

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
2 -----x

3 UNITED STATES OF AMERICA,

4 v. 18 CR 659 (PAE)

5 JUAN ARTURO ZORRILLA,
6 Defendant.

Sentence

7 -----x

New York, N.Y.
November 5, 2019
11:10 a.m.

10 Before:

11 HON. PAUL A. ENGELMAYER,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN
15 United States Attorney for the
Southern District of New York
16 BY: SAGAR K. RAVI
Assistant United States Attorney

17 MURAT ERKAN
18 Attorney for Defendant

19 Also Present:
20 Anna Mario Riso and Francisco Olivero, Interpreters (Spanish)

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1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state your
3 appearance for the record.

4 MR. RAVI: Good morning, your Honor. Sagar Ravi for
5 the United States.

6 THE COURT: Good morning, Mr. Ravi.

7 MR. ERKAN: Good morning, again. Your Honor, my name
8 is Attorney Murat Erkan for defendant.

9 THE COURT: Good morning, Mr. Erkan. And good morning
10 to you, Mr. Zorrilla.

11 THE DEFENDANT: Good morning, sir.

12 THE COURT: And I'll note for the record that
13 Mr. Zorrilla is assisted today by a court-certified Spanish
14 translator.

15 Mr. Zorrilla, if at any point you can't hear or
16 understand, will you please raise your hand and get my
17 attention.

18 Will you agree to do that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Very good.

21 Good morning as well to the members of the public who
22 are here.

23 I take it, Mr. Erkan, these are friends and family
24 members of your client?

25 MR. ERKAN: That is correct, your Honor.

1 THE COURT: Very good. You may all be seated.

2 MR. ERKAN: Thank you, your Honor.

3 THE COURT: We are here today to impose sentence in
4 the case of United States v. Juan Arturo Zorrilla.

5 On June 28 of this year, Mr. Zorrilla pled guilty to
6 Count One which charges him with participating in a conspiracy
7 to distribute and possess with intent to distribute 400 grams
8 and more of fentanyl.

9 In preparation for today's proceeding, I've reviewed
10 the plea agreement and the transcript of the plea proceedings.
11 I've also reviewed the presentence report which is dated
12 September 17, including its recommendation and addendum.

13 I've also received and reviewed the following
14 additional submissions:

15 First, the defense's sentencing submission dated
16 October 24; second, the government's sentencing submission
17 dated October 29.

18 Have the parties received each of these submissions?

19 MR. RAVI: Yes, your Honor.

20 MR. ERKAN: Yes, your Honor.

21 THE COURT: Has anything else been submitted?

22 MR. RAVI: No, your Honor.

23 MR. ERKAN: Your Honor, there was simply also the
24 agreement regarding forfeiture of money.

25 THE COURT: Yes. Quite right. Thank you very much.

1 I should have mentioned that, that I've received this morning a
2 consent preliminary order of forfeiture, and I'm signing it
3 right now.

4 Other than that, I take it there is nothing else that
5 has been received?

6 MR. ERKAN: No, your Honor.

7 THE COURT: I'm signing that. We'll get to that in a
8 little bit.

9 Mr. Erkan, have you reviewed the presentence report?

10 MR. ERKAN: Yes, your Honor.

11 THE COURT: Have you discussed it with your client?

12 MR. ERKAN: I have, your Honor.

13 THE COURT: Mr. Zorrilla, have you read the
14 presentence report?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: It's been translated to you?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Have you discussed it with your counsel?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Have you had the opportunity to go over
21 with Mr. Erkan any errors in the report or anything else that
22 should be taken up with the Court?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Mr. Ravi, have you reviewed the
25 presentence report?

1 MR. RAVI: Yes, your Honor.

2 THE COURT: All right. Putting aside for just a
3 moment the sentencing guidelines, does anyone have any
4 objections to the report regarding its factual accuracy?

5 MR. RAVI: No, your Honor.

6 MR. ERKAN: No, your Honor.

7 THE COURT: Then hearing no objections, I will adopt
8 the factual recitations set forth in the presentence report.
9 The presentence report will be made a part of the record in
10 this matter.

11 It will be placed under seal. In the event an appeal
12 is taken, counsel on appeal may have access to the sealed
13 report without further application to this Court.

14 Thank you again for filing your sentencing
15 submissions.

16 Now I'm going to turn to the sentencing guidelines.
17 The Court is no longer required to follow the sentencing
18 guidelines, but I am required to consider the applicable
19 guidelines in imposing sentence.

20 To do so, it's necessary that the Court accurately
21 calculate the guidelines sentencing range. In this case, there
22 was a plea agreement in which the parties stipulated to a
23 particular calculation of the sentencing guidelines.

24 Counsel, am I correct that the calculation in the
25 presentence report is in accord with your agreement?

1 MR. RAVI: Yes, your Honor.

2 MR. ERKAN: Yes, your Honor.

3 THE COURT: Then based on the parties' agreement and
4 the absence of objection and my independent evaluation of how
5 the guidelines apply here, I accept the guideline calculation
6 in the presentence report. I find that the offense level is
7 25, the criminal history category is I, and the guideline range
8 is between 57 and 71 months' imprisonment.

9 The next subject I need to cover is departures which
10 is to say within the sentencing guideline framework. In the
11 plea agreement, both parties agreed that neither an upward nor
12 a downward departure, again, within the guidelines framework,
13 was merited.

14 Having reviewed the presentence report and the
15 parties' submissions, I share that conclusion. I find that no
16 departure is available as a matter of law. Of course, that
17 does not preclude any party from seeking a variance, and I note
18 that the defense seeks one here.

19 Does the government wish to be heard with respect to
20 sentence?

21 MR. RAVI: Yes, your Honor. The government is seeking
22 a guideline sentence here which is driven, in large part, by
23 the seriousness of the offense and the need for general
24 deterrence and, to a lesser degree, the need for specific
25 deterrence as laid out in the government's submission.

1 I just want to emphasize a few things to your Honor.
2 The first is that the drug here is extremely dangerous.
3 Fentanyl has been ravaging communities, as I'm sure the Court
4 is aware, and is one of the most dangerous drugs out there
5 right now. This defendant was involved in distributing large
6 quantities of it.

