended to satisfy me that you wish to plead guilty

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1 because you are, in fact, guilty and that you understand your
2 rights and the consequences of entering a plea.

3 I am going to begin by describing to you certain
4 rights that you have under the Constitution and the laws of the
5 United States. You will be giving up these rights if you enter
6 a plea of guilty. So please listen very carefully. And I
7 remind you again that if you don't understand something that I
8 am talking to you about or asking you, please stop me, and
9 either I or your lawyer can explain it to you more fully, or if
10 you don't understand because of language issues, we can ask the
11 interpreter to help us. Okay?

12 THE DEFENDANT: Okay.

13 THE COURT: Sir, under the Constitution and laws of
14 the United States, you have the right to a speedy and a public
15 trial by a jury on the charges against you that are contained
16 in the superseding indictment.

17 Do you understand that?

18 THE DEFENDANT: Yes, Judge.

19 THE COURT: Do you understand that you have the right
20 to plead not guilty and to continue to plead not guilty to the
21 charges?

22 THE DEFENDANT: Yes, Judge.

23 THE COURT: Do you understand that if there were a
24 trial, you would be presumed innocent and the government would
25 be required to prove you guilty by competent evidence and

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1 beyond a reasonable doubt?

2 Do you understand that?

3 THE DEFENDANT: Yes, Judge.

4 THE COURT: Do you understand that you would not have
5 to prove at trial that you are innocent?

6 THE DEFENDANT: Yes, Judge.

7 THE COURT: Do you understand that if there were a
8 trial, a jury made up of 12 people selected from this district,
9 the Southern District of New York, would have to agree
10 unanimously in order to find you guilty?

11 THE DEFENDANT: Yes, Judge.

12 THE COURT: Do you understand that if there were a
13 trial, you would have the right to be represented at trial and
14 at any other stage of the proceedings, and if you couldn't
15 afford one, an attorney would be provided to you free of cost?

16 Do you understand that?

17 THE DEFENDANT: Yes, Judge.

18 THE COURT: If there were a trial, you would have the
19 right to see and to hear all of the government's witnesses
20 against you, and your attorney could cross-examine all of the
21 witnesses against you; you would have the right to have your
22 lawyer object to the government's evidence and to offer
23 evidence on your behalf if you so desired; you would have the
24 right to have witnesses required to come to court to testify in
25 your defense; and you would have the right to testify yourself,

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1 but you would not be required to testify.

2 Do you understand that?

3 THE DEFENDANT: Yes, Judge.

4 THE COURT: Do you understand that if there were a
5 trial and you decided not to testify, no adverse inference
6 could be drawn against you, and by that I mean that I would
7 instruct the jury that they could not assume that the reason
8 you did not testify was because you were hiding something or
9 because you were guilty.

10 Do you understand that?

11 THE DEFENDANT: Yes, Judge.

12 THE COURT: Do you understand that if you were
13 convicted at trial, you would have the right to appeal the jury
14 verdict?

15 THE DEFENDANT: Yes, Judge.

16 THE COURT: Do you understand each and every one of
17 these rights that I have summarized for you?

18 THE DEFENDANT: Yes, Judge.

19 THE COURT: Do you have any question about these
20 rights?

21 THE DEFENDANT: No.

22 THE COURT: Do you understand that by entering a plea
23 of guilty today, you will be giving up each and every one of
24 these rights; you will be waiving these rights?

25 Do you understand that?

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1 THE DEFENDANT: Yes, Judge.

2 THE COURT: Do you also understand that you will be
3 waiving any possible claim that your constitutional rights may
4 have been violated and you will not have a trial?

5 Do you understand that?

6 THE DEFENDANT: Yes, Judge.

7 THE COURT: Do you understand that by entering a plea
8 of guilty, you will also have to give up your right not to
9 incriminate yourself, because in a few moments I will ask you
10 to tell me in your own words what it is that you did that makes
11 you guilty of the offense to which you intend to plead guilty,
12 and I will have to satisfy myself that you are guilty as
13 charged, and you will have to admit and acknowledge your guilt?

14 Do you understand that?

15 THE DEFENDANT: Yes, Judge.

16 THE COURT: Do you understand that you can change your
17 mind right now and refuse to enter a plea of guilty?

18 THE DEFENDANT: Yes, Judge.

19 THE COURT: Do you understand that you don't have to
20 enter this plea if for any reason you don't wish to do so?

21 You understand that fully, right?

22 THE DEFENDANT: Yes.

23 THE COURT: Mr. Aminov, do you have a copy of the S1
24 superseding indictment in this case containing the charges
25 against you?

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1 THE DEFENDANT: Yes, I do.

2 THE COURT: Have you read this indictment?

3 THE DEFENDANT: Yes, I did.

4 THE COURT: Have you discussed the indictment with
5 your lawyers?

6 THE DEFENDANT: Yes, I did.

7 THE COURT: Did they explain the charges to you?

8 THE DEFENDANT: Yes.

9 THE COURT: Did they discuss with you potential
10 defenses to the charges against you?

11 THE DEFENDANT: Yes.

12 THE COURT: I can read the indictment out loud here in
13 open court, if you would like me to do so, or you could waive
14 public reading.

