



U.S. Department of Justice

Antitrust Division

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February 1, 2023

**BY ECF**

Honorable Victor Marrero  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Timour Abramov*, 23 CR 050 (VM);  
Motion to Request the Acceptance of Defendant's Plea

Dear Judge Marrero:

The Government respectfully moves the Court to accept the guilty plea entered by defendant, Timour Abramov, on January 30, 2023. The Government has attached to this motion the transcript of the plea proceedings and a proposed Order. The defendant's guilty plea was made before United States Magistrate Judge Jennifer E. Willis with the defendant's consent.

If the Court accepts the guilty plea, the parties consent to the Court's proposed sentencing date, May 5, 2023, at 1pm.

Very truly yours,

\_\_\_\_\_/s/\_\_\_\_\_  
Milesz Gudowski  
Trial Attorney  
United States Department of Justice  
Antitrust Division, New York Office

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

TIMOUR ABRAMOV

Defendant.

**ORDER**

23 CR 050

WHEREAS, with the defendant's consent, the defendant's guilty plea allocution was made before United States Magistrate Judge Jennifer E. Willis on January 30, 2023;

WHEREAS, a transcript of the plea allocution was made and thereafter was transmitted to the District Court;

WHEREAS, upon review of the transcript, this Court has determined that the defendant entered the guilty plea knowingly and voluntarily and that there was a factual basis for the guilty plea;

IT IS HEREBY ORDERED that the defendant's guilty plea is accepted.

**SO ORDERED:**

Dated:  
New York, New York

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HONORABLE VICTOR MARRERO  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA,

v.

23 Cr. (JEW) (VM)

TIMOR ABRAMOV,

Defendant.

Plea

-----x

New York, N.Y.  
January 30, 2023  
12:30 p.m.

Before:

HON. JENNIFER E. WILLIS,

U.S. Magistrate Judge

APPEARANCES

DAMIAN WILLIAMS

United States Attorney for the  
Southern District of New York

BY: MILOSZ GUDZOWSKI

STEVEN TUGANDER

Assistant United States Attorneys

ARTHUR GERSHFELD

Attorney for Defendant

Also Present:

NADIA BRUNSTEIN, Interpreter (Russian)

1 (Case called)

2 THE DEPUTY CLERK: I ask that attorneys for the  
3 government, as well as for the defendant, please rise and state  
4 your name for the record.

5 MR. GUDZOWSKI: For the government, your Honor.  
6 Milosz Gudzowski.

7 MR. TUGANDER: Steven Tugander for the government.

8 MR. GERSHFELD: For Mr. Abramov, Arthur Gershfeld.

9 THE COURT: Good afternoon.

10 Good afternoon to you, Mr. Abramov.

11 THE DEFENDANT: Good afternoon.

12 THE COURT: First, I note that we have the assistance  
13 of a Russian interpreter in court today.

14 Mr. Abramov, are you able to hear and understand the  
15 interpreter through the devices on your ears?

16 THE DEFENDANT: Yes.

17 THE COURT: If at any time you have difficulty hearing  
18 or understanding the interpreter or if there is some type of  
19 technical problem with the hearing devices, can you please  
20 raise your hand as soon as that happens and let me know.

21 THE DEFENDANT: Okay.

22 THE COURT: The most important thing in today's  
23 proceeding is to make sure that you're hearing and  
24 understanding everything. So I wouldn't want to sort of go on  
25 for a couple more sentences if you can't hear. So you need to

1 stop me as soon as there's a problem so that we can get it  
2 corrected.

3 THE DEFENDANT: (In English) Okay. Thank you.

4 THE COURT: So, Mr. Abramov, I am Judge Willis. And  
5 you have been arrested based on charges filed against you by  
6 way of an information.

7 The purpose of today's proceeding is to do several  
8 things: First, to inform you of certain rights that you have;  
9 inform you of charges against you; consider whether counsel  
10 should be appointed for you; and decide under what conditions,  
11 if any, you should be released pending trial.

12 I also understand that you and your lawyer have come  
13 to a plea agreement with the government and it is also your  
14 intent to enter a plea to the information. But we have to sort  
15 of take these things in order. So first we'll start with your  
16 initial presentment, and then move on to bail, and then move on  
17 to the plea.

18 Government, can I have the date and time of the  
19 arrest, please.

20 MR. GUDZOWSKI: Your Honor, it was this morning around  
21 9:00 a.m. I think.

22 THE COURT: Thank you.

23 As I indicated, Mr. Abramov, you have been charged  
24 with certain crimes in an information. And I want to explain  
25 to you certain constitutional rights that you have. You have

the right to remain silent.

You are not required to make my statements. And even if you have already made statements to the authorities, you do not need to make any further statements. If you do make any statements, those statements can be used against you.

You have the right to be released, either conditionally or unconditionally, pending trial, unless I find that there are no conditions that would reasonably assure your presence at future court appearances and the safety of the community.

If you are not a United States citizen, you have a right to have a government attorney or law enforcement official notify a counselor or officer from a country of origin that you have been arrested. In some cases, a treaty or other agreement may require the United States government to give that notice, whether you request it or not.