7 Importantly, this wasn't, as in some drug cases I know
8 the Court has seen, a one-time transaction that the government
9 has produced evidence of. This is a defendant who was involved
10 in multiple transactions over the course of two months which,
11 by the way, is half the amount of time he has been in the
12 United States before he was arrested.

13 So the majority, or at least half the majority of the
14 time, half of the time he was here, he was engaged in fentanyl
15 distribution.

16 THE COURT: Is there any evidence how he came to get
17 involved? In other words, you have an undercover who catches
18 him in the act.

19 As of that point, did you have any understanding of
20 how he came to be here?

21 There is something in the sentencing record that said
22 I think his wife said he had the money. So it wasn't a matter
23 of economic need.

24 Did he come here to deal drugs?

25 MR. RAVI: We don't have any evidence that he came

1 here with the intention of dealing drugs. But the evidence
2 does suggest that sort of within two months of him being here,
3 he was heavily involved in this.

4 Again, that's only the evidence that the government
5 has been able to identify. Within two months, he was here.
6 And he was involved in distributing this fentanyl.

7 THE COURT: The defense submission suggests that he
8 couldn't get a job. So he turned to the black market, the
9 illegal market, in order to augment his income.

10 MR. RAVI: I hear that argument, your Honor.

11 THE COURT: It doesn't make it good. But I'm just
12 trying to understand the roots of how this came to be.

13 MR. RAVI: I don't know exactly the roots, your Honor.
14 The argument defense counsel makes I think is a flawed one.
15 There are multiple opportunities available for off-the-books
16 employment, should the defendant seek to do so. Here he chose
17 to engage in --

18 THE COURT: No question. I'm merely trying to smoke
19 out whether there is any reason to think he had been involved
20 in the drug trade before getting here as opposed to making that
21 decision once here on account of a lack of money.

22 MR. RAVI: And the government does not have any
23 evidence suggesting he came here to deal in narcotics. But
24 certainly once he got here, he was engaged in narcotics. And
25 even though he may not have been able to get other employment,

1 I'm trying to figure out why on the record exactly he was not
2 able to get a work permit.

3 THE COURT: He was here on a tourist visa I think it
4 said?

5 MR. RAVI: Yes.

6 THE COURT: So if you're here on a tourist visa, what
7 are you doing working anyway? I'm not sure how germane all
8 this is, but I was a little confused by that.

9 If he's here as a tourist, isn't he apt to leave soon
10 as opposed to getting employment?

11 MR. RAVI: I agree, your Honor. So clearly there was
12 some sort of a misrepresentation as to at least what he was
13 doing or why he came here.

14 THE COURT: There is something confusing.

15 Defense counsel, when it becomes your turn, be
16 prepared to address that.

17 MR. RAVI: Either way, certainly there are many people
18 in this country who are not able to work legally, but they're
19 able to find jobs off the books. Many of those do not involve
20 illegal drugs or drugs as dangerous as fentanyl.

21 Yet this defendant chose to do so. As opposed to
22 seeking other off-the-books employment, although technically
23 illegal, it is not the kind of serious criminal conduct that
24 folks who otherwise can't get employment might have done. So
25 the defendant made a choice to engage in this, and he did it on

1 multiple occasions.

2 THE COURT: How many? Three or four different sales
3 in the springtime?

4 MR. RAVI: Yes, your Honor. Those are only the ones
5 we're aware of through undercover purchases. The image of this
6 case that the Court should be left with is when the defendant
7 was arrested, he was found at a table where he was covered with
8 2,000 fentanyl pills. This is the same apartment where he
9 lived with his girlfriend and fiance, as well as her two
10 children.

11 Not only was this out in the open and obviously a big
12 part of what he was doing in that apartment, there was also a
13 pill press there which again suggests his familiarity with how
14 to make pills and the distribution of those pills.

15 So I think those are important facts for the Court to
16 consider in fashioning an appropriate sentence.

17 THE COURT: May I ask you: I think the probation
18 department says he's going to get deported anyway. So there is
19 no need for an ensuing supervised release term.

20 Do you agree with that?

21 MR. RAVI: I'm not sure I agree with that, your Honor.
22 I don't think anyone can predict with certainty what's going to
23 happen with the defendant.

24 I know there is a detainer that's been put in place.
25 I've certainly seen situations where the defendant -- they

1 can't get a travel document to deport the defendant. They
2 can't get other things in place to deport someone.

3 And, therefore, due to the limitations on how long
4 they can hold someone, they may be granted bail or otherwise.
5 I think in such a circumstance, supervised release should be
6 put in place.

7 THE COURT: Just to cover that eventuality.

8 MR. RAVI: Yes. Obviously if he's deported, he's not
9 going to be supervised in any event.

10 For those reasons, your Honor, particularly for the
11 need to send a message that dealing with fentanyl, distributing
12 fentanyl is an extremely dangerous drug -- folks out there who
13 are considering that conduct should know that they will face
14 serious consequences.

15 For all those reasons, your Honor, the government
16 seeks a guideline sentence.

17 THE COURT: One moment. Thank you.

18 Mr. Erkan, do you wish to be heard?

19 MR. ERKAN: I do, your Honor. Thank you, your Honor.

20 Just to address the question that the Court asked in
21 speaking with the United States attorney regarding my client's
22 circumstances of his arrival in this country, there are
23 different obviously mechanisms to arrive here.

24 An individual who wishes to reside in this country
25 can, under certain circumstances, obtain lawful permanent

1 resident status through family relationships, sufficient
2 evidence of support, and things of that nature.

3 My client was not able to, at the time he arrived in
4 this country, obtain resident status. What he did was he
5 obtained a visa. What he then did --

6 THE COURT: It's a tourist visa?

7 MR. ERKAN: A tourist visa.

8 THE COURT: How long did it empower him to stay here?

9 MR. ERKAN: Six months, your Honor, after which he was
10 required to leave the country. And then he would be permitted,
11 under that same visa, to reenter the country for a period of
12 ten years in total with no resident status -- in other words,
13 he would not be permitted to live here -- and no permission to
14 work at all.

15 I think to be as clear as possible, what his hope was
16 was that upon his arrival in this country, marrying with his
17 wife, Ms. Reyna, that he would file for an adjustment of status
18 which is routinely granted for individuals who arrive on a
19 nonimmigrant visa.