15 Do you waive public reading or do you want me to read
16 the indictment?

17 THE DEFENDANT: Waive public reading.

18 THE COURT: You're waiving.

19 Just to summarize, you're charged in Count One of that
20 S1 superseding indictment with conspiracy to commit health care
21 fraud and wire fraud, in violation of Title 18, United States
22 Code, Section 1349; you're charged in Count Three of the
23 indictment with conspiracy to defraud the United States, in
24 violation of Title 18, United States Code, Section 371; and you
25 are charged in Count Five of that superseding indictment with

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1 conspiracy to commit money laundering, in violation of Title
2 18, United States Code, Section 1956(h).

3 Do you understand that?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: Pursuant to the plea agreement, the
6 government will accept a guilty plea to conspiracy to commit
7 health care fraud, in violation of Title 18, United States
8 Code, Section 1349.

9 Is that your understanding of the agreement you have
10 with the government?

11 THE DEFENDANT: Yes, Judge.

12 THE COURT: Mr. Coyle, I assume, by the way, you're
13 taking the lead here?

14 MR. COYLE: That's right, your Honor.

15 THE COURT: Would you summarize then, please, the
16 elements of the offense with which Mr. Aminov is charged in
17 Count One of that superseding indictment, conspiracy to commit
18 health care fraud, to which he intends to plead guilty.

19 MR. COYLE: Of course, your Honor.

20 The elements of the offense are as follows:

21 First, an agreement to commit health care fraud; and

22 Second, the defendant knowingly and willfully became a
23 member of that conspiracy.

24 And as relevant to that first element, the elements of
25 substantive health care fraud are as follows:

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1 The defendant knowingly executed or attempted to
2 execute a scheme or artifice to defraud a health care benefit
3 program or to obtain money or property owned by or under the
4 custody or control of a health care benefit program by means of
5 false or fraudulent pretenses, representations or promises;

6 The knowing and willful execution of the scheme with
7 the intent to defraud; and

8 The defendant did so in connection with the delivery
9 of or payment for health care benefits, items, or services.

10 In addition, your Honor, the government would be
11 required to prove by a preponderance of the evidence that venue
12 is proper in the Southern District of New York.

13 In this case, pharmacies the defendant sold
14 black-market medication to were located in the Bronx, which is
15 within the Southern District.

16 THE COURT: Can you tell me again the second element
17 that you outlined of health care fraud?

18 MR. COYLE: The knowing and willful execution of the
19 scheme with the intent to defraud.

20 THE COURT: Thank you very much.

21 Mr. Aminov, do you understand that the government
22 would have to prove each and every part or element, as just
23 outlined by the government, with respect to Count One beyond a
24 reasonable doubt at trial if you did not plead guilty?

25 THE DEFENDANT: Yes, Judge.

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1 THE COURT: Do you understand the matters that the
2 government would have to prove if you were to go to trial?

3 THE DEFENDANT: Yes, Judge.

4 THE COURT: Let's talk for a few moments about the
5 potential penalty for the offense to which you tell me you
6 intend to plead guilty.

7 Do you understand that the maximum possible term of
8 imprisonment for Count One, to which you tell me you intend to
9 plead, is a term of imprisonment of up to ten years?

10 THE DEFENDANT: Yes, Judge.

11 THE COURT: Do you understand that Count One can
12 include as well a maximum term of supervised release of three
13 years?

14 THE DEFENDANT: Yes, Judge.

15 THE COURT: In addition to these restrictions on your
16 liberty, the maximum possible punishment for Count One can also
17 include certain financial penalties.

18 Do you understand that?

19 THE DEFENDANT: Yes, Judge.

20 THE COURT: Actually, before we proceed, I do have a
21 question for counsel. This is really more to the government
22 than to anyone. Is the government alleging that serious bodily
23 harm resulted from the defendant's conduct?

24 MR. COYLE: No, your Honor.

25 THE COURT: Thank you.

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1 I asked that question, Mr. Aminov, because if the
2 answer were yes, it could impact the maximum potential term of
3 imprisonment. But given the government's answer of no, I
4 assume, Mr. Coyle, you do not disagree that the maximum
5 possible term of imprisonment is ten years?

6 MR. COYLE: Correct, your Honor.

7 THE COURT: And that's your understanding as well, Mr.
8 Eskew?

9 MR. ESKEW: Yes, Judge.

10 THE COURT: Mr. Aminov, I was talking to you about
11 potential financial penalties in addition to a prison term and
12 supervised release.

13 The maximum fine allowed for the count to which you
14 tell me you intend to plead is \$250,000 or twice the gross
15 pecuniary gain relating to the offense or twice the loss to
16 persons other than yourself as a result of the offense.

