

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X	<b>Docket#</b>
UNITED STATES OF AMERICA,	: 17-cr-466-KAM-CLP
	:
- versus -	: U.S. Courthouse
	: Brooklyn, New York
	:
JOHN DOE,	: August 29, 2017
Defendant	:
-----X	

**S E A L E D P R O C E E D I N G**  
 TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
 BEFORE THE HONORABLE CHERYL L. POLLAK  
 UNITED STATES MAGISTRATE JUDGE

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

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1 THE CLERK: This is the matter of United States  
2 v. John Doe, case number 17-cr-466, Criminal Cause for  
3 Pleading.

4 Counsel, please state your appearances for the  
5 record.

6 MR. HEIN: Good afternoon, your Honor.

7 Patrick Hein, Derek Ettinger and David Fohr  
8 (ph.) on behalf of the United States.

9 Good afternoon, your Honor.

10 THE COURT: Good afternoon.

11 MR. CARROLL: Good afternoon, your Honor.

12 John Carroll and Brittany Lipson from Skadden  
13 on behalf of the defendant.

14 THE COURT: Good afternoon. Good afternoon,  
15 sir. I take it that you understand English.

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. If at any point something is  
18 said that you don't understand, please tell me, all  
19 right?

20 THE DEFENDANT: Okay.

21 THE COURT: All right. You may be seated.

22 Now before I begin, should I be addressing the  
23 defendant as John Doe or in his name?

24 MR. CARROLL: Your Honor, we're comfortable  
25 that there are no problematic witnesses in the courtroom

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1 and comfortable that the record is going to be sealed.  
2 So I think it will be best for all if you address him in  
3 his name and we will talk about proper nouns and with  
4 their names, rather than John Doe entities.

5 THE COURT: Okay. I mean I have done it both  
6 ways. I just wanted to see what your preference was.  
7 All right.

8 So Mr. Chow, the first issue that I want to  
9 deal with is your consent to have me hear your plea. You  
10 understand that this is Judge Matsumoto's case and she is  
11 the United States district judge who will sentence you  
12 and who will make the ultimate decision as to whether or  
13 not to accept your plea of guilty.

14 If you wish, you have the absolute right to  
15 have Judge Matsumoto hear your plea and if you choose to  
16 do that, there will be no prejudice to you.

17 On the other hand, if you wish, I will hear  
18 your plea this afternoon and a transcript of these  
19 proceedings will be made from the tape recording devices  
20 here in the courtroom and that transcript will be given  
21 to Judge Matsumoto to review at the time of your sentence  
22 and when she makes her decision as to whether or not to  
23 accept your plea of guilty.

24 Do you wish to have Judge Matsumoto hear your  
25 plea or are you willing to give up that right and agree

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1 to have me hear your plea this afternoon?

2 THE DEFENDANT: I am willing to waive that  
3 right and have you.

4 THE COURT: All right. Do you make this  
5 decision voluntarily and of your own free will?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Has anyone made any threats or  
8 promises to get you to agree to have me hear your plea?

9 THE DEFENDANT: No.

10 THE COURT: All right.

11 (Pause)

12 THE COURT: My law clerk is showing you the  
13 order of referral that was sent down from Judge Matsumoto  
14 and we also have the consent form.

15 (Pause)

16 THE COURT: And my law clerk has just handed  
17 you the consent form that I believe you may have signed  
18 earlier.

19 Is that your signature there, sir, at the  
20 bottom of the page?

21 THE DEFENDANT: Yes, it is.

22 THE COURT: All right. And I will note for the  
23 record that it's also been signed by counsel for the  
24 defendant, by the assistant United States attorney and I  
25 will be endorsing it, as well.

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1 (Pause)

2 THE COURT: All right. Now before I can hear  
3 your plea, there are a number of questions that I must  
4 ask you to ensure that it is a valid plea. Again, if you  
5 don't understand any of my questions, just tell me and  
6 I'll rephrase them; all right? All right.

7 THE COURT: I'm going to ask you to raise your  
8 right hand, please.

9 J E F F R E Y C H O W ,  
10 called as a witness, having been first duly sworn,  
11 was examined and testified as follows:

12 THE COURT: Do you understand that having been  
13 sworn -- yes, you're right, if you wouldn't mind just  
14 pulling that a little bit closer.

15 So having been sworn, your answers to my  
16 questions will be subject to the penalties of perjury or  
17 of making a false statement if you don't answer them  
18 truthfully.

19 Do you understand that?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: What is your full name?

22 THE DEFENDANT: Jeffrey Shiu Chow.

23 THE COURT: And how old are you, sir?

24 THE DEFENDANT: I was born in 1958. 59, this  
25 November.

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1 THE COURT: I guess that's good enough. What  
2 education have you had, sir?