20 THE COURT: What country is she a citizen of?

21 MR. ERKAN: The United States of America.

22 THE COURT: I see. What will happen after she is
23 deported? Will she stay here?

24 MR. ERKAN: She will remain here with her two
25 United States citizen children, your Honor, who are here in

1 court.

2 So to sum up the answer to the Court's question, my
3 client entered the country lawfully. His intention was to seek
4 an immigrant visa while he was present here in the
5 United States in the form of a green card but was unable to do
6 so.

7 THE COURT: So help me with the motive here. In other
8 words, there is something in the sentencing submissions that
9 suggested that his fiance says, in effect, there was no
10 economic need to do this. There was money. This is not a
11 desperation situation.

12 Why get involved in the fentanyl trade?

13 MR. ERKAN: Sure, your Honor. The comments of my
14 client's wife I think are more along the lines of why didn't he
15 ask for help. Why didn't he agree to show himself as
16 vulnerable, in a tough spot, and ask everybody to help him.

17 The reality is when my client came to the
18 United States, he came as a boy and was starting his life as a
19 man.

20 THE COURT: I'm sorry. How old was he when he came to
21 the United States?

22 MR. ERKAN: Twenty-seven years old.

23 THE COURT: When you say he came as a boy, are you
24 referring to some earlier visit?

25 MR. ERKAN: No, your Honor. Not speaking as in a

1 little sense. He had not yet become an adult with all of its
2 trappings in the sense of being married, in the sense of having
3 children.

4 So he was with his folks in the Dominican Republic,
5 and then he met Ms. Reyna when she traveled to the Dominican
6 Republic. The two became acquainted. They fell in love. He
7 then came to the United States with the hopes of marrying her
8 and staying here.

9 I think the court is also aware, from a prior
10 relationship which had ended several months before, the
11 defendant was expecting to become a first-time father. And he
12 indeed did become a first-time father to a United States
13 citizen child who was born 14 days before he was arrested in
14 this case.

15 I want to be careful about the line I'm walking here,
16 your Honor. Mr. Zorrilla doesn't seek to excuse what he did.
17 He knows he's here to be punished because he made a mistake.
18 What I simply wish to do is explain the circumstances under
19 which he found himself now standing before you for sentencing.

20 And those circumstances included, in his view, his
21 responsibility now as a man to be a man and to support the
22 child that he brought into this world and to bring money to the
23 table in order to help support his family.

24 His wife is a speech pathologist. She has two
25 children that depend on him. He has his own child that he's

1 bringing into this world. He felt a human need to contribute,
2 to be of value, to elevate those in his life.

3 And he chose so poorly, your Honor, in what it is that
4 he did. When he came to this country, I don't think he
5 understood that he would not be able to find legitimate
6 employment.

7 When I say "legitimate," on the books, paying taxes,
8 doing-things-by-the-book employment when he came here because
9 he couldn't get a work permit.

10 So other opportunities might have existed. That's
11 clear. He chose the wrong opportunity. And for that, he must
12 be punished. So he recognizes all of that.

13 He didn't come here to break the law, your Honor. He
14 came here to start his family. He had a child that was going
15 to be living here. He has a wife that was a citizen here who
16 was residing right here in the Bronx and two children that he
17 wanted to become the father figure for. That was the impetus
18 for the mistake that requires his sentencing in this case.

19 Your Honor, in considering Mr. Ravi's sentencing
20 submission and his argument before the Court, I recognize the
21 theme that is articulated in support of his position.

22 It is a theme that I have heard hundreds of times. I
23 myself articulated it when I was a prosecutor, now appearing on
24 this side in a defense practice, the need for sending a message
25 and for deterring others for committing the same offense.

1 Your Honor, in paragraph C of the government's
2 sentencing memoranda, the government references that over the
3 last 15 years, more than half a million people in this country
4 have died from drug overdoses.

5 This is a terrible fact. My client is one of the
6 thousands of individuals who have become caught in that
7 terrible death machine. It's been going on for more than 15
8 years, your Honor, obviously.

9 It is consisting of people who have died. There is
10 nothing positive to be said about it. It is an industry that
11 is encompassed by pain at every aspect of it.

12 It is motivated by people who are in pain and looking
13 for a solution to their pain. It is enabled by people that are
14 experiencing their own pain and then suffering the consequences
15 in the pain of their mistakes.

16 The solution that the government has employed for the
17 past 15 years is the same solution the government proposes here
18 today -- to send a message, to incarcerate, to lock up the
19 people who are accused of and committing these particular
20 offenses.

21 I ask the Court what has been accomplished in the last
22 15 years sending that same message. I ask the Court has
23 anything been accomplished at all. I recognize and I
24 understand that the government wishes to solve this problem.
25 We all do.

1 What I would ask the Court to consider is that the
2 solution that we propose is not working. It is not working,
3 your Honor. As the government points out in its own memorandum
4 in that same paragraph: "Opioid overdose deaths are increasing
5 at an alarming rate and are ravaging communities throughout the
6 United States."

7 This is in reference to the most recent iteration of
8 illegal opioids which comes in the form of fentanyl. It is the
9 same language that we are hearing describing different
10 varieties of drugs that people are addicted to and using.

11 And people are dying. The problem is getting worse.
12 It is not getting better. We have decided to solve it by just
13 locking people up. And now what we have before the Court,
14 your Honor, is a young man who is a minority who was convicted
15 of a nonviolent offense who is going to add to a prison
16 population which is already bursting at the seams with black
17 and minority individuals.

18 And I ask the Court to consider, when we are resolving
19 this terrible crisis in this fashion, what are we getting as a
20 result.

21 If the question is are we deterring the others who
22 might be similarly situated, who might be similarly tempted to
23 make Mr. Zorrilla's mistakes, are we deterring them with the
24 outcome of this case.

25 I respectfully submit to the Court that my client is

1 the ultimate cautionary tale when it comes to the terrible cost
2 that a person must pay if they choose to violate the laws as
3 related to the narcotics laws in this country.

4 He is that cautionary tale today, irrespective of
5 serving any more time in jail at all. And I want to outline
6 sort of all of the reasons why, if I could.

7 As I pointed out, your Honor, my client was 27 years
8 of age when he committed this offense. He had no record of any
9 kind. He came from a humble background. He came from an
10 intact family. He had that advantage, your Honor. His father
11 worked as a farmhand. His mother, who is here today, was a
12 homemaker.