17 Do you understand that?

18 THE DEFENDANT: Yes, Judge.

19 THE COURT: Do you understand that I also must impose
20 a mandatory \$100 special assessment per count?

21 THE DEFENDANT: Yes, Judge.

22 THE COURT: Do you understand that I must also order
23 you to pay restitution to any victims of your offense?

24 THE DEFENDANT: Yes, Judge.

25 THE COURT: Do you understand as well that as part of

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1 your plea agreement, you have admitted the forfeiture
2 allegations with respect to Count One and you have agreed to
3 forfeit to the United States a sum of money representing
4 proceeds traceable to the commission of the offense in Count
5 One and certain specific property as well?

6 THE DEFENDANT: Yes, Judge.

7 THE COURT: I have been given a copy of what I
8 understand is a consent preliminary order of forfeiture as to
9 specific property and a money judgment.

10 Do you have a copy of that, Mr. Eskew, that you can
11 show to Mr. Aminov?

12 MR. ESKEW: Yes, Judge. He has it.

13 THE COURT: Mr. Aminov, is that your signature on the
14 last page of this proposed order?

15 THE DEFENDANT: Yes, Judge.

16 THE COURT: And your name is typed above and below
17 where you signed, correct?

18 THE DEFENDANT: Yes, Judge.

19 THE COURT: And you signed this on December 8?

20 THE DEFENDANT: On December 8, yes.

21 THE COURT: Did you review this proposed order with
22 your lawyer?

23 THE DEFENDANT: Yes, Judge.

24 THE COURT: Do you understand that this order
25 obligates you to pay forfeiture in the amount of \$4,401,495,

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1 and that a money judgment in that amount will be entered
2 against you representing proceeds traceable to the offense
3 charged in Count One of the indictment?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: And you understand that and you consent to
6 that, sir?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand as well that pursuant to
9 this order, any title, right, or interest that you have in
10 certain specific property -- namely, \$318,393 that was seized
11 from 86-09 66th Avenue, in Rego Park, New York, and 60 Oceana
12 Drive West, Apartment 10D, Brooklyn, New York, on or about
13 March 2, 2023 -- will be forfeited as well?

14 You understand that?

15 THE DEFENDANT: Yes, Judge.

16 THE COURT: And you consent to that?

17 THE DEFENDANT: Yes.

18 THE COURT: And you understand that if I sign this
19 order, it will become final as to you and a money judgment will
20 be entered against you consistent with this order?

21 THE DEFENDANT: Yes, Judge.

22 THE COURT: I will sign that at the conclusion of
23 today's hearing and that forfeiture order then will be
24 incorporated into the judgment at the time of your sentencing.

25 Do you understand that?

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1 THE DEFENDANT: Yes, Judge.

2 THE COURT: Do you understand that the forfeiture
3 amount will not reduce any fine, any cost of imprisonment, any
4 restitution, or any other penalty that I might impose?

5 THE DEFENDANT: Yes, Judge.

6 THE COURT: I want to talk to you now about the
7 supervised release aspect of your potential penalty to be sure
8 you understand that part of a potential punishment.

9 Supervised release means that after you are released
10 from prison you will be subject to monitoring, during which
11 time certain terms and conditions will be imposed, and I will
12 specify a term of supervised release. If you violate any of
13 the terms or conditions during that period of supervised
14 release, you can be reimprisoned without a jury trial.

15 Do you understand that?

16 THE DEFENDANT: Yes, Judge.

17 THE COURT: If you're on supervised release and you
18 don't comply with any of the set terms and conditions in this
19 particular case, you can be returned to prison for up to two
20 years, and you will be given no credit for the time that you
21 spent in prison as a result of your sentence and no time for
22 the period during which you were on supervised release after
23 prison and prior to the violation.

24 Do you understand that?

25 THE DEFENDANT: Yes, Judge.

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1 THE COURT: You should also understand that there is
2 no parole in the federal system. If you are sentenced to
3 prison, you will not be released early on parole. There is a
4 limited opportunity to earn credit for good behavior, but you
5 would have to serve at least 85 percent of the time to which
6 you are sentenced, and there might or might not be other
7 opportunities for early release under the First Step Act.

8 Do you understand that?

9 THE DEFENDANT: Yes, Judge.

10 THE COURT: Do you further understand that if I accept
11 your guilty plea and adjudge you guilty, that adjudication may
12 deprive you of certain valuable civil rights, including the
13 right to vote, the right to hold public office, the right to
14 serve on a jury, and the right to possess any kind of firearm
15 if you currently have or could otherwise attain such rights?

16 Do you understand that?

17 THE DEFENDANT: Yes, Judge.

18 THE COURT: Now, you have told me that you are a
19 United States citizen. I have to tell everybody who appears
20 before me that if for any reason it turns out that you are not
21 a citizen of the United States, your guilty plea would likely
22 have adverse consequences for your ability to remain in or
23 return to the United States, including further detention after
24 completion of your sentence, removal or deportation from the
25 United States, denial of your U.S. citizenship, and denial of

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1 admission to the United States in the future, and your removal
2 or deportation could be mandatory. If there are any adverse
3 consequences as a result of your plea of guilty, once I accept
4 your guilty plea today, you will be bound by that plea and you
5 will not be allowed to withdraw your guilty plea, regardless of
6 any advice you may have received from your lawyers here today
7 or from anyone with respect to the immigration consequences of
8 a plea.