3 THE DEFENDANT: A bachelor or science in civil  
4 engineering and a J.D.

5 THE COURT: And have you had any problems  
6 communicating with your attorneys?

7 THE DEFENDANT: None whatsoever.

8 THE COURT: Counsel, have you had any problems  
9 communicating with your client?

10 MR. CARROLL: None at all, your Honor.

11 THE COURT: Mr. Chow, are you presently or have  
12 you recently been under the care of either a physician or  
13 a psychiatrist?

14 THE DEFENDANT: Just physician for my asthma.

15 THE COURT: Okay. And have you been prescribed  
16 medication for that condition?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. Have you taken that  
19 medication in the last 24 hours?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. When did you last take it?

22 THE DEFENDANT: A few minutes ago, just a  
23 ventilate inhaler.

24 THE COURT: Okay. Does that medication have  
25 any affect on your ability to think clearly?

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1 THE DEFENDANT: None whatsoever.

2 THE COURT: All right. Other than that  
3 medication that you just described, have you taken any  
4 other drugs, pills or medicine of any kind in the last 24  
5 hours?

6 THE DEFENDANT: I took one antihistamine about  
7 20 hours ago.

8 THE COURT: Okay. And does that have any  
9 affect on your ability to think clearly?

10 THE DEFENDANT: No.

11 THE COURT: Okay. No narcotic drugs in the  
12 last 24 hours?

13 THE DEFENDANT: No.

14 THE COURT: Okay. Have you had any alcohol to  
15 drink in the last 24 hours?

16 THE DEFENDANT: No.

17 THE COURT: Have you ever been hospitalized or  
18 treated for a narcotics addiction?

19 THE DEFENDANT: No.

20 THE COURT: Have you ever been treated for any  
21 mental or emotional problems?

22 THE DEFENDANT: No.

23 THE COURT: As you sit here before me today, is  
24 your mind clear?

25 THE DEFENDANT: Yes.

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1 THE COURT: Do you understand what we're doing  
2 here today?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Now I don't know if you can see  
5 that, sir, but this is the information that the  
6 government has filed against you.

7 Have you received a copy of it?

8 THE DEFENDANT: Yes, I have.

9 THE COURT: Okay. And have you had an  
10 opportunity to review it with counsel?

11 THE DEFENDANT: Yes, I did.

12 THE COURT: And do you understand what you're  
13 charged with?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: Okay. Essentially, the information  
16 charges that in or about and between 2000 and 2016, both  
17 dates being approximate and inclusive within the Eastern  
18 District of New York and elsewhere, you together with  
19 others, did knowingly and willfully conspire to commit  
20 one or more offenses against the United States.

21 Specifically, (a) to make use of the mails and  
22 means and instrumentalities of interstate commerce,  
23 corruptly and in furtherance of an offer, payment,  
24 promise to pay, and authorization of the payment of any  
25 money, offer, gift, promise to give and authorization of

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1 the giving of anything of value to a foreign official, to  
2 a foreign political party and official thereof and to a  
3 person well knowing that all or a portion of such money  
4 and thing of value would be offered, given and promised  
5 to a foreign official and to a foreign political party,  
6 an official thereof, for the purposes of:

7 (1) influencing acts and decisions of such  
8 foreign official, foreign political party and official  
9 thereof, in his or her or its official capacity;

10 (2) inducing such foreign official, foreign  
11 political party and official thereof, to do and admit to  
12 do acts in violation of the lawful duty of such official  
13 and party;

14 (3) securing any improper advantage;

15 And (4) inducing such foreign official, foreign  
16 political party and official thereof, to use his, her or  
17 its influence with a foreign government and agencies and  
18 instrumentalities thereof to affect and influence acts  
19 and decisions of such government and agencies and  
20 instrumentalities in order to assist you in obtaining and  
21 retaining business for and with and directing business to  
22 RIG Construction Company and others in violation of  
23 United States law.

24 The charge also charges you with conspiring in  
25 paragraph (b), while in the territory of the United

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1 States to willfully make use of the mails and means and  
2 instrumentalities of interstate commerce, corruptly and  
3 in furtherance of an offer, payment, promise to pay, and  
4 authorization of the payment of any money, offer gift,  
5 promise to give and authorization of the giving of  
6 anything of value to a foreign official, foreign  
7 political party and official thereof, and to a person  
8 well knowing that all or a portion of such money and  
9 thing of value would be offered, given and promised to a  
10 foreign official, foreign political party and official  
11 thereof, for the purpose of:

12 (1) influencing acts and decisions of such  
13 foreign official, foreign political party and official  
14 thereof, in his, her or its official capacity;

15 (2) inducing such foreign official, foreign  
16 political party and official thereof, to do and admit to  
17 do acts in violation of the lawful duty of such official  
18 and party;

19 (3) securing any improper advantage;

20 And (4) inducing such foreign official, foreign  
21 political party and official thereof, to use his, her or  
22 its influence with a foreign government and agencies and  
23 instrumentalities thereof to affect and influence acts  
24 and decisions of such government and agencies and  
25 instrumentalities in order to assist, RIG Construction

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1 company and others, in obtaining and retaining business  
2 for and with and directing business to RIG Construction  
3 Company and others in violation of United States law.