13 As a child, my client grew up with good dreams, dreams
14 of contributing and making the world a better place. He wanted
15 to be in the military. He wanted to serve his country.

16 He wanted to protect people who were maybe less able
17 to protect themselves. You can see that from some of the
18 sentencing submissions. That was important to him. He worked
19 for that dream, and he realized it, your Honor.

20 He came to this country with the best of intentions.
21 He came here in order to be a present father for his child that
22 would be born a few months after his arrival. He came here to
23 be a present husband and provider for his wife and the two
24 children that were already part of this family, the two
25 children that were already willing to accept him as a father.

1 He became a member of the local church. He tried to
2 do everything right. His life was just beginning. And as I
3 pointed out, he came here to work. And he made a mistake.

4 And it was incredibly stupid. And it was incredibly
5 harmful, not just in terms of what direct harm was caused by
6 being in the supply chain of a poison that's killing people in
7 this country, but in terms of the absolute destruction that has
8 been caused to his life.

9 If one can imagine -- I try to imagine, myself being a
10 father for the first time of a two-year-old, what that would be
11 like, to be with my child for 14 days after that child's birth
12 and then never again outside of a prison setting, your Honor,
13 to miss every milestone that that child has -- the first time
14 the child crawled, the first time the child walked, the first
15 words the child stated, the first smile, the first laugh. All
16 of that he robbed himself of by committing the mistake he
17 committed in this case.

18 He went to prison two months after marrying the love
19 of his life, his beautiful wife, Jennifer Reyna. He went to
20 prison two months after being called Daddy for the first time
21 by his adopted children who are present in court.

22 He found himself in prison facing a ten-year mandatory
23 minimum penalty for this mistake, for this very first mistake
24 that he made in an otherwise exemplary life.

25 Staring down the barrel of that uncertainty,

1 your Honor, this is the way that he began navigating this case.
2 He is housed in the MDC Brooklyn facility, your Honor, a truly
3 terrible place.

4 He has experienced the difficulties that have received
5 some nationwide and perhaps international notoriety as to what
6 was occurring in that facility. He experienced all of that.

7 At the end of all of this, your Honor, for the \$12,000
8 in profit that he made when he committed this foolish mistake,
9 the amount that the government has proposed and the defendant
10 agrees fairly represents what he earned during his brief stint
11 in this terrible industry, these are the prices that he's paid,
12 including the ultimate penalty of lifetime banishment from this
13 country pursuant to the laws of the United States.

14 As the Court is aware, my client is a noncitizen. He
15 faces the most severe penalty permitted under immigration law.
16 The penalty is associated with an aggravated felony conviction.

17 Those penalties include mandatory deportation for
18 life. So if my client lived to be 100 years old, he would
19 still not be allowed back in this country. He can never become
20 a citizen. He will never be allowed back in once he is
21 deported.

22 Everything that he lived up to this point to
23 accomplish and to build is forever separated from him. It is
24 gone. His life here -- his children that are 7 and 11 years
25 old I believe now who are here in the courtroom; his wife, his

1 young wife; his child -- he will never be allowed to be in the
2 country that is their home.

3 So when we question has he been punished enough, has a
4 message been sent -- to the extent that anybody listens to that
5 message at all, to the extent that anybody can chasten from the
6 message that this Court might impart, the defendant is the
7 ultimate cautionary tale for the terrible cost of this mistake.

8 We don't know how society will be better by
9 incarcerating the defendant. We can only speculate. I submit
10 humbly to the Court that there is nothing to be gained by even
11 one more day in jail.

12 THE COURT: Your sentencing submission recommends a
13 30-month sentence.

14 MR. ERKAN: It does, your Honor.

15 THE COURT: How do I square that with what you just
16 said to me?

17 MR. ERKAN: What I attempted to put together in my
18 sentencing submission, your Honor, was a sentence that I
19 considered to be at least reasonable for me to propose. I
20 didn't want to be unreasonable by suggesting anything less than
21 that.

22 THE COURT: I was just trying to square it.

23 MR. ERKAN: Of course, your Honor. I wanted to be
24 mindful and respectful of the fact that the Court must consider
25 the sentencing guidelines, must consider the principles that

1 the government raised in its memo and in its articulated
2 comments to the Court.

3 THE COURT: Understood.

4 MR. ERKAN: I simply speak somewhat rhetorically on
5 the point of what is to be gained further. Perhaps we'll find
6 out as the years go on, your Honor. Perhaps we'll find out.

7 With respect to what we do know has happened is that
8 in this case I've outlined for you the consequences that my
9 client has borne. He has done everything in his power since
10 his arrest to mitigate the harm of his conduct.

11 As I've indicated, he's agreed to sign a forfeiture of
12 the estimated proceeds of his illegal activity. He understands
13 that if he ever finds himself of means, he's obligated to pay
14 that money to the Court.

15 He immediately -- or as quickly as possible and as
16 permitted by his attorney I should say -- after due diligence
17 and review of the discovery in this case and completion of the
18 negotiations, accepted responsibility. That was his intention
19 from the beginning, to accept responsibility for his offense.

20 While he was incarcerated, your Honor, my client did
21 the very best he could to make the best use of his time
22 possible. He informed me that he sought admission to and
23 participated in the program that I described as Alternatives to
24 Drug Dealing. He has a certificate amongst the submissions I
25 provided to the Court which describes his successful completion

1 of that program.

2 I was happy to hear that he did that, your Honor.
3 That's the first time any of my clients have told me that a
4 program like this existed and that they were able to benefit
5 from it.

6 I think it's great. I think it's great, and it's
7 exactly like people like him need to do to learn the true
8 thrust of the mistakes that they're making and to learn about
9 the importance of making better choices.

10 There are choices that don't include the crime that he
11 committed, and he needed to understand that. He sought to
12 improve himself with that knowledge. He participated in the
13 program. He found it to be valuable.

14 He hopes to utilize the lessons he learned in that
15 program, as well as the lessons he learned through this
16 process, to not just reject the wrong path but to help others
17 to do that as well, your Honor. This is important to him. And
18 he finds himself in a position where he feels able to impart
19 that message, a message that was sorely lacking in his life.