You have the right to be represented by an attorney during all court proceedings, including this one, and during all questioning by the authorities. You have the right to hire your own attorney. But if you cannot afford to hire an attorney, I will appoint one to represent you.

Do you understand the rights that I have just read to you?

THE DEFENDANT: Yes.

THE COURT: Thank you.

1           So first thing, I understand that you have hired an  
2 attorney. And I am in receipt of an appearance of counsel.

3           Next I want to turn to the information.

4           Government, I see a waiver of indictment.

5           Is there also a notice of intent? Or did you have  
6 that since there was no complaint?

7           MR. GUDZOWSKI: A notice of intent has already been  
8 filed.

9           THE COURT: Has this case already been wheeled out  
10 then?

11          MR. GUDZOWSKI: Yes, it has, to Judge Marrero.

12          THE COURT: Thank you.

13          All right. Mr. Abramov, I have before me a form that  
14 is entitled -- a form that says you are waiving your right to  
15 indictment. At the bottom, there is a section here that  
16 appears to be signed by you.

17          Did you sign this form, Mr. Abramov?

18          THE DEFENDANT: Yes.

19          THE COURT: Did you read it before you signed it?

20          THE DEFENDANT: Yes.

21          THE COURT: Did you discuss it with your lawyer before  
22 you signed it?

23          THE DEFENDANT: Yes.

24          THE COURT: Under the United States Constitution, you  
25 have a right to be charged through an indictment which would be

1 issued by a grand jury instead of through an information which  
2 we have in your case.

3 If you give up your right to have the charges against  
4 you be presented to a grand jury, then the case will proceed  
5 against you based on the United States attorney's information,  
6 the same way as if you had been indicted.

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Were any threats or promises made to you  
10 to get you to sign this waiver of indictment?

11 THE DEFENDANT: No.

12 THE COURT: Do you wish to give up your right to be  
13 charged by a grand jury through an indictment and to proceed  
14 with the information drawn up by the U.S. attorney?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. Mr. Abramov, your waiver is  
17 accepted. I'm now going to arraign you on the information.

18 Counsel, have you received a copy of the information  
19 against Mr. Abramov?

20 MR. GERSHFELD: Judge, we have received the  
21 information. We waive the formal reading, the rights  
22 thereunder, and plead not guilty.

23 THE COURT: Thank you.

24 The record should reflect that Mr. Abramov has pleaded  
25 not guilty at this point and that he has been arraigned.

1 All right. Next I will hear from the government as to  
2 bail, detention, or release.

3 MR. GUDZOWSKI: Your Honor, we've agreed with  
4 defendant for a \$50,000 personal recognition bond; travel  
5 restrictions to New York, New Jersey, and Pennsylvania;  
6 surrender of his passport; and a promise not to make an  
7 application for travel documents.

8 THE COURT: And you say New York and Pennsylvania, are  
9 you contemplating all four districts in each of those four  
10 states?

11 MR. GUDZOWSKI: Yes. That's what we agreed to.  
12 That's what I think makes sense.

13 THE COURT: Defense counsel, is that your  
14 understanding of the conditions that you and your client have  
15 agreed to with the government?

16 MR. GERSHFELD: Yes, your Honor, with all respects.

17 THE COURT: Was there an agreement as to whether or  
18 not there would be pretrial supervision?

19 MR. GUDZOWSKI: We don't have an agreement, but the  
20 government doesn't believe it's necessary.

21 THE COURT: All right. Based upon my review of the  
22 information, the pretrial services report, and the agreement  
23 between the government and defense counsel, Mr. Abramov, you  
24 will be released on the following conditions:

25 You will have a \$50,000 personal recognizance bond

1 which means there will be a piece of paper for you to sign  
2 agreeing that you will follow the other conditions and that you  
3 will come back to court when required to do so and, if you fail  
4 to do that, then you would have to pay that \$50,000. As long  
5 as you come back and follow the agreements of your bail, then  
6 you don't have to pay anything.

7 You are also to have travel restrictions to the  
8 District of New Jersey, which is the entire state of New  
9 Jersey; all districts of New York; and all districts of  
10 Pennsylvania.

11 If you wanted or needed to go to someplace that is not  
12 New Jersey, New York, or Pennsylvania, you would talk to your  
13 lawyer, and your lawyer would make an application to the Court  
14 to see if permission could be granted. But if you were to go  
15 without that permission, that's a violation of the conditions  
16 of your release.

17 You are also to surrender your travel documents,  
18 meaning your passport, and you are not allowed to apply for a  
19 new passport.

20 Was Mr. Abramov's passport taken this morning when he  
21 turned himself into the court?

22 MR. GERSHFELD: Judge, he brought it with him. I  
23 think they provided it back to him. If you'd like, I can go  
24 check it.

25 THE COURT: Typically what happens is that the

1 passport would be surrendered to pretrial services. Because  
2 there is no pretrial supervision here, is that still the  
3 procedure, pretrial, where he would take it to the pretrial  
4 office?