4 In furtherance of ths conspiracy and to achieve  
5 the objects thereof, you together with others, committed  
6 and caused to be committed the following overt acts:

7 (A) in or about November 2009, you coordinated  
8 the signing in Houston, Texas of a marketing and sales  
9 representation agreement between RIG Construction Company  
10 and a consulting company controlled by RIG Construction  
11 Company agent.

12 (B) in or about August 2012, on behalf of RIG  
13 Construction Company, you executed an agreement dated  
14 November 30th, 2011, with a consulting company controlled  
15 by RIG Construction Company agent.

16 (C) in or about August 2012, on behalf of RIG  
17 Construction Company, you executed a marketing,  
18 consulting and services agreement dated December 1st,  
19 2011, with a consulting company controlled by RIG  
20 Construction Company agent.

21 And (D) on or about April 12th, 2012, you sent  
22 an e-mail to an executive of RIG Construction Company  
23 discussing how to structure commission payments that RIG  
24 Construction Company would make to a consulting company  
25 controlled by RIG Construction Company agent in violation

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1 of United States law.

2 Now my first question is do you understand what  
3 a conspiracy is?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: Basically, a conspiracy is simply  
6 an agreement between two or more people to do something  
7 unlawful. In this case, you are charged with agreeing  
8 with others to violate the Foreign Corrupt Practices Act  
9 in the manner that I have just read to you from the  
10 indictment.

11 Do you understand the charge?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: All right. Now this is a felony  
14 charge and because it is a felony charge, you have a  
15 constitutional right to be charged by way of an  
16 indictment brought by the grand jury. The grand jury is  
17 a group of at least 16 and not more than 23 people, who  
18 listen to the evidence presented by the government and at  
19 least 12 of them must find that there is probable cause  
20 to believe that you committed the crime that the  
21 government is charging you with.

22 Now the government could present the case to  
23 the grand jury, and the grand jury could vote to indict  
24 you or it could vote not to indict you. But the only way  
25 that the government can proceed on this felony charge as

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1 it is here today, is if you agree to give up your right  
2 to have the case presented to the grand jury.

3 If you waive your right to have the case  
4 presented to the grand jury, then the government can  
5 proceed against you on this charge just as if the grand  
6 jury heard the evidence and voted to indict you.

7 Do you follow me so far?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: All right. Have you discussed  
10 waiving your right to be indicted by the grand jury with  
11 your attorneys?

12 THE DEFENDANT: Yes, I have.

13 THE COURT: And do you understand your right to  
14 be indicted by the grand jury?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Has anyone made any threat or  
17 promise to get you to waive indictment?

18 THE DEFENDANT: No.

19 THE COURT: Do you wish at this time to waive  
20 your right to be indicted by the grand jury?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Counsel, do you know of any reason  
23 why the defendant should not waive indictment?

24 MR. CARROLL: No, your Honor. I know of no  
25 such reason.

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1 THE COURT: All right. Ariela, would you show  
2 that to the defendant? This is the waiver of indictment  
3 form that I believe you may have signed earlier.

4 Have you seen this before, sir?

5 THE DEFENDANT: Yes, I have.

6 THE COURT: Okay. And is that your signature  
7 there at the bottom of the page?

8 THE DEFENDANT: Yes, it is.

9 THE COURT: All right. And I note that it's  
10 also been signed by counsel for the defendant, as well.

11 MR. CARROLL: That's correct, your Honor.

12 THE COURT: All right. I will take it back  
13 now. And I am endorsing it, as well, finding that the  
14 defendant has been apprised of the nature of the charges,  
15 the proposed information and his rights and he has hereby  
16 waived prosecution by indictment in open court today.

17 What year is this?

18 THE DEFENDANT: 2017.

19 MR. CARROLL: I wrote '18 on all of them.

20 (Laughter)

21 THE COURT: I'm like did I lose a year?

22 MR. CARROLL: How about that?

23 THE COURT: Did I lose a year somewhere along  
24 the way? Okay, I'll fix it.

25 MR. CARROLL: I was just into writing 8s

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1 because of August.