20 While he was in the facility, your Honor, he worked as
21 a volunteer orderly. I think within my submissions there is a
22 letter from the Bureau of Prisons documenting his employment
23 there. I think that it points out that he was exemplary --

24 THE COURT: Outstanding.

25 MR. ERKAN: I think it points out that he didn't just

1 go in and punch in and punch out with respect to his job. He
2 really applied himself, your Honor. He tried to help others,
3 and he tried to do a good job, and he tried to take pride in
4 what he was doing. He understands the value of hard work and
5 what one can accomplish with it.

6 What I can also share with the Court, which I also
7 include in my remarks, your Honor, is what we can glean from
8 those who know my client in terms of what he has learned from
9 this experience and the real impact his offense will have on
10 him and those around him for the remainder of their lives.

11 Your Honor, his wife -- your Honor can see that she
12 acknowledges that he -- my client is the first -- in their
13 private conversations, the first to admit that he made the
14 worst mistake ever in his life. He cries, your Honor, during
15 their visits and talks about how regretful he is.

16 This is not somebody that is at the last minute
17 putting a venire on what he did for the Court for purposes of
18 leniency. This is a man who, in the most private moments of
19 his life, is seeking forgiveness for the mistakes that he's
20 made.

21 So the question is is the man deterred. I think the
22 answer is yes. And I think that theme is repeated throughout
23 some of these letters, the sentiment of how he expresses his
24 regret for the crime that he committed, his deep sense of
25 embarrassment. In his own personal letter, he describes that,

1 your Honor.

2 His in-laws -- can one imagine. This young man just
3 gets married, and look what he brings to the family, this shame
4 that he brings to the family, your Honor. And still they
5 accept him. Still they understand him.

6 They understand that he's a human being and he made
7 mistakes, and they have forgiven him. They acknowledge that he
8 apologizes through his tears and expresses how regretful he is.

9 I think about what an exemplary young man this is, to
10 think about beyond the mistake for which he is being sentenced
11 by the Court, I ask the Court to consider, among the materials
12 submitted, a letter from his elementary teacher.

13 I don't know how hard I would have to look to get a
14 letter like that. I don't know that I would, your Honor. But
15 this gentleman's elementary teacher points out that she has
16 stayed in touch with him. He's an honest, hardworking,
17 respectful young man. She's never lost ties or communication
18 with him because great people always remember.

19 We have his mother here whose heart is broken into
20 pieces. We have two children who thought that their family was
21 finally put back together. They welcome the defendant as their
22 father.

23 We have his background as some would describe him as a
24 hero with respect to his military experience. We have a letter
25 from his eight-year-old niece, your Honor, describing her

1 feelings of hopelessness without him.

2 I don't know that I need to say much more, your Honor.
3 What I can say is we don't know how the world will be better by
4 further incarcerating my client. What we do know is that if
5 anybody wants to hear what happened to him, that is a powerful
6 lesson, which are the consequences that he has borne for this
7 offense.

8 When we ask ourselves has the defendant been chastened
9 and deterred, I think there are pages and pages of letters
10 expressing the theme of remorse and acceptance of
11 responsibility that speak clearer than any words that an
12 attorney can state regarding his acceptance of responsibility.

13 Will he reoffend after the shame that he has caused,
14 after everything he has lost. This is a man who doesn't want
15 to look backwards. He wants to look forwards. He has a plan
16 when he goes back to his country. He wants to be like his
17 sister. He wants to go to school. He wants to become a lawyer
18 and earn an honest living.

19 Your Honor, my client is an individual who is
20 chastened and punished. And I simply request that the Court
21 consider the information which I've been able to provide.

22 The mother and his family have put together and
23 expressed what a beautiful human being he is, a man who is
24 deserving of the judgment of this Court, the punishment of this
25 Court, but also the compassion of this Court.

1 And I ask the Court to sentence my client to the least
2 amount of time that the Court considers to be sufficient but
3 not greater than necessary to achieve the goals of sentencing.
4 Thank you.

5 THE COURT: All right. Thank you, Mr. Erkan. I
6 should just take a moment and commend you on what is truly an
7 outstanding and very thoughtful and complete sentencing
8 submission.

9 MR. ERKAN: Thank you, your Honor.

10 THE COURT: Mr. Zorrilla, do you wish to make a
11 statement?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: By all means. Go ahead.

14 THE DEFENDANT: Good morning, your Honor.

15 THE COURT: Good morning.

16 THE DEFENDANT: May God bless you, and may God bless
17 everyone who is present on this beautiful day here.

18 Your Honor, your Honor, I feel great pain in my soul.
19 I feel very sorry for the pain that I caused my family as a
20 result of my wrongful conduct. I have the desire to have them
21 be in a better financial and social situation. I'm talking to
22 you right now feeling great pain in my soul. I am expressing
23 my remorse and how sorry I am for what I have done.

24 I apologize, first of all, to God and then to my
25 family who are here present, and then to you, the American

1 society as a result of my illegal conduct and my negative
2 decision. I have no one else to blame but myself for having
3 made the wrong decision.

4 The remorse I feel as a result of the mistake I made
5 is something that I cannot stop thinking about every day. I
6 thank God that my thinking is different now so that I can live
7 a healthier, more positive life.

8 My family -- my father, my mother, my sisters, my
9 wife -- they are in a very sad situation, and they feel a lot
10 of pain as a result of the mistake that I made. I want to
11 confess to you that I feel very ashamed towards them. And that
12 is why I want to apologize to them again.

13 Your Honor, the time that I spent in prison has given
14 me the space and the time that I needed to reflect on the bad
15 step I took in my life. I do not feel pride in this process
16 because it has been very sad and very bitter for me and my
17 family.

18 But I confess that I have done very positive things
19 that are going to be good for me in my life. The first one is
20 to look more on God because without him, our lives have no
21 meaning.

22 And the other one is to value more my family who have
23 shown me through and pure love during this process. I thank
24 them for their support and for never having turned their back
25 on me.

1 Your Honor, I would like for you to, before sentencing
2 me, to be as lenient as possible towards me because I have a
3 beautiful family waiting for me. I would like to restate that
4 this process has been very difficult for me because my only
5 daughter has just been born.

6 Unfortunately, I believe that I have missed one of the
7 most beautiful stages in her life which is for a father to
8 enjoy their child when they're born. It is my hope that,
9 thanks to God and to you, I will be able to make up for that
10 time I lost with my family.

11 Your Honor, I would like to share with you this
12 thought that I had as I was coming to court. Not everything
13 bad that happens to us in life is the result of deserving it.