9 Do you understand that?

10 THE DEFENDANT: Yes, Judge.

11 THE COURT: Give me one moment, please.

12 Now, I should caution you as well -- you told me
13 you're a naturalized citizen?

14 THE DEFENDANT: Yes, Judge.

15 THE COURT: So, it is possible as well that pleading
16 guilty could have consequences with respect to your immigration
17 status in that circumstance. You could be subject to
18 denaturalization and removal if it turns out that your
19 naturalization was procured by concealment of a material fact
20 or by any kind of willful misrepresentation or was otherwise
21 illegal procured.

22 So you understand that once I accept a plea today,
23 regardless of any immigration consequences and any advice you
24 may have received about those consequences, you will not be
25 permitted to withdraw your plea of guilty?

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1 Do you understand that?

2 THE DEFENDANT: Yes, Judge.

3 THE COURT: And whatever immigration consequences
4 there may be, if any, would be subject to separate proceedings.

5 You understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Let's talk before we proceed about the
8 sentencing guidelines. Under current law there are sentencing
9 guidelines that I have to consult in determining an appropriate
10 sentence in this case.

11 Have you spoken to your lawyers about the sentencing
12 guidelines?

13 THE DEFENDANT: Yes, Judge.

14 THE COURT: And they explained to you how they work?

15 THE DEFENDANT: Yes.

16 THE COURT: And what their role is?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that in addition to
19 considering the sentencing guidelines, in imposing sentence, I
20 must also consider various additional factors under a statute
21 at 18, United States Code, Section 3553?

22 Do you understand that?

23 THE DEFENDANT: Yes, Judge.

24 THE COURT: Do you understand that I have discretion,
25 while taking the guidelines into account, to sentence you to

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1 any period of imprisonment up to ten years?

2 THE DEFENDANT: Yes, Judge.

3 THE COURT: Do you understand that even though the
4 plea agreement includes a stipulated or agreed-upon sentencing
5 guidelines calculation, I can't determine what your sentence
6 will be until after a presentence report is prepared by the
7 probation department and you and your lawyers, the government
8 and its lawyers, have a chance to review that report in draft
9 form, to comment on it to the probation office, and ultimately
10 to challenge any of the facts reported in the final report by
11 the probation office?

12 Do you understand that?

13 THE DEFENDANT: Yes, Judge.

14 THE COURT: Now, according to the plea agreement, you
15 have agreed that the guidelines range appropriate to the
16 offense in Count One for conspiracy to commit health care
17 fraud, to which you tell me you intend to plead guilty, is 151
18 to 188 months of imprisonment.

19 However, pursuant to the sentencing guidelines,
20 specifically, Section 5G1.1(a) and (c), because the statutorily
21 authorized maximum sentence for Count One is 120 months, your
22 stipulated guideline sentence is 120 months of imprisonment.

23 Is that your understanding?

24 THE DEFENDANT: Yes, Judge.

25 THE COURT: And you have discussed that fully with

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1 your lawyers, right?

2 THE DEFENDANT: Yes, Judge.

3 THE COURT: According to the plea agreement, you have
4 also agreed that the applicable fine range for your case is
5 \$35,000 to \$350,000.

6 Is that your understanding?

7 THE DEFENDANT: Yes, Judge.

8 THE COURT: Do you understand that that stipulation
9 does not bind the Court or the probation department as to the
10 facts on which it is based, how to apply the sentencing
11 guidelines to the facts, or what an appropriate sentence will
12 be in your case?

13 Do you understand that?

14 THE DEFENDANT: Yes, Judge.

15 THE COURT: Do you understand that I may decide to
16 impose a sentence that is outside the guidelines range?

17 THE DEFENDANT: Yes, Judge.

18 THE COURT: I'm sorry?

19 THE DEFENDANT: Yes, I understand.

20 THE COURT: Do you understand that, in addition, I
21 must order restitution to any person or entity injured as a
22 result of your criminal conduct?

23 THE DEFENDANT: Yes, I understand.

24 THE COURT: Do you understand that if your attorney or
25 anyone else has attempted to estimate or predict what your

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1 sentence will be, that estimate or prediction could well be
2 wrong?

3 Do you understand that?

4 THE DEFENDANT: Yes, I understand.

5 THE COURT: No one, not even your lawyer or the
6 government or its lawyers, can or should give you any assurance
7 as to what your sentence will be, since that sentence cannot be
8 determined until after the probation office report is
9 completed, and I have ruled on any challenges to the report and
10 determined what an appropriate sentence is.

11 Do you understand that?

12 THE DEFENDANT: Yes, I understand.

13 THE COURT: Do you also fully understand that if your
14 sentence is different from what your attorney or anyone else
15 told you it might be, or if it is different from what you
16 expect or hope, or if you're surprised or disappointed by your
17 sentence, if I accept your plea of guilty today, you will be
18 bound to that plea and you will not be allowed to withdraw your
19 guilty plea?