2 (Pause)

3 THE COURT: Now counsel, have you discussed the  
4 matter of pleading guilty with your client?

5 MR. CARROLL: At great length, your Honor.

6 THE COURT: Does he understand the rights that  
7 he will be waiving by pleading guilty?

8 MR. CARROLL: He does, your Honor.

9 THE COURT: In your view, is he capable of  
10 understanding the nature of these proceedings?

11 MR. CARROLL: Absolutely, your Honor.

12 THE COURT: Do you have any doubt as to his  
13 competence to plead at this time?

14 MR. CARROLL: No, doubt whatsoever.

15 THE COURT: Have you advised him of the maximum  
16 sentence and the fine that can be imposed as a result of  
17 his plea here?

18 MR. CARROLL: I have, your Honor.

19 THE COURT: And have you discussed with him the  
20 operation of the sentencing guidelines in this case?

21 MR. CARROLL: I have, your Honor.

22 THE COURT: All right Mr. Chow, do you  
23 understand that you have the right to be represented by  
24 an attorney from this point forward in connection with  
25 these charges.

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1 Do you understand that?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: And I take it, counsel, you are  
4 retained in this matter, is that correct?

5 MR. CARROLL: That's correct, your Honor.

6 THE COURT: If Mr. Chow, you could not afford  
7 to pay for counsel, the Court would appoint an attorney  
8 to represent you. That's how important your right to  
9 counsel is.

10 Do you understand that?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Do you believe that you have had  
13 enough time to discuss your case with your attorneys?

14 THE DEFENDANT: Yes, I have.

15 THE COURT: And are you satisfied to have them  
16 represent you?

17 THE DEFENDANT: Very much so.

18 THE COURT: All right. I want to make sure  
19 that you understand the rights that you will be giving up  
20 if you decide to plead guilty to this charge.

21 Under the Constitution and the laws of the  
22 United States, you would be entitled to a speedy and  
23 public trial by jury with the assistance of counsel on  
24 the charge contained in the information.

25 Do you understand that?

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1 THE DEFENDANT: Yes, I do.

2 THE COURT: At the trial, you would be presumed  
3 innocent and the government would have to overcome that  
4 presumption and prove you guilty by competent evidence  
5 and beyond a reasonable doubt.

6 You would not have to prove that you were  
7 innocent. If the government were to fail, the jury would  
8 have the duty to find you not guilty.

9 Do you understand that?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: In the course of a trial, the  
12 witnesses for the government would have to come to court.  
13 They would have to testify in your presence. Your  
14 attorney would have the right to cross-examine those  
15 witnesses for the government, to object to any evidence  
16 offered by the government and to subpoena witnesses and  
17 offer testimony on your behalf.

18 Do you understand that?

19 THE DEFENDANT: Yes, I do.

20 THE COURT: At the trial, while you would have  
21 the right to testify if you chose to do so, you could not  
22 be forced to testify. Under the Constitution of the  
23 United States, a defendant in a criminal case cannot be  
24 forced to take the witness stand and say anything that  
25 could be used to show that he is guilty of the crime with

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1 which they've been charged.

2           If you were to decide not to testify, the Court  
3 would instruct the jury that they could not hold that  
4 decision against you.

5           Do you understand that?

6           THE DEFENDANT: Yes, I do.

7           THE COURT: If you plead guilty on the other  
8 hand, I'm going to have to ask you certain questions  
9 about what it is that you did in order to satisfy myself  
10 that you are, in fact, guilty of the charge to which you  
11 seek to plead guilty. And you're going to have to answer  
12 my questions and acknowledge your guilt.

13           Thus, you will be giving up that right that I  
14 just described. That is the right not to say anything  
15 that could be used to show that you are guilty of the  
16 crime with which you've been charged.

17           Do you understand that?

18           THE DEFENDANT: Yes, I do.

19           THE COURT: If you plead guilty and I recommend  
20 to Judge Matsumoto that she accept your plea, you will be  
21 giving up your constitutional right to a trial and all of  
22 the other rights that I have just described. There will  
23 be no further trial of any kind. Judge Matsumoto will  
24 simply enter a judgment of guilty based upon your guilty  
25 plea.

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1 Do you understand that?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: Are you willing to give up your  
4 right to a trial and the other rights that I have just  
5 described?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Now I understand that there is a  
8 plea agreement in this case. I have an older version, so  
9 I want to make sure -- I am marking it as Court Exhibit 1  
10 for purposes of these proceedings. Ariela, would you  
11 show that to the defendant please.

12 Have you seen this agreement before, sir?

13 THE DEFENDANT: Yes, I have.

14 THE COURT: And have you have a chance to read  
15 it?

16 THE DEFENDANT: Yes, I have.

17 THE COURT: And have you discussed it with  
18 counsel?

19 THE DEFENDANT: Yes.

20 THE COURT: And do you understand what it says?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: And if you would flip to the last  
23 page for me, please, is that your signature there?

24 THE DEFENDANT: Yes, it is.

25 THE COURT: All right. Does this agreement

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1 fully and accurately reflect your understanding of the  
2 agreement that you have with the government?