14 Sometimes it's important for bad things and for
15 stumbling moments in our life to occur so that we can grow from
16 them. What is bad is not making a mistake. What is bad is not
17 to learn from the mistakes.

18 And I do recognize that I made a terrible mistake.
19 But thanks to God, I have learned my lesson. And I promise to
20 you that I will never again go through a process like this or a
21 similar one.

22 Your Honor, when I made the decision to come to this
23 country and live with my wife looking for a better life, it was
24 never my thought to come to commit crimes in this country.

25 It came about suddenly as a result of going through a

1 difficult financial situation. And I recognize that that was
2 not the right decision. I wish I had thought about it better
3 and not have made that decision because I will be regretful for
4 the rest of my life.

5 I find myself in one of the worst moments of my life,
6 and I am truly sorry, and I ask for an opportunity. I want to
7 thank you for listening to me. May God bless you.

8 THE COURT: Thank you, Mr. Zorrilla.

9 I'm going to take a few moments and collect my
10 thoughts.

11 MR. ERKAN: Thank you, your Honor.

12 (Pause)

13 THE COURT: Is there any reason why sentence should
14 not now be imposed?

15 MR. RAVI: No, your Honor.

16 MR. ERKAN: No, your Honor.

17 THE COURT: All right. As I have stated and as the
18 lawyers have agreed, the guideline range that applies to this
19 case is between 57 and 71 months' imprisonment.

20 Under the Supreme Court's decision in the *Booker* case
21 and the cases that have followed it, the guideline range is
22 only one factor that a court must consider in deciding the
23 appropriate sentence. The Court must also consider the other
24 factors set forth in the sentencing statute, Title 18, U.S.
25 Code, Section 3553(a).

1 And these factors include: The nature and
2 circumstances of the offense and the history and
3 characteristics of the defendant; the need for the sentence
4 imposed to reflect the seriousness of the offense, to promote
5 respect for the law, and to provide just punishment for the
6 offense; the need for the sentence imposed to afford adequate
7 deterrence to criminal conduct; the need for the sentence
8 imposed to protect the public from further crimes of the
9 defendant; and the need for the sentence imposed to provide the
10 defendant with needed educational or vocational training,
11 medical care, or other correctional treatment in the most
12 effective manner.

13 The Court is also required to impose a sentence
14 sufficient but not greater than necessary to comply with all of
15 the purposes that I've just summarized. Here, I find that the
16 sentence I'm about to pronounce is sufficient but not greater
17 than necessary to satisfy the purposes of sentencing that I
18 described.

19 Mr. Zorrilla, I've given a lot of thought and
20 attention to the appropriate sentence in your particular case
21 in light of the Section 3553(a) factors and the appropriate
22 purposes of sentencing as they apply to you, as the statute
23 requires me to do so.

24 These are my thoughts, and I will try to be fairly
25 brief. The first set of factors I need to consider involves

1 the seriousness of your offense, the need for the sentence to
2 promote respect for the law, and the need for the sentence to
3 reflect just punishment. In other words, the sentence needs to
4 fit the crime.

5 Those factors weigh heavily on me here because your
6 crime was a serious one. You participated in a scheme with
7 others to sell pills that contained fentanyl. The scheme was
8 confirmed by a series of purchases made essentially by an
9 undercover officer from you.

10 And you participated in multiple such transactions
11 spanning May through July of this past year. One of them
12 involved 100 pills. One, 220 pills. Another one was another
13 100 pills. There was another one that I think was 850 pills.

14 At the end of all that, your apartment was searched,
15 the apartment that you lived in. And you were basically caught
16 in the act at the table there with the fruits of the drug
17 scheme. You were found at a table with at least 2,000 pills.
18 Nearby was a pill press that was used essentially to take
19 powder and to press it in uniform pill shapes.

20 So the fact of all those pills there and the pill
21 press indicated that you had every intention to keep on going
22 with this drug distribution process, had you not essentially
23 been apprehended in the act.

24 This is quite serious for obvious reasons. We are in
25 the middle, as the government rightly pointed out in its

1 excellent sentencing submission, of a heroin and, in
2 particular, a fentanyl epidemic here that's rampant in this
3 country.

4 There are a flood of fentanyl cases in this district
5 and in districts across the country. Fentanyl is a
6 particularly powerful drug. As everyone has pointed out, it
7 has taken quite a number of lives.

8 Drug use in general but fentanyl in particular -- its
9 use destroys families. It destroys communities. It destroys
10 lives. It promotes addiction. It promotes the use of other
11 drugs. It correlates with violence.

12 The lawyers have agreed that you are accountable here
13 for between 400 grams and 1.2 kilograms of fentanyl which is
14 not a small amount. It's lost to history what became of the
15 ultimate users of that amount of drugs -- whether they died,
16 whether they became homeless or hopeless or their lives spun
17 out of control or somehow, against all odds, it didn't set them
18 back.

19 It's lost to history what became of any specific
20 individual. But it is certainly safe to say in the aggregate
21 that you did those people no good and, in all likelihood, real
22 harm.

23 So the first factor here is the biggest one really,
24 which is the gravity of your crime. Under Section 3553(a), I
25 also need to consider the factor of general deterrence.

1 And that refers to the need for the sentence that I
2 impose here to send a message to other people that is
3 sufficient to deter them from committing similar such crimes.
4 That factor exists here precisely because this is such a common
5 offense these days. But I think, as Mr. Erkan points out, it
6 doesn't really tell me how long a sentence to impose.

7 Even a short sentence can have a significant deterrent
8 effect on somebody considering whether or not to commit a
9 crime. And your narrative, what happened to you here, is
10 indeed a cautionary tale.

11 With or without a long sentence, the separation you're
12 going to experience from your loved ones, in particular, if
13 anyone knew about that, would be very much discouraged from
14 following in your footsteps.

15 Under Section 3553(a), I need to consider as well the
16 interest in what's called specific deterrence. And that refers
17 to the need for the sentence I impose in this case to get a
18 message across to the particular defendant before me, meaning
19 you, that is sufficient to discourage you from committing a
20 future crime.

21 I don't assess that interest as particularly profound
22 here really for a few reasons. To begin with, you have no
23 criminal record. I see many cases in which defendants with
24 substantial criminal records who have been prosecuted,
25 convicted, who have spent time in jail turn around after

1 they're released from jail and commit a crime and then wind up
2 before me.