20 Do you understand that?

21 THE DEFENDANT: Yes, Judge.

22 THE COURT: Do you understand that even if the
23 government doesn't oppose or take a position on what your
24 attorney will ask me to impose as your sentence, I am obligated
25 to impose whatever sentence I believe is appropriate under the

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1 circumstances and the governing law, and you will have no right
2 to withdraw your plea of guilty after today?

3 Do you understand that?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: Do you understand that you may have the
6 right to appeal your sentence under certain circumstances, even
7 if your plea agreement provides that you are waiving your right
8 to appeal?

9 THE DEFENDANT: Yes, Judge.

10 THE COURT: Are you currently serving any sentence,
11 state, federal or local, aside from what we are talking about
12 in the case that we are here on today?

13 THE DEFENDANT: No.

14 THE COURT: Are you being prosecuted anywhere for any
15 other crime, federal, state or local?

16 THE DEFENDANT: No.

17 THE COURT: Let's talk then about the plea agreement
18 that you have entered into with the government.

19 You have a copy, again, sir, in front of you?

20 THE DEFENDANT: Yes.

21 THE COURT: You have told me that that is your
22 signature on the last page of that agreement, correct?

23 THE DEFENDANT: Yes.

24 THE COURT: Before you signed this agreement, did you
25 discuss it with your lawyers?

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1 THE DEFENDANT: Yes, Judge.

2 THE COURT: You read the agreement before you signed
3 it?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: Did your lawyers explain to you all of the
6 terms and conditions of this agreement?

7 THE DEFENDANT: Yes, Judge.

8 THE COURT: Did you fully understand it before you
9 signed it?

10 THE DEFENDANT: Yes, Judge.

11 THE COURT: Did you have ample opportunity to ask any
12 questions you might have of your lawyers before you signed this
13 agreement?

14 THE DEFENDANT: Yes, Judge.

15 THE COURT: Do you have any questions as you sit here
16 today about the agreement?

17 THE DEFENDANT: No, Judge.

18 THE COURT: Do you understand that the plea agreement
19 provides that you are giving up or waiving your right to appeal
20 or to litigate or to challenge your sentence under a statute
21 28, United States Code, Section 2255 and/or 2241, if I sentence
22 you at or below the guideline sentence of 120 months set forth
23 in that plea agreement?

24 Do you understand that?

25 THE DEFENDANT: Yes, Judge.

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1 THE COURT: Do you understand that you are under no
2 obligation to waive your rights to appeal or to otherwise
3 litigate your sentence?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: Do you understand that that waiver that
6 you entered into applies regardless of whether the term of
7 imprisonment that I impose is imposed to run consecutively or
8 concurrently with any other term of imprisonment that has been
9 imposed on you?

10 THE DEFENDANT: Yes, Judge.

11 THE COURT: Do you understand that you're under no
12 obligation to waive your rights in that regard?

13 THE DEFENDANT: Yes, Judge.

14 THE COURT: Do you understand that you have agreed not
15 to appeal or to challenge any term of supervised release that
16 is less than or equal to the statutory maximum?

17 THE DEFENDANT: Yes, Judge.

18 THE COURT: Do you understand that you're under no
19 obligation to waive that right?

20 THE DEFENDANT: Yes, Judge.

21 THE COURT: Do you understand that by this plea
22 agreement, you have agreed not to appeal or to challenge
23 collaterally any forfeiture amount that is less than or equal
24 to what you have agreed to in the consent preliminary order of
25 forfeiture that I spoke to you about earlier?

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1 THE DEFENDANT: Yes, Judge.

2 THE COURT: You understand you are under no obligation
3 to waive that right?

4 THE DEFENDANT: Yes, Judge.

5 THE COURT: Finally, do you understand that you have
6 agreed not to appeal or to challenge collaterally any fine that
7 is less than or equal to 350,000?

8 THE DEFENDANT: Yes, Judge.

9 THE COURT: And you understand that you're under no
10 obligation to waive those rights?

11 THE DEFENDANT: Yes, Judge.

12 THE COURT: Do you understand that the plea agreement
13 provides that you're waiving any right to appeal or to attack
14 your conviction on the basis that the government hasn't
15 provided discovery material, exculpatory material, except
16 information establishing factual innocence, or any material to
17 impeach government witnesses against you?

18 Do you understand that?

19 THE DEFENDANT: Yes, Judge.

20 THE COURT: Do you understand you're under no
21 obligation to waive those rights?

22 THE DEFENDANT: Yes, Judge.

23 THE COURT: Do you understand further that your
24 agreement provides that you will not move for a downward
25 departure under the sentencing guidelines or seek any

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1 adjustment under the guidelines that is not described in the
2 plea agreement, but that you may make arguments for a lower
3 sentence under that general sentencing statute that I talked to
4 you about earlier, Section 3553, which sets forth a number of
5 factors that I can weigh in my discretion?

