

MILDC 531.01 * INMATE HISTORY * 07-27-2021
PAGE 001 OF 001 * CASE MGT * 10:10:33

REG NO.: 47926-424 NAME: ALLEGRA, ROBERT
CATEGORY: CMA FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
MIL	BIR CERT N BIRTH CERTIFICATE - NO	11-04-2018 0843	CURRENT
MIL	CV-HC FAIL COVID HOME CONFINEMENT FAIL	12-16-2020 0856	CURRENT
MIL	DEPEND Y DEPENDENTS UNDER 21 - YES	09-25-2018 0801	CURRENT
MIL	PHOTO ID Y PHOTO ID - YES	09-25-2018 0801	CURRENT
MIL	RPP COMPLT RELEASE PREP PGM COMPLETE	01-14-2020 1414	CURRENT
MIL	SSN CARD N SOCIAL SECURITY CARD - NO	11-04-2018 0843	CURRENT
MIL	VET P/S Y PARENT/SPOUSE VETERAN - YES	09-25-2018 0801	CURRENT
MIL	VETERAN N VETERAN - NO	09-25-2018 0801	CURRENT
MIL	V94 CDA913 V94 CURR DRG TRAF ON/AFT 91394	01-12-2018 0722	CURRENT
MIL	WA NO HIST NO WALSH ACT OFFENSE HISTORY	09-05-2017 0933	CURRENT
CCH	CV-COM REF COVID COMMUNITY REFERRAL	05-04-2020 0805	12-16-2020 0856
THA	RPP PART RELEASE PREP PGM PARTICIPATES	09-19-2019 0742	01-14-2020 1414
THA	RPP NEEDS RELEASE PREP PGM NEEDS	01-12-2018 0723	09-19-2019 0742
THA	SSN CARD N SOCIAL SECURITY CARD - NO	09-25-2018 0801	11-04-2018 0843
THA	BIR CERT N BIRTH CERTIFICATE - NO	09-25-2018 0801	11-04-2018 0843