3 In those cases, I'm often forced to conclude that a
4 higher sentence or a substantial sentence is needed to get
5 their attention because somehow or other, those prior brushes
6 with the criminal justice system didn't get their attention and
7 didn't serve as a wake-up call.

8 In your case, because this is your first offense, that
9 concern doesn't apply as much. It's much more realistic for me
10 to think that this whole bracing experience will be a wake-up
11 call for you, regardless of the length of time after this
12 you've served in jail.

13 It's also the case, as your counsel, Mr. Erkan, has
14 pointed out, that you have suffered in other ways from this
15 experience. So I have a fair degree of hope that you're not
16 going to commit a crime like this again.

17 I will also note that this crime was committed in the
18 United States. You are going to be deported at the end of your
19 prison term here. There is no reason to think that you were
20 involved in activity like this in your home country of the
21 Dominican Republic. So the environment that may have been part
22 of why you committed this crime is not one that you're likely
23 to be part of again.

24 I do have to say that I'm troubled by the fact that
25 you began committing this crime just two months after you

1 arrived in this country. You turned to it awfully quickly
2 after apparently failing to get other work. It's not even as
3 clear that you needed the money. Your wife had a solidly
4 paying full-time job.

5 I am concerned that your turning to this crime as
6 quickly as you did suggests something of a lack of a moral
7 compass on your part. That does give me some concern.

8 But all in, I don't think a particularly long sentence
9 is needed here to achieve specific deterrence. The main factor
10 pointing towards a longer sentence is the nature of the crime
11 itself.

12 Finally, under Section 3553(a), I have to consider the
13 interest in the protection of the public. And the issue there
14 is will the public benefit by having you in a place where you
15 can't commit another crime, which is to say federal prison.

16 There is some degree of a concern there. Again, you
17 committed this crime awfully quickly after failing to get a job
18 in the United States. But I am reasonably persuaded that you
19 have learned your lesson. So I don't think the public has a
20 great deal to fear from you being at liberty. In other words,
21 that factor is present. It's just not as big a deal as the
22 first factor.

23 So far, I've considered factors that in many cases
24 tend to favor a longer sentence, and a number of them do for
25 you. There are, however, a number of factors that point in the

1 other direction, that favor you in the sentencing equation. I
2 want to cover them with you now.

3 To begin with, you accepted responsibility. You did
4 that by pleading guilty, and you did it by pleading guilty
5 relatively quickly in the process. That's important to me.

6 Under the sentencing guidelines, the fact of the
7 defendant's guilty plea results in a lower recommended
8 sentence, and I want you to know that it was a smart decision
9 you made to plead guilty. Had you not done that, the sentence
10 I would have imposed would have been higher, as would the
11 sentencing guideline range.

12 The statement that you made to me today also struck me
13 as very authentic and very contrite. You've told me that you
14 learned from your mistakes. You've told me that you've tried
15 to grow from them. You've told me about the shame that you
16 feel towards a number of people, including your family. All of
17 that struck me as very real.

18 It also impresses me that you've made productive use
19 of your time in the MDC in terms of the certificates you've
20 earned and in terms of the work you've done. All of that
21 suggests an attempt to accept responsibility and put this
22 incident behind you. And your letter to me I thought reflected
23 true and real contrition as well, and I read it with great
24 care.

25 Under Section 3553(a), I also am required to consider

1 a defendant's history and his character and his
2 characteristics. At this point, I'm putting aside the offense
3 and focusing on the other parts of your life. And there are a
4 number of very impressive things I learned about you from what
5 I read.

6 I learned that you went to military school in your
7 home country and that you served honorably in the military.
8 You graduated as a second lieutenant. You served your country
9 proudly for seven years. Good for you. I'm proud of you for
10 doing that, and you should rightly feel proud of yourself.

11 I learned that you have a substantial honorable work
12 ethic, including working alongside your father on a farm in
13 your home country. I've learned that you have very substantial
14 family support and a family that believes in you as reflected
15 in the people who are here today.

16 And in that respect, I benefited from reading each of
17 the detailed letters that I read about you, again, in what I
18 found to be a very effective and thoughtful sentencing
19 submission by Mr. Erkan.

20 I'm just going to read aloud an excerpt or two. The
21 first letter that I read is from your wife Jennifer. Is she
22 here?

23 Thank you very much for the beautiful letter you wrote
24 me.

25 She writes, among other things, that you "have always

1 been there for me and my family, willing to lend a hand with
2 everything from fixing a lightbulb to doing home work with our
3 children."

4 She said you are the first to admit that you made the
5 worst mistake in your life. She says that you cry all the time
6 in your visits. She tells me that you tell her how regretful
7 you are.

8 She says you are a responsible young man, willing to
9 help others in need with a kind heart. She describes you as a
10 great husband and an amazing father figure to her children.
11 She says that your children look up to you as a role model.

12 I also read the letter from your wife's children who
13 are here today.

14 Thank you for the beautiful letter you two wrote me.
15 I can see that took a lot of time and thought. I'm proud of
16 you for writing that letter. You're both beautiful writers
17 too. So thank you for writing.

18 They write: "Daddy Arturito is so nice to us. He
19 always made sure dinner was ready when he picked us up from
20 school while mommy worked to pay the bills." They described
21 how happy they were when you got married and what a happy
22 family you were and how happy you make their mother.

23 Those are beautiful thoughts, and thank you for
24 writing that letter.

25 I read the letter from your in-laws. They wrote that

1 you are an amiable character in the family. They describe you
2 as having an amazing heart and always being very kind and being
3 very apologetic and regretful.

4 I have read all the other letters.

5 The other people who are here -- did you write letters
6 as well?

7 UNIDENTIFIED SPEAKER: Yes.

8 THE COURT: Thank you very much, all of you, for
9 writing to me today. I don't have the time to read aloud
10 excerpts from all the letters, but please know that they all
11 registered with me, and they painted a very common portrait.

12 Mr. Zorrilla, on the day that a person is sentenced,
13 it's appropriate that they be viewed in light of the totality
14 of their life's contributions, the good as well as the bad.
15 And I will do that today. These letters are impressive
16 testimonials, and they stand strongly in your favor.