3 THE DEFENDANT: Yes, it does.

4 THE COURT: Other than the promises that are in  
5 the agreement, has anyone made any other promise that has  
6 caused you to plead guilty here?

7 THE DEFENDANT: No.

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

10 THE DEFENDANT: No.

11 THE COURT: I want to briefly review with you  
12 the sentencing scheme that applies here. The statute  
13 that you are accused of violating carries a minimum term  
14 of imprisonment of zero years but a maximum of up to  
15 possibly five years in prison.

16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. Now there are in effect what  
19 are called sentencing guidelines and those guidelines are  
20 merely that; a guide to help the Court determine where  
21 within that zero to five year range your sentence should  
22 fall.

23 The guidelines are not mandatory but the Court  
24 is required to consider the guidelines along with all  
25 other relevant factors in determining what an appropriate

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1 sentence for you should be.

2 Do you understand that?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: The important thing that you must  
5 understand is that until the time of sentencing when  
6 Judge Matsumoto is going to get what is called a  
7 presentence report which will be prepared by the  
8 probation department following your plea here and the  
9 judge has an opportunity to hear from you, and to hear  
10 from your attorneys, and to hear from the government,  
11 until that time, no one can promise you exactly what your  
12 sentence will be; not your attorneys, not the government,  
13 not me, not even Judge Matsumoto until that then.

14 Do you understand that?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Nevertheless, I am going to ask the  
17 government just to put on the record what your estimate  
18 of the guideline range would be based upon what we know  
19 today.

20 MR. HEIN: Yes, your Honor. The government's  
21 estimate is an adjusted offense level of 36 and that's  
22 calculated by a base offense level of 12 with a two level  
23 enhancement for more than one bribe and another 22 level  
24 enhancement for more than \$25 million.

25 The adjusted offense level has a sentencing

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1 range of 188 to 235 months with a three level reduction  
2 for acceptance of responsibility, the government  
3 estimates a total offense level of 33 with a sentencing  
4 range of 135 months to 168 months and the government is,  
5 of course, aware of the statutory maximum of 60 months.

6 THE COURT: Okay. Counsel, do you have any  
7 quarrel with the government's calculation that you want  
8 to put on the record at this time?

9 MR. CARROLL: While we don't consent to it, we  
10 have no quarrel at this time.

11 THE COURT: Okay.

12 So you understand the government's estimate  
13 brings your guideline level way above the maximum of the  
14 statute but that is the maximum that can be imposed.

15 Do you understand that?

16 THE DEFENDANT: Yes, I do.

17 MR. CARROLL: I take it that, Mr. Chow, is a  
18 citizen of the United States?

19 THE DEFENDANT: Yes, I am.

20 THE COURT: Okay. Because if you were not a  
21 citizen of the United States, I would have to inform you  
22 that you might be subject to deportation based upon your  
23 guilty plea here but since you're a citizen, that  
24 shouldn't be a concern.

25 Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: You do understand though that you  
3 face a term of supervised release.

4 Do you know what supervised release is?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Basically, once you have completed  
7 any sentence of imprisonment that you may be directed to  
8 serve, you will be released from jail but there may be  
9 certain restrictions placed on your freedom. For  
10 example, you might have to report to a probation officer  
11 on a periodic basis and there may be other restrictions,  
12 as well.

13 Do you understand that?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: The important thing here is that  
16 you face a maximum term of supervised release of three  
17 years.

18 And if you violate any of the conditions of  
19 supervised release, you may be sentenced up to two years  
20 in prison without getting any credit for the time that  
21 you previously served in prison and without getting any  
22 credit for the time that you served successfully on  
23 supervised release up until the date that you committed  
24 the violation.

25 Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: You also face a potential fine.

3 The maximum fine that can be imposed is the greater of  
4 \$250,000 or twice the gross gain or gross loss.

5 Does the government have an estimate of what  
6 that might be in this case?

7 MR. HEIN: One second, your Honor.

8 (Counsel confer)

9 MR. HEIN: Not at this point, your Honor.

10 THE COURT: Okay. But it could be higher than  
11 the \$250,000?

12 MR. HEIN: It could be, your Honor, yes.

13 THE COURT: Based on the numbers that you were  
14 stating before?

15 MR. HEIN: Yes.

16 THE COURT: Do you understand that, Mr. Chow?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: And you must pay a \$100 special  
19 assessment.

20 Do you understand that, as well?

21 THE DEFENDANT: Yes.

22 THE COURT: Now you can appeal your conviction  
23 if you believe that your guilty plea here was somehow  
24 unlawful or involuntary or there was some other  
25 fundamental defect in these proceedings that was not

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1 waived by your plea.