6 THE DEFENDANT: Yes, Judge.

7 THE COURT: And you understand you're under no
8 obligation to enter such an agreement?

9 THE DEFENDANT: Yes, Judge.

10 THE COURT: Do you understand your plea agreement
11 provides that you are waiving any challenge to your guilty
12 plea, your conviction, or your sentence based on any
13 immigration consequences of your plea, regardless of any advice
14 that you may have received regarding such immigration
15 consequences?

16 THE DEFENDANT: Yes, Judge.

17 THE COURT: And you understand you're under no
18 obligation to make this waiver?

19 THE DEFENDANT: Yes, Judge.

20 THE COURT: And you understand that you admit the
21 forfeiture allegations with respect to Count One in the plea
22 agreement?

23 THE DEFENDANT: Yes, Judge.

24 THE COURT: And do you understand that you have agreed
25 in your plea agreement --

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1 THE DEFENDANT: Yes, Judge.

2 THE COURT: Hold on.

3 Do you understand that in your plea agreement, you
4 have agreed to forfeit to the United States a sum of money
5 equal to \$4,401,495 in United States currency representing
6 proceeds traceable to the commission of the offense and a money
7 judgment will be entered in that amount?

8 THE DEFENDANT: Yes, Judge.

9 THE COURT: And you understand that you have agreed to
10 forfeit all right, title, and interest in certain specific
11 property -- namely, United States currency in the amount of
12 \$318,393 that was recovered on March 2, 2023 from 86-09 66th
13 Avenue, in Rego Park, New York, and 60 Oceana Drive West,
14 Apartment 10D, in Brooklyn, New York?

15 THE DEFENDANT: Yes, Judge.

16 THE COURT: And do you understand you're under no
17 obligation to enter into such an agreement?

18 THE DEFENDANT: Yes, Judge.

19 THE COURT: Do you understand that in the plea
20 agreement, you have agreed to pay restitution in the amount of
21 \$13,270,379.50?

22 THE DEFENDANT: Yes, Judge.

23 THE COURT: Does this plea agreement that we have been
24 talking about accurately reflect your complete and total
25 understanding of the entire agreement between the government

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1 and its lawyers and you and your lawyers?

2 THE DEFENDANT: Yes, Judge.

3 THE COURT: Is everything you understand about your
4 plea and your sentence up to this point covered in this
5 agreement?

6 THE DEFENDANT: Yes, Judge.

7 THE COURT: Has anything that you believed you have
8 agreed to been left out?

9 THE DEFENDANT: Can you repeat it again, please?

10 THE COURT: Is there anything that you think you have
11 agreed to with the government that isn't spelled out in this
12 plea agreement?

13 THE DEFENDANT: Everything is there. I agree with
14 everything.

15 THE COURT: Apart from what is contained in the plea
16 agreement, have any promises been made to you in order to get
17 you to plead guilty?

18 THE DEFENDANT: No, Judge.

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

21 THE DEFENDANT: No, Judge.

22 THE COURT: Are you being coerced in any way into
23 pleading guilty?

24 THE DEFENDANT: No, Judge.

25 THE COURT: Knowing everything we have just talked

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1 about, do you still wish to plead guilty pursuant to this
2 agreement?

3 THE DEFENDANT: Yes, Judge.

4 THE COURT: Let me ask you, Mr. Eskew, do you know of
5 any valid reasons why your client would prevail at trial or why
6 your client should not be permitted to plead guilty?

7 MR. ESKEW: No, Judge.

8 THE COURT: Mr. Aminov, we have reached the point in
9 the proceedings where I told you earlier you would have to give
10 up your right not to incriminate yourself and tell me in your
11 own words what it is you did that makes you guilty of the
12 offense to which you tell me you intend to plead guilty, which
13 is conspiracy to commit health care fraud.

14 Are you prepared to proceed?

15 THE DEFENDANT: Yes, Judge.

16 THE COURT: Give me one moment, please.

17 All right, sir. Tell me in your own words what it is
18 that you did, where you did it. Whenever you're ready.

19 THE DEFENDANT: Good afternoon, your Honor. My name
20 is Boris Aminov.

21 Beginning in or about 2020, I obtained pharmaceuticals
22 from illegal sources. I sold those pharmaceuticals to others
23 at prices that were lower than what the pharmaceuticals could
24 be purchased legally at the wholesale.

25 I am aware that the pharmacies prescribed these

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1 pharmaceuticals to patients and that by selling these
2 pharmaceuticals to the codefendants, I caused patients with HIV
3 to receive these drugs.

4 I entered into the agreement with the codefendants to
5 obtain profits from the prescription of those black-market
6 pharmaceuticals to patients.

7 I knew that the object of the agreement was to make
8 money from prescribing these pharmaceuticals to the patients
9 from government insurance plans.

10 THE COURT: From what insurance plans?

11 THE DEFENDANT: Government.

12 I took all of these actions knowingly and willfully
13 and with the intent to defraud.

14 I am pleading guilty today because I am, in fact,
15 guilty of the charged offense of health care fraud. I want to
16 say that I am very sorry for my actions and I know I made a
17 mistake. I want to apologize and I am here to accept
18 responsibility for my actions.