17 The probation department here has recommended a
18 below-guideline sentence of 24 months' imprisonment. The
19 probation department notes this is your first offense; that
20 you've otherwise displayed a law-abiding lifestyle; that there
21 is no indication of anything like violence on your part ever;
22 that you had productive and honorable military service; that
23 you had the support of family; and that you again accepted
24 responsibility by pleading guilty quickly, which saved the
25 government and the Court resources.

1 Like the probation department, I am persuaded that a
2 substantially below-guideline sentence is the just and
3 warranted sentence here. Essentially, for all of those reasons
4 and among other things, I am persuaded that there is a coherent
5 narrative here as to why you are extremely unlikely to commit
6 such an offense again.

7 It was a terrible decision you made, but it was also
8 apparently a decision that was a product that you found
9 yourself in, in a new country unable to get a job.

10 For better or worse, you're going to be back in a
11 country in which you have no record of committing such a crime
12 and where it appears you have alternative work opportunities
13 available to you.

14 That affects my assessment of a number of the
15 sentencing factors here, including the need to protect the
16 public and including the need for specific deterrence.

17 I'm also mindful that this is a case in which the
18 guidelines are really affected overwhelmingly by drug quantity.
19 You appear to have been a very small player in whatever drug
20 operation you stumbled into here.

21 I don't see any reason to think that you're going to
22 generate a drug-dealing opportunity again. The fact that
23 you're a first offender, in other words, matters a lot to me
24 here.

25 After giving the matter a lot of thought, I am

1 therefore going to impose a sentence here that is in line with
2 the one recommended by the probation department.

3 I have considered whether a lesser sentence would
4 accomplish the 3553(a) factors. With regret, I don't think it
5 can. The crime was sufficiently serious that in the end, a
6 sentence below what I'm going to impose I think would
7 undervalue or disserve the interest of my sentence reflecting
8 the seriousness of your crime.

9 I'm now going to formally state the sentence I intend
10 to impose. The attorneys will have a final opportunity to make
11 legal objections after the sentence is finally imposed.

12 Mr. Zorrilla, will you please rise.

13 After assessing the particular facts of this case and
14 the factors under Section 3553(a), including the sentencing
15 guidelines, it is the judgment of the Court that you are to
16 serve a sentence of 24 months' imprisonment in the custody of
17 the Bureau of Prisons to be followed by a period of three
18 years' supervised release.

19 I'm going to impose the supervised release term purely
20 to cover the eventuality that you're not promptly deported, but
21 I'm doing that essentially for the reason that Mr. Ravi gave,
22 just in case.

23 It is my expectation that you will in fact be deported
24 and there will not be a need for you to serve supervised
25 release. But just in case, the standard conditions of

1 supervised release shall apply.

2 In addition, you shall be subject to the following
3 mandatory conditions: You shall not commit another federal,
4 state, or local crime.

5 You shall not illegally possess a controlled
6 substance.

7 You shall not possess a firearm or destructive device.

8 And you shall cooperate in the collection of DNA as
9 directed by the probation department.

10 You must also meet the following special conditions
11 which are the ones set out in the presentence report at pages
12 19 to 20. I'm going to reproduce them in full.

13 But in brief, you are required to obey the immigration
14 laws.

15 And you are required to submit your person, residence,
16 etc., to a search by the probation officer on the premise that
17 they have a reasonable basis to believe you may be violating a
18 term of supervised release.

19 I'm doing that, frankly, for your own good and for the
20 good of society. You may be tempted, if you're on supervised
21 release, to commit another crime. I want you to know that the
22 probation department has its eyes on you.

23 So if you're ever tempted to make a mistake again,
24 you'll know that they can, to the greatest extent possible, to
25 see what you are doing. And if that stays your hand and leads

1 you not to commit another crime, it will be all to the good to
2 you and to the rest of us.

3 I have the legal authority to impose a fine. I'm not
4 going to do so. I'm persuaded that you don't have the ability
5 to pay one.

6 I've signed the forfeiture order which I find well
7 warranted. I am required to impose a mandatory special
8 assessment of \$100 which shall be due immediately. Restitution
9 is not an issue in this case.

10 Does either counsel know of any legal reason why this
11 sentence shall not be imposed as stated?

12 MR. RAVI: No, your Honor.

13 MR. ERKAN: No, your Honor.

14 THE COURT: The sentence as stated is imposed.

15 Are there any open counts, Mr. Ravi?

16 MR. RAVI: There are not.

17 THE COURT: Mr. Zorrilla, to the extent you haven't
18 given up your right to appeal your conviction and your sentence
19 through your plea agreement and the plea agreement you've
20 entered into with the government, you have the right to appeal
21 those things, your conviction and your sentence.

22 If you're unable to pay for the costs of an appeal,
23 you may apply for leave to appeal in forma pauperis. The
24 notice of appeal must be filed within 14 days of the judgment
25 of conviction.

1 Defense counsel, how long has your client been in
2 custody?

3 MR. ERKAN: I don't have the exact day count,
4 your Honor. I apologize. He's been in custody for 15 months.

5 THE COURT: Do you want me to make a recommendation to
6 the Bureau of Prisons as to where he should serve the balance
7 of his term?

8 MR. ERKAN: Please, your Honor. I would request that
9 the Court recommend that he be placed as close as possible to
10 Bronx, New York.

11 THE COURT: I'll be happy to do that.

12 Mr. Smallman tells me that the defendant began in
13 custody in July of 2018. So, indeed, 15 plus months.

14 By the way, I think I misspoke earlier when I said
15 that the drug sales in this case were in 2019. I recognize
16 that they were in 2018.

17 MR. ERKAN: Yes, your Honor.

18 THE COURT: I'll make a recommendation that he be
19 assigned to a facility as close as possible to the Bronx,
20 New York.

21 Is there anything further from the government?

22 MR. RAVI: Nothing further.

23 THE COURT: Anything further from the defense?

24 MR. ERKAN: Thank you, your Honor. Nothing further.

25 THE COURT: Mr. Zorrilla, I wish you the very, very

1 best. I regret that you made this mistake and that it will
2 cause all the tumult it is causing to your family. There is a
3 lot to admire about you, and I hope that you will be guided by
4 those better angels as you move forward in your life.

5 To your family, thank you for being here today, and
6 thank you for participating in the way that you did. We stand
7 adjourned.

8 (Adjourned)

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