G0000 TRANSACTION SUCCESSFULLY COMPLETED

102

MILDC * INMATE EDUCATION DATA * 07-27-2021
 PAGE 001 OF 001 * TRANSCRIPT * 10:11:05

REGISTER NO: 47926-424 NAME.: ALLEGRA FUNC: PRT
 FORMAT.....: TRANSCRIPT RSP OF: MIL-MILAN FCI

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
MIL	ESL HAS	ENGLISH PROFICIENT	10-10-2017 0001	CURRENT
MIL	GED HAS	COMPLETED GED OR HS DIPLOMA	10-10-2017 0001	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
MIL	STRESS AND YOUR BODY (IS)	07-19-2021	CURRENT				
THA SCP	CAMP PARENTING PROGRAM	03-21-2019	05-19-2020	P	C	P	12
THA SCP	ACE SOLVING SUDOKU CLASS	04-13-2020	04-24-2020	P	C	P	2
THA SCP	ACE BATTLE OF THE BULGE	04-13-2020	04-20-2020	P	C	P	2
THA SCP	ACE HISTORY OF THE HAWAII	04-06-2020	04-14-2020	P	C	P	2
THA SCP	BASIC NUTRITION	10-03-2019	01-23-2020	P	C	P	1
THA SCP	RPP6 GROWTH & DEVELOPMENT	01-14-2020	01-14-2020	P	C	P	1
THA SCP	RPP5 RELEASE REQUIREMENTS	01-14-2020	01-14-2020	P	C	P	1
THA SCP	RPP4 COMMUNITY RESOURECES-USPO	01-14-2020	01-14-2020	P	C	P	1
THA SCP	RPP4 COMMUNITY RESOURCES-RRC	01-14-2020	01-14-2020	P	C	P	1
THA SCP	RPP3 PERSONAL FINANCE/CONSUMER	01-14-2020	01-14-2020	P	C	P	1
THA SCP	RPP2 EMPLOYMENT RESUME WRITING	01-14-2020	01-14-2020	P	C	P	1
THA SCP	RPP(1) HEALTH AND NUTRITION	01-14-2020	01-14-2020	P	C	P	1
THA SCP	CAMP ACE MUSIC THEORY	06-17-2019	10-28-2019	P	C	P	12
THA SCP	CAMP ACE ECONOMICS 1	06-17-2019	10-28-2019	P	C	P	12
THA SCP	RPP4 COMMUNITY RESOURECES-USPO	09-19-2019	09-19-2019	P	C	P	1
THA SCP	HEALTH FAIR	10-07-2019	10-07-2019	P	C	P	1
THA SCP	LANDSCAPING APPRENTICESHIP-	04-01-2019	10-01-2019	P	C	A	1150
THA SCP	BASIC NUTRITION	08-01-2019	09-11-2019	P	C	P	1
THA SCP	CAMP YOGA	08-01-2019	09-11-2019	P	C	P	1
THA SCP	CAMP YOGA	05-23-2019	06-19-2019	P	C	P	1
THA SCP	CAMP ACE MUSIC THEORY	02-04-2019	06-05-2019	P	C	P	12
THA SCP	ACE BUSINESS FOR BEGINNERS	02-04-2019	06-05-2019	P	C	P	12
THA SCP	CAMP YOGA	12-18-2018	12-18-2018	P	C	P	1
THA SCP	FPC ACE ALGEBRA	04-19-2018	12-07-2018	P	C	P	12
THA SCP	ACE BUSINESS FOR BEGINNERS	04-19-2018	06-22-2018	P	C	P	12
THA SCP	ACE THE PLUMBING PROFESSION	04-19-2018	06-22-2018	P	C	P	12
THA SCP	FPC ACE ALGEBRA	02-20-2018	04-16-2018	P	C	P	12
THA SCP	CMP WALK	04-25-2018	04-25-2018	P	C	P	1
THA SCP	HEALTH FAIR	04-19-2018	04-19-2018	P	C	P	1
THA SCP	CAMP YOGA	04-19-2018	04-19-2018	P	C	P	1
THA SCP	CAMP ACE AMERICAN REVOLUTION	02-20-2018	04-16-2018	P	C	P	12
THA SCP	ACE BUSINESS FOR BEGINNERS	10-19-2017	12-11-2017	P	C	P	12
THA SCP	CAMP ACE MARKETING	10-19-2017	12-11-2017	P	C	P	12
THA SCP	FPC ACE PRE-ALGEBRA PART 1	10-10-2017	12-11-2017	P	C	P	12

G0000 TRANSACTION SUCCESSFULLY COMPLETED

MILDC 531.01 * INMATE HISTORY * 07-27-2021
PAGE 001 OF 001 * WASPB * 10:09:10

REG NO.: 47926-424 NAME....: ALLEGRA, ROBERT

CATEGORY: WSP FUNCTION: PRT FORMAT:

P5025 NO TRANSACTIONS RECORDED WITHIN SPECIFIED CATEGORY

MILDC 531.01 *	INMATE HISTORY	*	07-27-2021
PAGE 001 OF 001 *	PT OTHER	*	10:09:21

REG NO.: 47926-424 NAME....: ALLEGRA, ROBERT

CATEGORY: PTO FUNCTION: PRT FORMAT:

P5025 NO TRANSACTIONS RECORDED WITHIN SPECIFIED CATEGORY

MILDC 531.01 * INMATE HISTORY * 07-27-2021
PAGE 001 OF 001 * PSYCH TRMT * 10:09:32

REG NO.: 47926-424 NAME....: ALLEGRA, ROBERT

CATEGORY: PTP FUNCTION: PRT FORMAT: _____

P5025 NO TRANSACTIONS RECORDED WITHIN SPECIFIED CATEGORY

Attachment G



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: RSD/RSD
NUMBER: 5220.01
DATE: July 14, 2021

First Step Act Program Incentives

/s/

Approved: M.D. Carvajal
Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

To ensure the Bureau of Prisons (Bureau) properly implements provisions of the First Step Act of 2018 (FSA) requiring the establishment of incentives for successful participation in recommended programs.

a. **Program Objectives.** Expected results of this program are:

- Program completion incentives will be clearly defined and standardized across the agency. The Directory of approved programs is available on the agency's intranet and public website.
- Staff will be provided information on which programs are associated with which incentives and how to apply them to individual inmates.
- Resources will be allocated for institutions to deliver incentives in accordance with the law.