2           You also have a statutory right to appeal your  
3 sentence under certain circumstances if you believe that  
4 your sentence is contrary to law. However, in the plea  
5 agreement, you have agreed that you will not file an  
6 appeal or otherwise challenge your conviction or your  
7 sentence, so long as the Court imposes a term of  
8 imprisonment at or below five years.

9           Do you understand that you've agreed to that?

10           THE DEFENDANT: Yes, I do.

11           THE COURT: Anything else in the plea agreement  
12 that I need to review with the defendant?

13           MR. HEIN: Not from the government, your Honor.

14           THE COURT: Counsel?

15           MR. CARROLL: Nothing else, your Honor.

16           THE COURT: All right. Mr. Chow, do you have  
17 any questions that you would like to ask me about the  
18 charge or your rights or the plea agreement or anything  
19 else before we proceed?

20           THE DEFENDANT: No, I don't.

21           THE COURT: Are you ready to plead at this  
22 time?

23           THE DEFENDANT: Yes, I am.

24           THE COURT: Counsel, do you know of any reason  
25 why the defendant should not plead guilty?

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1 MR. CARROLL: I know of no reason, your Honor.

2 THE COURT: Are you aware of any viable legal  
3 defense to the charge?

4 MR. CARROLL: No, your Honor.

5 THE COURT: Jeffrey Chow, what is your plea to  
6 the charge contained in information 17-cr-466, guilty or  
7 not guilty?

8 THE DEFENDANT: Guilty, your Honor.

9 THE COURT: Are you making this plea of guilty  
10 voluntarily and of your own free will?

11 THE DEFENDANT: Yes, I am.

12 THE COURT: Has anyone threatened or forced you  
13 to plead guilty?

14 THE DEFENDANT: No one.

15 THE COURT: Has anyone made any promise to you  
16 what your sentence will be?

17 THE DEFENDANT: No.

18 THE COURT: All right.

19 I read the charge to you a few minutes ago. I  
20 want you to tell me in your own words what exactly you  
21 did in connection with the conspiracy that's charged in  
22 the information.

23 THE DEFENDANT: I worked in the Legal Department  
24 at Keppel Offshore Marine for over 25 years and among my  
25 duties and responsibilities were to draft and prepare

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1 contracts with the company's agents and one of those was  
2 an agent in Brazil.

3           By no later than 2008, I realized that Keppel  
4 was overpaying the agent, sometimes by millions of  
5 dollars, so that the agent could pay bribes to  
6 individuals who could help Keppel Offshore Marine doing  
7 business with Petrobras. The Petrobras was a Brazilian-  
8 state -- state-owned and controlled oil company.  
9 Although no one ever named the bribe recipients for me, I  
10 knew that they were government officials and ruling  
11 political party.

12           I should have refused to draft the contract  
13 that we used for paying bribes and I should have resigned  
14 from Keppel. Instead, I discussed the economic terms of  
15 the contracts with my seniors at Keppel and acting in  
16 agreement with my seniors, and others at Keppel, I  
17 drafted the contracts and made sure that they were  
18 executed.

19           And at least one case, it was in the U.S., that  
20 I sent the executed copy of the contract from Houston,  
21 Texas to the agent to confirm that my seniors at Keppel  
22 had signed the contract.

23           While I didn't negotiate the contracts or make  
24 the decisions to pay the bribes, I knew that the  
25 contracts existed to make the payments legitimate and

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1 that they were an important part of the bribery scheme.

2 I am deeply sorry for my conduct.

3 THE COURT: So in terms of the overt act, is he  
4 pleading to the first one, in or about November 2009?

5 MR. HEIN: Yes, your Honor, that's the  
6 government's understanding.

7 THE COURT: Okay. And what role does Rigg  
8 Construction Company play in this? Is that the name of  
9 the company for whom you were --

10 THE DEFENDANT: Yes, the Rigg Construction  
11 Company is Keppel Offshore Marine or --

12 THE COURT: The same name?

13 THE DEFENDANT: -- one of the subsidiaries that  
14 handled the contract execution.

15 THE COURT: Okay. That was the one thing that  
16 was missing.

17 Is there anything else I should inquire of him?

18 MR. HEIN: Not from the government, your Honor.

19 THE COURT: Okay. Anything else, counsel?

20 MR. CARROLL: Nothing else, your Honor.

21 THE COURT: All right.

22 Based on the information given to me, I find  
23 that the defendant is acting voluntarily, fully  
24 understands his rights and the consequences of his plea  
25 and that there is a factual basis for the plea.

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1 I will, therefore, recommend to Judge Matsumoto  
2 that she accept your plea of guilty to the charge  
3 contained in the information.

4 What happens now, Mr. Chow, is that you are  
5 going to be meeting with someone from the probation  
6 department to prepare the presentence report that we  
7 talked about a little bit earlier. I urge you to  
8 cooperate with them, obviously with counsel's advice.