5 PRETRIAL OFFICER: Yes.

6 THE COURT: So what I would say is once we are done,  
7 you don't need to bring it into the court because I can't take  
8 it. Once we are done with the proceeding today, he can go  
9 right around the corner on this floor and surrender it.

10 And they give you some type of receipt, document. So  
11 I'm pleased that we have that, and we can take care of it today  
12 and we won't have to worry about it.

13 MR. GERSHFELD: Yes, your Honor.

14 THE COURT: When we are done with today's proceedings,  
15 Mr. Abramov, in addition to surrendering that passport, you  
16 will also go into the clerk's office, which is also sort of  
17 right next door.

18 They will have a copy of the bail for you to sign,  
19 again, indicating where the travel restrictions are, indicating  
20 the \$50,000 that you would have to pay if you fail to follow  
21 your conditions. So that is something that you will sign today  
22 before you're officially released.

23 Before we move on to the next part of today's  
24 proceeding, which is the plea, I do want to again just talk a  
25 little more about the warnings for someone being released upon

1 bail.

2           So, again, if you fail to appear in court as required  
3 or if you violate any of the conditions of your release, a  
4 warrant could be issued for your arrest. And you and anyone  
5 who signed the bond on your behalf would be responsible for the  
6 full amount of the \$50,000 bond. And you could be charged with  
7 the separate crime of bail jumping which would mean additional  
8 jail time and a fine.

9           In addition, if you commit a new crime while you're  
10 released on bail, in addition to the sentence you could get for  
11 the new crime, you could also be sentenced to an additional  
12 term of prison of not more than ten years, if the new crime is  
13 a felony, and not more than one year if the new crime is a  
14 misdemeanor. This term of prison would be served after any  
15 other sentence of prison was completed.

16           While you're awaiting trial, I must warn you not to  
17 have any contact with or engage in any intimidation of  
18 potential or designated witnesses or jurors; not to engage in  
19 any intimidation of any court officer; and not to engage in any  
20 conduct that would obstruct any investigation by law  
21 enforcement.

22           Do you understand these warnings I've just given you,  
23 Mr. Abramov?

24           THE DEFENDANT: Yes.

25           MR. GERSHFELD: Judge, may I be heard on one issue?

1 THE COURT: Yes.

2 MR. GERSHFELD: The coconspirators in this case, they  
3 all work together at the MTA. So there may be opportunity that  
4 they are in the same hallway. So I understand they can't  
5 discuss any of the substance of the case or any matters  
6 relating to the case, but if incidental contact could be  
7 permitted in a work environment so he's not in violation.

8 THE COURT: Often in these cases, there is a specific  
9 request for no contact and the government gives a list of  
10 people and says, you can't contact people unless your lawyer is  
11 present. I note that that particular request was not made  
12 here, and I was sort of giving the general admonishments.

13 What is the government's position as to contact that  
14 might happen in the workplace not concerning the case obviously  
15 and obviously no intimidation?

16 MR. GUDZOWSKI: The government has no objection to  
17 that. Thank you.

18 THE COURT: What I will do, since this is obviously  
19 something that may come up and is different than sort of the  
20 general admonishments that are made, I am just going to write  
21 that work-related contact with potential witnesses I guess --  
22 are they witnesses? Coconspirators? Does it matter?

23 MR. GUDZOWSKI: They are coconspirators, your Honor.

24 THE COURT: All right. I am adding that to the bail  
25 sheet as well.

1 Mr. Abramov, now we are going to move on to your plea.

2 I am going to ask first that my deputy place you under  
3 oath, Mr. Abramov, before we get into the specific questions  
4 about your plea.

5 (Defendant sworn)

6 THE COURT: Mr. Abramov, do you understand that now  
7 that you are under oath, any statements that you make today, if  
8 they are not truthful, could be used against you in a  
9 prosecution for perjury or for making false statements?

10 THE DEFENDANT: Yes.

11 THE COURT: I have been handed, Mr. Abramov, a form  
12 entitled consent to proceed before a United States magistrate  
13 judge on a felony plea allocution.

14 What this form says is that you have the right to have  
15 a district court judge take your plea of guilty. But with your  
16 agreement, a magistrate judge, myself, I can take your plea  
17 instead.

18 You would still be entitled to all of the same rights  
19 and protections as if you went before the district court judge  
20 and the district court judge, Judge Marrero, will still be the  
21 person who will sentence you at the end of this case.

22 Did you sign this form, Mr. Abramov?

23 THE DEFENDANT: Yes.

24 THE COURT: And did you or did someone read it to you  
25 before you signed it?

1 THE DEFENDANT: Yes.

2 THE COURT: And did your lawyer explain it to you  
3 before you signed it?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you wish to proceed with your plea  
6 today before me, a United States magistrate judge?