19 Thank you.

20 THE COURT: Sir, let me ask you a couple of questions.

21 You have told me a bit about what you did. You
22 mentioned briefly that you entered into an agreement to do what
23 you described to me?

24 In other words, it wasn't just you who was doing it,
25 correct?

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1 THE DEFENDANT: Yes.

2 THE COURT: With how many people did you agree to do
3 this?

4 THE DEFENDANT: Some of the codefendants.

5 THE COURT: There were two or more people?

6 THE DEFENDANT: Yes.

7 THE COURT: When you entered into that agreement, did
8 you know what the purpose of the agreement was?

9 In other words, you knew that by obtaining these drugs
10 and selling them to HIV patients, you were going to be
11 committing health care fraud, right?

12 THE DEFENDANT: Yes.

13 THE COURT: Did you enter into that agreement
14 willfully?

15 THE DEFENDANT: Yes.

16 THE COURT: You did it of your own free will?

17 THE DEFENDANT: Yes.

18 THE COURT: You did it knowing and understanding what
19 you were doing, right?

20 THE DEFENDANT: Yes.

21 THE COURT: You have told me that the program that you
22 were defrauding was a government health care program?

23 THE DEFENDANT: Government insurance plans, yes.

24 THE COURT: Government insurance plans.

25 Did you help devise that plan? Who made up this plan?

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1 Was it you?

2 THE DEFENDANT: No.

3 THE COURT: Someone just told you about it and you
4 agreed to do it?

5 THE DEFENDANT: Yes.

6 THE COURT: And you agreed to do it willfully?

7 THE DEFENDANT: Yes.

8 THE COURT: Knowing and understanding what it was that
9 you were going to be doing?

10 THE DEFENDANT: Yes.

11 THE COURT: Did the patients understand what it was
12 that they were receiving?

13 THE DEFENDANT: I can't tell this. I don't know.

14 THE COURT: Did you tell them that you were giving
15 them what were not?

16 THE DEFENDANT: No. I didn't sell it to the patients.

17 THE COURT: What did you do with them?

18 You obtained them, you told me, from illegal sources,
19 right?

20 THE DEFENDANT: Yes.

21 THE COURT: What were your words that you used? You
22 obtained pharmaceuticals from whom?

23 THE DEFENDANT: I sold it to the pharmacy, not to the
24 patients.

25 THE COURT: But I asked you first, you obtained these

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1 drugs from whom?

2 THE DEFENDANT: I obtained pharmaceuticals from
3 illegal sources.

4 THE COURT: What do you mean by that?

5 What were the sources? Where did you get these drugs,
6 on the internet, black market, where did you get them?

7 THE DEFENDANT: I bought it on the black market from
8 the people, from the neighborhood.

9 THE COURT: And the neighborhood, by the way, was
10 where?

11 THE DEFENDANT: In Brooklyn, Queens.

12 THE COURT: Then you sold them to pharmacies, correct?

13 THE DEFENDANT: Yes.

14 THE COURT: And the pharmacies that you sold them to,
15 where were they located?

16 THE DEFENDANT: In different neighborhood, Bronx.

17 THE COURT: There were some in the Bronx?

18 THE DEFENDANT: Some in Bronx, some in Brooklyn, some
19 in Queens.

20 THE COURT: When you did what you have just described
21 to me, did you know that what you were doing was wrong?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Did you know that it was illegal?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And you did this all with an intent to

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1 defraud, correct?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: And you falsely represented that these
4 were legitimate drugs from legal sources, right?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Does the government wish any further
7 factual matters to be addressed in connection with Mr. Aminov's
8 allocution to Count One?

9 MR. COYLE: No, your Honor. The government believes
10 that's a sufficient allocution.

11 THE COURT: So my next question to you is, is there an
12 adequate factual basis, Mr. Coyle, to support a plea of guilty
13 to the offense of conspiracy to commit health care fraud
14 contained in Count One?

15 MR. COYLE: There is, your Honor.

16 THE COURT: Mr. Eskew, let me ask you the same
17 question. Is there an adequate factual basis to support a plea
18 of guilty to conspiracy to commit health care fraud as alleged
19 in Count One?

20 MR. ESKEW: Yes, Judge.

21 THE COURT: Mr. Aminov, now that we have talked about
22 your plea agreement and the possible penalties of the crime to
23 which you tell me you intend to plead guilty, we can turn to
24 entering of a plea.

25 Are you prepared to proceed, sir?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Would you please stand then.

3 Mr. Aminov, how do you plead to the offense in Count
4 One of the superseding indictment of conspiracy to commit
5 health care fraud?

6 THE DEFENDANT: Guilty.

7 THE COURT: Are you pleading guilty because you are in
8 fact guilty?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Are you pleading guilty voluntarily?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Are you doing so of your own free will?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Mr. Coyle, are there any other questions
15 you believe I should ask Mr. Aminov at this time?