9 And I believe that once that report is  
10 prepared, either the probation department or the Court  
11 will schedule a sentencing date. I don't believe we have  
12 one right now.

13 MR. HEIN: We do not have one yet, your Honor.

14 THE COURT: Okay. Now it's also my  
15 understanding that this is Mr. Chow's first appearance in  
16 the Court. So I need to hear you on bail.

17 MR. HEIN: Yes, your Honor. The government and  
18 defense counsel have spoken regarding bail and are in  
19 agreement to the following terms if the Court is  
20 amenable. A \$250,000 bond and that would be secured by  
21 two suretors who are brothers of the defendant. My  
22 understanding is one lives in New Orleans and one in  
23 Houston and my understanding is that they are financial  
24 responsible suretors who have agreed to be liable for the  
25 bond and within approximately two weeks, will make

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1 arrangements to go to the federal courthouse in their  
2 respective cities and sign the bond.

3           Given the natural disaster in the Houston and  
4 Texas area, defense counsel and I have spoken about  
5 seeing if the two weeks is a reasonable deadline for  
6 them.

7           THE COURT: It may not be realistic at this  
8 point but --

9           MR. HEIN: But it may not be, yeah. The other  
10 important part of the bail package is that the government  
11 has agreed that the defendant may return to his residence  
12 in Singapore during the pendency of the case.

13           THE COURT: Okay. Are you agreeing to allow  
14 him to leave before the bond is fully signed off on?

15           MR. HEIN: That has been the agreement. Yes,  
16 your Honor.

17           THE COURT: Okay. All right.

18 (Pause)

19           THE COURT: While she is actually looking for  
20 the second page of the bond, Mr. Chow, I want to make  
21 sure you understand what your responsibilities are under  
22 the bond.

23           The bond, as counsel has indicated, is in the  
24 amount of \$250,000. If you should final to come back to  
25 court at any time in the future when you are required to

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1 be here, the bond will be revoked and the government will  
2 come to me for an arrest warrant. You will be rearrested  
3 and at that point, you will be held without bond until  
4 the case is resolved.

5 Do you understand that?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Okay. Do you also understand that  
8 if you fail to appear, the government can bring  
9 additional charges against you for the separate crime of  
10 bail jumping. That's a separate felony offense. It  
11 carries its own separate term of imprisonment.

12 And what that means is that you could actually  
13 be given a very short period of time under these charges  
14 and yet end up facing a significant period of time simply  
15 because you didn't come back to court.

16 Do you understand that?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: Okay. Do you also understand that  
19 if you don't come back to court, your brothers who are  
20 signing as suretors on the bond, will lose \$250,000 which  
21 is the amount of the bond. That means that if they have  
22 a home, car, bank account, assets of any kind, the  
23 government will seize their assets up to that \$250,000  
24 limit. And if they don't have assets, the government can  
25 garnish their wages, meaning every time they get a

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1 paycheck, a certain amount is going to be taken out until  
2 the bond amount is satisfied.

3 Do you understand that?

4 THE DEFENDANT: Yes, I do.

5 THE COURT: Okay. You also understand that you  
6 are not to commit any crimes while on bond? If you  
7 commit a crime while on bond, that's grounds for revoking  
8 your bond, increasing your punishment under these charges  
9 and bringing new charges against you for whatever new  
10 crime you are alleged to have committed.

11 Do you understand that?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Finally, you are not to threaten or  
14 attempt to influence anyone who you think might be a  
15 witness against you in this case. If you do that, that  
16 is considered witness tampering and the government cannot  
17 only have you rearrested for that but will bring  
18 additional charges against you for that crime.

19 Do you understand that?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: All right.

22 (Pause)

23 THE COURT: While he is doing that, do we have  
24 the address of the courthouses where the brothers are  
25 supposed to go? Just because we're going to have to fax

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1 the bond once the defendant signs it down there.

2 MR. HEIN: I will get the addresses, your  
3 Honor.

4 THE COURT: Thank you.

5 (Pause)

6 THE COURT: Are there any travel restrictions?  
7 In other words, is he restricted to traveling back and  
8 forth from Singapore or is there any -- no restrictions.

9 MR. HEIN: One second, your Honor.

10 (Counsel confer)

11 MR. CARROLL: Your Honor, with regard to the  
12 travel, as far as I know (indiscernible) -- prior to Mr.  
13 Chow traveling anywhere from Singapore, we would give the  
14 government prior notice and an opportunity to object. We  
15 don't foresee problematic travel but Mr. Chow isn't going  
16 to leave Singapore until the government knows that and  
17 agrees.