7 THE DEFENDANT: Yes.

8 THE COURT: Did anyone promise you anything or  
9 threaten you to get you to sign this form?

10 THE DEFENDANT: No.

11 THE COURT: All right. Your consent is accepted, and  
12 I will sign this form.

13 So the purpose of this portion of today's proceedings  
14 is to make sure that you understand your rights and to decide  
15 whether you are pleading guilty of your own free will and to  
16 make sure that you are pleading guilty because you are guilty  
17 and not for some other reason. So I'm going to ask you a  
18 series of questions to try to determine that.

19 As before, if you're not able to hear and understand  
20 through the translation device or if there's something I'm  
21 asking that you're just confused about, please let me know.

22 THE DEFENDANT: Okay.

23 THE COURT: And if you need to consult with your  
24 attorney at any point during the rest of today's proceedings,  
25 that's perfectly fine. And please let me know that as well.

1 THE DEFENDANT: Okay.

2 THE COURT: What is your full name, sir?

3 THE DEFENDANT: Timor Abramov.

4 THE COURT: How old are you?

5 THE DEFENDANT: (In English) Forty-six.

6 THE COURT: Can you read and write in English?

7 THE DEFENDANT: Something that's not too difficult.

8 THE COURT: I'll ask you in particular when we get to  
9 them, but were the papers in your case read to you or  
10 translated into Russian for you?

11 THE DEFENDANT: I read them.

12 THE COURT: And were you able to understand your  
13 charging document and your plea agreement?

14 THE DEFENDANT: With my lawyer's help.

15 THE COURT: And I saw that your lawyer had raised his  
16 hand. I believe he wanted to place something on the read about  
17 the translation as well. Go ahead, sir.

18 MR. GERSHFELD: Judge, I just want to put on the  
19 record that I am also bilingual. I speak Russian. So we went  
20 through the documents in English, and I translated them into  
21 Russian.

22 THE COURT: Mr. Abramov, how far did you go in school?

23 THE DEFENDANT: High school.

24 THE COURT: You finished?

25 THE DEFENDANT: Yes.

1 THE COURT: Are you currently or have you recently  
2 been under the care of a psychiatrist, a psychologist, or other  
3 mental health professional?

4 THE DEFENDANT: No.

5 THE COURT: Have you ever been hospitalized for mental  
6 illness?

7 THE DEFENDANT: No.

8 THE COURT: Or alcoholism?

9 THE DEFENDANT: No.

10 (Defendant and counsel conferred)

11 THE COURT: Perhaps your lawyer is telling you the  
12 same thing that I was. It's obviously that you do understand  
13 English and you're getting the assistance from the interpreter  
14 to make sure nothing is missed, which I think is a wise  
15 decision.

16 But what that means is you have to let her finish  
17 translating into Russian, and then you have to answer so that  
18 she can translate it back.

19 THE DEFENDANT: Okay.

20 THE COURT: Have you ever been hospitalized for drug  
21 addiction?

22 THE DEFENDANT: No.

23 THE COURT: Do you have any condition that affects  
24 your ability to see or to hear?

25 THE DEFENDANT: No.

1 THE COURT: Any condition that affects your ability to  
2 think or understand or make decisions on your own behalf?

3 THE DEFENDANT: No.

4 THE COURT: As you sit here today, are you under the  
5 influence of any mind-altering drug or alcohol?

6 THE DEFENDANT: No.

7 THE COURT: Do you feel all right today?

8 THE DEFENDANT: Yes.

9 THE COURT: Is your mind clear?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand what is happening in  
12 today's proceeding?

13 THE DEFENDANT: Yes.

14 THE COURT: I've asked you this previously. But have  
15 you seen a copy of the information that contains the charges  
16 against you?

17 THE DEFENDANT: Yes.

18 THE COURT: Have you read it or had it translated for  
19 you?

20 THE DEFENDANT: It was explained.

21 THE COURT: Do you understand what it says you did?

22 THE DEFENDANT: Yes.

23 THE COURT: Have you had enough time to speak with  
24 your attorney about your case and about how you wish to plead?

25 THE DEFENDANT: Yes.

1 THE COURT: Has your attorney explained to you the  
2 consequences of pleading guilty?

3 THE DEFENDANT: Yes.

4 THE COURT: Are you satisfied with your attorney's  
5 representation of you?

6 THE DEFENDANT: Yes.

7 THE COURT: Does either counsel have any objections to  
8 or concerns about Mr. Abramov's competence to plead at this  
9 time?

10 Government?

11 MR. GUDZOWSKI: No, your Honor.

12 THE COURT: Defense?

13 MR. GERSHFELD: No, your Honor.

14 THE COURT: Thank you.

15 I'm now going to explain to you certain constitutional  
16 rights that you have. These are rights that you will be giving  
17 up if you enter a plea of guilty. Under the Constitution and  
18 laws of the United States, you have the right to plead  
19 not guilty to the charges contained against you in the  
20 information.

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: And if you plead not guilty, you would be  
24 entitled to a speedy and public trial by a jury of those  
25 charges. At that trial, you would be presumed innocent, and

1 the government would be required to prove you guilty beyond a  
2 reasonable doubt before you could be found guilty, and you  
3 could not be convicted unless a jury of 12 people all agreed  
4 that you were guilty beyond a reasonable doubt.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: If you decided to go to trial, at that  
8 trial and at every stage of your case, you would have the right  
9 to be represented by an attorney. And if you could not afford  
10 an attorney, one would be appointed to represent you free of  
11 charge. If you hired a private lawyer and later ran out of  
12 money, an attorney would then be appointed to represent you.