16 MR. COYLE: No, your Honor.

17 THE COURT: Mr. Eskew, any other questions you believe
18 I should ask Mr. Aminov in connection with his plea?

19 MR. ESKEW: No, Judge.

20 THE COURT: Mr. Aminov, you have acknowledged that you
21 are in fact guilty of Count One of the superseding indictment,
22 conspiracy to commit health care fraud. Because I am satisfied
23 that you know your rights, including your right to go to trial,
24 and you are waiving those rights voluntarily, and that you're
25 aware of the consequences of your plea, including the sentence

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1 that may be imposed, I find that your plea is entered knowingly
2 and voluntarily and is supported by an independent basis in
3 fact containing each of the essential elements of the offense.
4 I therefore accept your plea of guilty and I enter a judgment
5 of guilty of Count One, conspiracy to commit health care fraud,
6 as charged in the S1 superseding indictment.

7 You may be seated, sir.

8 So before we adjourn, Mr. Aminov, I want to just talk
9 to you about the process going forward. I mentioned earlier
10 that the probation office needs to prepare a presentence report
11 before we can get to your sentencing. In order to prepare that
12 report, the probation office needs to interview you. It's very
13 important that the information that you give the probation
14 officer be truthful and accurate and that you cooperate with
15 probation in preparation of that report. It's very important
16 to me, the report, in my decision as to what your sentence will
17 be.

18 Now, as I told you earlier, you will get, and your
19 lawyer will get and provide to you a copy of that report in
20 draft form. You should review it very carefully with your
21 lawyer, point out to him anything that you think is inaccurate
22 or needs to be corrected, and you and your lawyer will have the
23 opportunity to first challenge it with probation. They may or
24 may not make revisions based on your comments. If they don't,
25 you certainly have the right to press forward with any

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1 objections that you have made to the report. Before I sentence
2 you, you would have the opportunity to speak to me directly,
3 although you're not obligated to do that.

4 THE DEFENDANT: Okay.

5 THE COURT: Now, I assume, Mr. Eskew, you wish to be
6 present for any interview of Mr. Aminov?

7 MR. ESKEW: Yes, please, Judge.

8 THE COURT: So I will order no interview take place
9 unless counsel is present.

10 Mr. Eskew, I ask you to please reach out to the
11 probation office in the next two weeks to get on their schedule
12 in connection with that interview.

13 Mr. Coyle, I just remind you as well to provide to
14 probation in that same two-week time period the statement of
15 facts.

16 Then I remind counsel, it's critically important that
17 you give timely comments to the probation office when you
18 receive that draft report. Courtesy copies will be provided to
19 chambers.

20 Any submissions by the defense to the Court with
21 respect to sentencing are due two weeks prior to sentencing.
22 And the government's sentencing submission is due one week
23 before sentencing.

24 I am setting sentencing down for April 17 at 2 p.m.

25 Mr. Aminov, I remind you that failure to be truthful

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1 with the probation office or with the Court could have an
2 adverse effect on your sentence. It could subject you to a
3 separate prosecution for perjury. I remind you, too, I reserve
4 the right to deny the two-level reduction in the calculation of
5 your offense level for acceptance of responsibility if you
6 don't cooperate fully with the probation office in connection
7 with the presentence report.

8 Do you understand, sir?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Is there an issue, counsel?

11 MR. KOUSOUROS: No. I just wanted to confirm, Judge,
12 you said April 17?

13 THE COURT: Yes.

14 MR. KOUSOUROS: That's what I was asking.

15 THE COURT: April 17 at 2 p.m.

16 Now, I think we have, I know we had a consent order
17 with respect to forfeiture. Is there a parallel order on
18 restitution?

19 MR. COYLE: We will have that for the Court before
20 sentencing, your Honor.

21 THE COURT: If for any reason there are any issues
22 with respect to that amount of restitution -- I don't expect
23 there to be because I have allocuted and spoken with Mr. Aminov
24 with respect to that restitution obligation, and he has agreed
25 that, yes, that's what he agreed to. But if for any reason

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1 there are any issues with respect to the monetary penalties, I
2 would ask you to please call that to the Court's attention well
3 in advance of sentencing so that we can get that worked out in
4 advance of sentencing. The proposed order should be submitted,
5 obviously, at the very latest, at the time of the government's
6 sentencing submission.

7 Is there anything further, Mr. Coyle?

8 MR. COYLE: Not from the government. Thank you.

9 THE COURT: Thank you.

10 Mr. Eskew, anything from you?

11 MR. ESKEW: No, Judge.

12 THE COURT: I just ask you both to please order a copy
13 of the transcript of today's plea hearing and make sure that it
14 is on the docket at least two weeks before sentencing. I do
15 review the plea, particularly the allocution with the
16 defendant, very carefully when I am considering sentencing. So
17 please make that available to the Court. All right?

18 MR. COYLE: Yes, your Honor.

19 THE COURT: Thank you very much.

20 I thank our court reporter.

21 I thank our interpreter for being on call to help us
22 if we needed you.

23 And we will stand adjourned. Thank you.

24 (Adjourned)

25