18 THE COURT: Okay.

19 (Pause)

20 THE COURT: I assume there's no one that he  
21 should avoid contact with?

22 MR. HEIN: The government would propose that  
23 the defendant avoid contact with individuals from Keppel.

24 MR. CARROLL: Your Honor, Mr. Chow's life in  
25 Singapore has been working for Keppel. If he didn't see

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1 those individuals, he would be talking to his dog all  
2 day. You know, we've certainly counseled him to not have  
3 substantive conversations with people from Keppel. I  
4 think that his circumstance is such that his contacts are  
5 more limited than they were previously but I don't think  
6 that that's realistic --

7 THE COURT: Okay.

8 MR. CARROLL: -- and I think upon reflection,  
9 the government agrees.

10 THE COURT: Of course I like talking to my dog  
11 better than some people.

12 MR. CARROLL: Yeah, my dog is the only one  
13 welcoming me at home most days, Judge.

14 THE COURT: Okay. And the names of the  
15 suretors, I'm sorry, are?

16 MR. CARROLL: Jimmy and Joseph Chow.

17 THE COURT: Okay. So I've indicated under  
18 other conditions that he may travel outside of the United  
19 States and Singapore with prior notice to the government.

20 MR. HEIN: That's fine with the government,  
21 your Honor.

22 THE COURT: Okay. So really the only other  
23 condition is the signatures of the suretors, am I right?

24 MR. HEIN: I believe so, your Honor.

25 THE COURT: Okay. I mean, there's no pretrial

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1 service involvement here because he's not in the United  
2 States essentially. We do have a pretrial service  
3 officer here and I did want to make sure that there  
4 wasn't anything that you needed to inform me of because I  
5 know your computers went down.

6 PRETRIAL SERVICES OFFICER: No, not at all. We  
7 all are kind of in agreement with the bond.

8 THE COURT: Okay, excellent. Has he been  
9 processed by the marshals?

10 MR. CARROLL: He has not, your Honor. He's  
11 been to the FBI. He's been to pretrial services. The  
12 marshals were asked whether they wanted to see him and  
13 they said no for now.

14 MR. HEIN: It's also my understanding, your  
15 Honor, speaking to the FBI who processed him at 26  
16 Federal Plaza, was that they were going to pass him to  
17 the marshals and the marshals declined. The FBI brought  
18 the defendant to pretrial services here for his initial  
19 interview and then he came here for the guilty plea. So  
20 I can speak again to the marshals but that's where it's  
21 been left.

22 THE COURT: He's got to go to the marshals. I  
23 mean, in the twenty-some years I've been doing this, not  
24 including the nine I was an assistant, I don't recall  
25 ever --

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1 MR. HEIN: And I agree with you, your Honor.  
2 It was -- we had several conversations with the FBI  
3 agents today who were seeking to pass him to the marshals  
4 and this was at 26 Federal Plaza, having him brought him  
5 and then they declined to do so.

6 I would be happy before the defendant leaves to  
7 contact them myself directly to ensure that that's their  
8 understanding.

9 THE COURT: Okay. Well, let me do this. This  
10 is -- that's the defendant's copy. That's the pretrial  
11 officer's copy and this is a copy that normally goes to  
12 the marshals. So that's -- I don't know what I do with  
13 that one.

14 If you wouldn't mind, let me call them.

15 MR. HEIN: Okay.

16 THE COURT: And I will see what the story is.

17 MR. HEIN: And, your Honor, if I may and  
18 defense counsel alluded to this earlier but the  
19 government would move to have the information and the  
20 transcript from today's plea sealed on the basis of an  
21 ongoing investigation.

22 THE COURT: Okay. So ordered.

23 (Court confers with Marshal Service via Telephone)

24 THE COURT: They want to process him. I don't  
25 know what you were told but --

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1 MR. HEIN: That's fine to me, your Honor. We  
2 thought the same. That was our understanding and we were  
3 told differently but --

4 THE COURT: Okay. So I am sorry about this but  
5 you need to go back downstairs to the United States  
6 Marshal's Service where they will do the fingerprinting  
7 and processing and all of that. But Mr. Hein, I am going  
8 to ask you to take the bond down --

9 MR. HEIN: Yes.

10 THE COURT: -- and show the defendant where to  
11 go.

12 MR. HEIN: Will do.

13 THE COURT: All right?

14 MR. HEIN: Thank you, your Honor.

15 THE COURT: All right. Thank you.

16 MR. CARROLL: Thank you, your Honor.

17 THE COURT: Oh, and don't forget, Mr. Hein, to  
18 get us the addresses of the two courthouses.

19 MR. HEIN: I have those here and maybe perhaps  
20 should I e-mail them to your clerk?

21 THE COURT: Yeah, why don't you e-mail them to  
22 Ariela and then we'll fax them out.

23 MR. HEIN: Thank you.

24 (Matter concluded)

25 -o0o-

C E R T I F I C A T E

I, LINDA FERRARA, 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 11th day of October, 2017.

  
Linda Ferrara

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