13 You would be entitled to an attorney all the way  
14 through trial and not just for a guilty plea. So your decision  
15 to plead guilty should not depend on whether or not you can  
16 afford to hire an attorney.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: During a trial, the witnesses for the  
20 prosecution would have to come to court and testify in your  
21 presence where you could see them and hear them. And your  
22 lawyer could ask them questions. And if you wanted, your  
23 lawyer could offer evidence on your behalf. You would be able  
24 to use the power of the court to force witnesses to come to  
25 court to testify, even if they did not want to come.

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: If you were convicted at trial, you would  
4 have the right to appeal that verdict to a higher court.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: And as I said before, you have the right  
8 to plead not guilty. Even now you could continue to plead  
9 not guilty and go to trial. But if you do plead guilty and if  
10 the court accepts your plea, you will have given up the rights  
11 that I have just described.

12 If you plead guilty, there will be no trial. All that  
13 will remain to be done will be to impose a sentence. You and  
14 the government will have a chance to make arguments to  
15 Judge Marrero about what that sentence should be. But there  
16 will not be any further trial to determine whether you were  
17 guilty or not guilty of the charges.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Finally, if you do plead guilty, you are  
21 also giving up the right to not incriminate yourself because I  
22 will be asking you questions to satisfy myself that you are  
23 actually guilty. By pleading guilty, you will be admitting  
24 your factual as well as legal guilt.

25 Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: I'm now going to review with you the  
3 charges against you and the consequences of pleading to them.

4 You would be pleading guilty to conspiracy to commit  
5 wire fraud in violation of 18 U.S. Code Section 1349. I am  
6 going to ask the assistant United States attorney to state the  
7 elements of this charge. The elements are the things the  
8 government would have to prove beyond a reasonable doubt if  
9 this case went to trial.

10 MR. GUDZOWSKI: Your Honor, the elements of 18 U.S.  
11 Code Section 1349 that the government would need to be able to  
12 prove beyond a reasonable doubt are:

13 First, defendant agreed with another person to commit  
14 the offense of wire fraud;

15 Second, the defendant knowingly engaged in the  
16 conspiracy with a specific intent to commit wire fraud;

17 Third, that an overt act in furtherance of the  
18 conspiracy was committed. For completeness seek, we can also  
19 provide you the elements of 18 U.S. Code Section 1343:

20 First, the defendant devised or participated in a  
21 scheme to defraud;

22 That money or property were the object of the scheme;

23 And that there was use of interstate wires to further  
24 the scheme.

25 THE COURT: Thank you.

1 Mr. Abramov, how do you intend to plead to Count One  
2 of the information?

3 THE DEFENDANT: (In English) Guilty.

4 THE COURT: With respect to the charge that you're  
5 pleading to, I want to make sure that you understand the range  
6 of potential punishment that you could receive, including the  
7 maximum possible sentence that you could receive.

8 The maximum does not mean the sentence that you will  
9 get. But you have to understand by pleading guilty, you expose  
10 yourself to the possibility of being sentenced within anywhere  
11 of what the law allows.

12 Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: So the maximum possible term of  
15 imprisonment that you could receive is 20 years in prison.  
16 There is no mandatory minimum, meaning Judge Marrero could give  
17 you from zero time in prison up to 20 years in prison.

18 Do you understand that?

19 THE DEFENDANT: (In English) yes.

20 THE COURT: In addition to that maximum possible time  
21 in prison, you can also receive supervised release after any  
22 term of prison. Supervised release means that after you are  
23 released from prison, you could be subject to supervision by  
24 the probation department. And here, you could receive a  
25 maximum period of time on supervised release of three years.

1           If you are placed on supervised release and afterwards  
2           you violate any condition of that supervised release, the  
3           district court judge can revoke the term of supervised release  
4           previously given and return you to prison without giving you  
5           any credit for time previously served on post-release  
6           supervision.

7           Do you understand that?

8           THE DEFENDANT: Yes.

9           THE COURT: In addition to these potential restraints  
10          on your liberty, there are also possible financial penalties  
11          that you could receive.

12          You could receive a fine of up to the greatest of  
13          \$250,000 or twice the gain that you received from this crime or  
14          twice the loss to any person other than you as a result of this  
15          crime.

16          There is also a \$100 mandatory special assessment that  
17          Judge Marrero would have to impose.

18          Do you understand the range of potential financial  
19          punishments you could receive?

20          THE DEFENDANT: Yes.

21          THE COURT: Additionally, if you are not a  
22          United States citizen, then your guilty plea may have adverse  
23          consequences on your ability to remain in or return to the  
24          United States, including removal, deportation, denial of  
25          citizenship, and denial of admission into the United States in

1 the future.

2 If that does happen, you will still be bound by your  
3 guilty plea, meaning you can't come back to court to take your  
4 plea back, regardless of any advice that you may have received  
5 from your attorney or from others, about the immigration  
6 consequences of your plea.

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand the charges against you  
10 and the consequences of pleading guilty to them?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. I have also been handed,  
13 Mr. Abramov, a plea agreement with today's date, January 30.  
14 It's five pages. And on the last page, there are a number of  
15 signatures, including what looks to be your signature.

16 Did you sign this agreement, Mr. Abramov?

17 THE DEFENDANT: Yes.

18 THE COURT: Did you read it or have it read to you  
19 before you signed it?

20 THE DEFENDANT: It was read to me.

21 THE COURT: Did you discuss this agreement with your  
22 lawyer before you signed it?

23 THE DEFENDANT: Yes.

24 THE COURT: And did your lawyer explain to you all of  
25 its terms and conditions?

1 THE DEFENDANT: Yes.

2 THE COURT: And do you understand the terms and  
3 conditions in this plea agreement?

4 THE DEFENDANT: Yes.

5 THE COURT: One part in particular I'd like to discuss  
6 with you is that the agreement says, the letter says, that you  
7 and the government have agreed about how a section of our law  
8 called the sentencing guidelines should be calculated in your  
9 case. This is on page 2 of the agreement.

10 There are a number of things that you and the  
11 government have agreed to about the guideline calculation. But  
12 there is a disagreement about exactly what the loss amount  
13 should be. So what your agreement says is that there is  
14 basically a range -- there are two possible ranges that the  
15 agreement talks about.

16 If the loss amount from this crime is calculated one  
17 way, then your guideline range would be four to ten months'  
18 imprisonment. And if your guideline range is calculated  
19 differently, if the loss amount is calculated differently, than  
20 your guideline range would be 8 to 14 months' imprisonment.

21 Do you understand that you and the government have  
22 agreed that those are the two potential guideline ranges?

23 THE DEFENDANT: (In English) Yes.

24 THE COURT: Under the terms of this agreement, neither  
25 you or the government would be able to argue that the guideline

range was anything other than four to ten months or 8 to 14 months.

Do you understand that?

THE INTERPRETER: If you could repeat that.

THE COURT: Sure.

Under the terms of the agreement, neither you nor the government would be able to argue that the range should be any different than either four to ten months or 8 to 14 months.

THE DEFENDANT: (In English) Yes.

THE COURT: You understand that. Okay.

You also need to know that Judge Marrero is not bound by this agreement. Judge Marrero will calculate the guidelines for himself. He could agree with you and your lawyer that the guideline range should be four to ten months. He could agree with the government that the guideline range should be 8 to 14 months.

But he could also think that the guidelines should be something higher than 8 to 14 months or something lower than four to ten months. So he's going to calculate it for himself. And even if he calculates something different than what is in this agreement, you would not be able to withdraw your plea for that reason.

Do you understand that?

THE DEFENDANT: (In English) Yes.

THE COURT: Now, the guideline range, whatever it is,

1 is just one of the things that Judge Marrero will look at  
2 before he sentences you. Judge Marrero will have the power to  
3 sentence you above the guidelines all the way to 20 years or  
4 below the guidelines all the way to zero if he thinks that  
5 that's appropriate.

6 Do you understand that?

7 THE DEFENDANT: (In English) Yes?

8 THE COURT: And as long as he sentences you to 8 to 14  
9 months or lower, you would be giving up your right to challenge  
10 your sentence on appeal.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: One last thing I'd like to mention about  
14 your plea agreement, the plea agreement discusses the fact that  
15 based on this crime, you might be suspended or terminated by  
16 the MTA and that your plea agreement with the government can't  
17 prevent that. That is up to the MTA to decide.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Government, are there any other particular  
21 provisions of the plea agreement you'd like me to discuss with  
22 Mr. Abramov?

23 MR. GUDZOWSKI: No, your Honor.

24 THE COURT: Defense, any other sections you would like  
25 me to discuss?

1 MR. GERSHFELD: No, your Honor.

2 THE COURT: Mr. Abramov, apart from what is in this  
3 letter, have any promises been made to you in order to get you  
4 to plead guilty?

5 THE DEFENDANT: No.

6 THE COURT: And has anyone threatened, forced, or  
7 coerced you in any way to get you to plead guilty?

8 THE DEFENDANT: No.

9 THE COURT: All right. Now that I have advised you of  
10 the charges against you, the possible penalties that you face,  
11 and the rights that you are giving up, is it still your  
12 intention to plead guilty to Count One of the information?

13 MR. GUDZOWSKI: Your Honor, if I may interject, did we  
14 discuss restitution? The fact that restitution may be ordered.

15 THE COURT: I do not think that we did.

16 I see. On page 2.

17 Mr. Abramov, one more thing that I overlooked that the  
18 government would like me to discuss with you -- it's discussed  
19 on page 2 of the plea agreement. We talked about potential  
20 financial punishments that you could receive, the fact that  
21 there might be a fine and that there will be a \$100 special  
22 assessment. The court may also order restitution to the MTA as  
23 a victim of this crime.

24 Your plea agreement does not spell out how much that  
25 might be. That is something that Judge Marrero would have to

1 determine in the future. But if that is something the  
2 government seeks and Judge Marrero imposes, you would also have  
3 to pay back the MTA restitution for this crime.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Government, any other  
7 provisions you'd like me to discuss?

8 MR. GUDZOWSKI: No, your Honor.

9 THE COURT: So, as I was saying, Mr. Abramov, now that  
10 we have discussed the charges, the possible penalties, and the  
11 rights you're giving up, is it still your intention to plead  
12 guilty to Count One of the information?

13 THE DEFENDANT: Yes.

14 THE COURT: Is your plea voluntary? Meaning it's made  
15 of your own free will.

16 THE DEFENDANT: Yes.

17 THE COURT: Mr. Abramov, with respect to Count One of  
18 the information, how do you plead? Guilty or not guilty?

19 THE DEFENDANT: (In English) Guilty.

20 THE COURT: Mr. Abramov, I would now like you to tell  
21 me in your own words what you did that makes you guilty of the  
22 crime charged in Count One of the information. And if you and  
23 your lawyer have prepared something for you to read, it's fine  
24 for you to read that.

25 MR. GERSHFELD: Judge, can we have a moment?

1 THE COURT: Yes.

2 (Defendant and counsel conferred)

3 THE DEFENDANT: One of my colleagues suggested that I  
4 buy a car on an MTA public auction. His wife had access to the  
5 bids. We, as MTA employees, had no rights to buy. So we  
6 bought in the name of a company which was entitled to do that.

7 THE COURT: When you did this, did you use the phone,  
8 computer, email, anything like that to either communicate with  
9 your coworkers who participated in this or to make these  
10 purchases?

11 THE DEFENDANT: Telephone.

12 THE COURT: Government, are there any additional  
13 questions that you'd like me to ask?

14 MR. GUDZOWSKI: Perhaps ask about payments that were  
15 made for the cars to the MTA.

16 THE COURT: You've indicated that as MTA workers, you  
17 were not authorized to make these payments and that you made  
18 these purchases through the name of another company.

19 How did you make those payments?

20 (Defendant and counsel conferred)

21 THE DEFENDANT: Wire transfer.

22 THE COURT: Government, is there anything else you'd  
23 like me to ask?

24 MR. GUDZOWSKI: If you may, your Honor, could you ask  
25 perhaps about that information that was being conveyed from the

1 employee of the MTA to Mr. Abramov. Was it confidential. Was  
2 it something that was being given to other bidders or not.

3 THE COURT: Government, is that strictly required as  
4 an element if he is acknowledging that he was not authorized to  
5 use the wires to engage in that?

6 MR. GUDZOWSKI: Your Honor, we just thought that was  
7 part of the essence of the conspiracy of how it worked; that  
8 the information was being conveyed to him. That information  
9 was not something that was allowed to be conveyed. I guess, in  
10 a way, yes. You've summarized that point.

11 THE COURT: Mr. Abramov, the information that you  
12 received in order to bid, was that information that was  
13 publicly available?

14 THE DEFENDANT: No.

15 THE COURT: And were you allowed to use that  
16 information to make these bids?

17 (Defendant and counsel conferred)

18 THE DEFENDANT: No.

19 THE COURT: Did you know at the time that you engaged  
20 in this behavior that it was wrong and illegal?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. Government, anything else?

23 MR. GUDZOWSKI: No, your Honor.

24 THE COURT: Government, do you believe that there is a  
25 sufficient factual predicate for Mr. Abramov's plea of guilty?

1 MR. GUDZOWSKI: Yes, your Honor. I'm happy to lay it  
2 out.

3 THE COURT: Does the government represent that it has  
4 sufficient evidence to establish guilt beyond a reasonable  
5 doubt if this case went to trial?

6 MR. GUDZOWSKI: Yes, your Honor. The government does  
7 represent that.

8 THE COURT: Would you like to make a proffer.

9 MR. GUDZOWSKI: The government will show that  
10 Mr. Abramov, person A, and person B devised a scheme in which  
11 they used person A's position in the Asset Recovery Unit of The  
12 Metropolitan Transportation Authority to rig five online  
13 auctions, to manipulate five online auctions of excess vehicles  
14 conducted by the ARU.

15 As part of this scheme, Mr. Abramov and person B  
16 covertly bid on ARU excess vehicle auctions under the name  
17 company A. Company A was in the business of buying and selling  
18 used cars, some of which were bought and sold at public  
19 auctions.

20 Mr. Abramov and person B used company A because MTA  
21 conflict of interest rules prohibited MTA employees from  
22 participating as bidders in the ARU auctions. Mr. Abramov and  
23 person B worked as MTA employees at the Cony Island MTA  
24 facility.

25 Person A worked in the ARU as a sales specialist and

1 person A assisted --

2 THE COURT: Pause for a moment.

3 Perhaps Mr. Abramov did not hear.

4 THE DEFENDANT: I'm getting it. She's just not  
5 getting --

6 THE COURT: Just read slowly.

7 MR. GUDZOWSKI: The government will show that  
8 Mr. Abramov, person A, and person B devised a scheme in which  
9 they used person A's position in the Asset Recovery Unit of The  
10 Metropolitan Transportation Authority to rig five online  
11 auctions, to manipulate five online auctions of excess vehicles  
12 conducted by the ARU.

13 As part of this scheme, Mr. Abramov and person B  
14 covertly bid on ARU excess vehicle auctions under the name  
15 company A. Company A was in the business of buying and selling  
16 used cars, some of which were bought and sold at public  
17 auctions.

18 Mr. Abramov and person B used company A because MTA  
19 conflict of interest rules prohibited MTA employees from  
20 participating as bidders in the ARU auctions. Mr. Abramov and  
21 person B worked as MTA employees at the Cony Island MTA  
22 facility.

23 Person A worked in the ARU as a sales specialist where  
24 person A assisted in administering the online auctions. Person  
25 A provided Mr. Abramov and person B with the confidential bid

1 prices submitted by other competing bidders.

2 The conspirators were able to use this "last-look"  
3 information to win bids at prices just slightly above the  
4 prices submitted by the second-place bidders. The conspirators  
5 won five auctions and 47 vehicles totaling approximately  
6 \$187,000 through the scheme.

7 They resold the vehicles to the general public, either  
8 through public auctions in man highly, Pennsylvania, or on  
9 social media to mostly out-of-state buyers. Interstate wires  
10 were used to facilitate the scheme.

11 In particular, interstate wires were used by company A  
12 to pay the MTA for the vehicles. Interstate wires were also  
13 used by the conspirators to advertise the purchased cars on  
14 social media for the secondary sales by the conspirators.  
15 That's what the government would proffer.

16 THE COURT: Defense counsel, are there any additional  
17 questions you would like me to ask Mr. Abramov?

18 MR. GERSHFELD: No, your Honor.

19 THE COURT: Do you believe there is a sufficient  
20 factual predicate for a guilty plea?

21 MR. GERSHFELD: I do.

22 THE COURT: Mr. Abramov, on the basis of your  
23 responses to my questions and my observation of your demeanor,  
24 I find that you are competent to enter an informed guilty plea  
25 and that there is a factual basis for it.

1 I am satisfied that you understand your rights; that  
2 you are aware of the consequences of your plea, including the  
3 sentence that may be imposed; and that you are voluntarily  
4 pleading guilty; and that you have admitted that you are guilty  
5 as charged in Count One of the information. For these reasons,  
6 I recommend that Judge Marrero accept your plea.

7 Will the government order a copy of today's transcript  
8 and submit it, together with any additional paperwork, so that  
9 Judge Marrero may act on my recommendation?

10 MR. GUDZOWSKI: Yes, your Honor.

11 THE COURT: Has Judge Marrero set a date for  
12 sentencing yet?

13 MR. GUDZOWSKI: No, your Honor.

14 THE COURT: In that case, we will set a control date.  
15 Mr. Abramov, it's unlikely that this will be your actual  
16 sentencing date. We'll have to see what date works with  
17 Judge Marrero's schedule, as well as your lawyer's, as well as  
18 the government. But I want to make sure that there is some  
19 date written down for you so that the case doesn't fall through  
20 the cracks.

21 Mr. Davis, if we could have 90 days. I think that  
22 might be April 28.

23 THE DEPUTY CLERK: That's right, Judge.

24 THE COURT: April 28 will be the control date for  
25 sentencing, and I will direct that a presentence report be

1 prepared.

2 Government, will you deliver the case summary for  
3 purposes of the presentence report to the probation department  
4 within 14 days?

5 MR. GUDZOWSKI: Yes, your Honor.

6 THE COURT: Defense counsel, do you intend to be  
7 present with Mr. Prom for his interview?

8 MR. GERSHFELD: I do. If the Court can make a  
9 notation to them to contact us.

10 THE COURT: We'll do that.

11 Will you be available or at least contact the  
12 probation department within the next 14 days to schedule that  
13 interview.

14 MR. GERSHFELD: I can do that, your Honor.

15 THE COURT: Thank you.

16 Government, is there anything else that we need to  
17 discuss from your perspective?

18 MR. GUDZOWSKI: No, your Honor. Thank you.

19 THE COURT: Defense, anything else we need to discuss  
20 from your perspective?

21 MR. GERSHFELD: No, your Honor.

22 THE COURT: Mr. Abramov, as we discussed earlier,  
23 you'll need to sign -- I know it's been a long time that we've  
24 been here. But the marshals will take you in to the clerk's  
25 office to sign your bail form.

1           Once that is done, you will also need to go with your  
2   lawyer to the pretrial office, also on this floor, to submit  
3   your passport to them. With that, we will be adjourned. Good  
4   luck, Mr. Abramov.

5           THE DEFENDANT: (In English) Thank you.

6           MR. GERSHFELD: Thank you, your Honor.

7           (Adjourned)