b. **Institution Supplement.** None required. Should local facilities make any changes outside those required in national policy or establish any additional local procedures to implement national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

2. BACKGROUND

The FSA, codified in part in Title 18 U.S.C. § 3632, provides that eligible inmates may earn time credits (FSA Time Credits; FTC) for successfully participating in and completing approved Evidence-Based Recidivism Reduction (EBRR) programs or Productive Activities (PAs). Eligibility is based on offense history. As required by the FSA, 18 U.S.C § 3632 (d)(4)(D), an inmate cannot earn FTC if he or she is serving a sentence for a disqualifying offense or has a disqualifying prior conviction.

The FSA further provides for additional incentives beyond FTC for inmates who participate in and successfully complete EBRR programs. This Program Statement describes the process for earning and awarding of those incentives.

3. DEFINITIONS

Incentive: A tangible reward available to any inmates who participate in EBRR Programs in areas identified as needs through the Risk and Need Assessment process.

Evidence Based Recidivism Reduction Program (EBRR): A category of programs defined by the FSA. A list of approved EBRR Programs is maintained on the agency's intranet and public website.

Successful Participation: To be successfully participating in programming, inmates must (a) attend all sessions with only excused absences; (b) complete all assigned activities/homework; and (c) comply with the rules and instructions set forth by the program instructor.

4. AGENCY RESPONSIBILITIES

The following BOP components are responsible for the establishment and implementation of incentives systems. All incentives are contingent upon availability of staff and funding resources.

a. Central Office

(1) The **Reentry Services Division** develops and defines incentives. This includes:

- Providing accessible information for all staff on the division's website regarding available incentives.
- Approving new incentives.
- Providing guidance and direction to Regional staff and institution leadership on questions related to incentives.

(2) The **Administration Division** allocates dedicated Congressionally-appropriated FSA funding.

b. Regional Offices

- Distribute funds to purchase and fund incentives.
- Assign the Senior Deputy Regional Director as the staff member providing oversight of incentives. He/She will ensure all questions from the facilities are answered, trends are tracked regarding which incentives are most effective at incentivizing program participation.

c. Institutions

- Ensure inmates have access to information about incentives associated with program participation.
- Load program completions in SENTRY and award the appropriate incentives.

5. AWARDING OF INCENTIVES

Incentives are only available to inmates who have a complete risk and needs assessment. Incentives are awarded when inmates successfully complete, enroll, or participate in recommended programs or activities. No incentives are available for partial completion, failure, or program withdrawal.

Each EBRR program has a set of unique SENTRY assignments that are available on the RSD intranet. Staff delivering the program load enrollment and completion status assignments. Inmates are able to receive incentives for those programs that were recommended by Unit Team based upon an identified need in any of the following 13 areas: anger/hostility, antisocial peers, cognitions, dyslexia, education, family/parenting, finance/poverty, medical, mental health, recreation/leisure/fitness, substance abuse, trauma, and work.

6. MATCHING INCENTIVES WITH PROGRAMS

Any confirmed EBRR program participation results in additional phone and visitation privileges and consideration for a nearer release transfer as specified in 18 U.S.C. § 3632(d)(2) (see Section 7, below).

In addition, inmates will be eligible for an additional incentive based on the duration of the EBRR program. Inmates completing EBRR programs identified on the RSD Sallyport page and the BOP public website as being under 100 hours are eligible for access to FSA incentive events.

Inmates who have completed EBRR programs of 100 hours or more, will select either an FSA achievement award or access to placement in a preferred housing unit at their regularly scheduled Program Review. This request will be made to the inmate's Unit Team.

7. TYPES OF INCENTIVES

Title 18 of the United States Code, Section 3632(d), provides in relevant part that the risk and needs system:

shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

(1) PHONE AND VISITATION PRIVILEGES.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall receive—

(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 510 minutes per month; and

(B) additional time for visitation at the prison, as determined by the warden of the prison.

As an incentive for successful participation or completion of an assigned EBRR program, inmates may be afforded additional phone and visitation privileges in accordance with existing policies (Inmate Telephone Regulations and Visiting Regulations) as follows:

1. 510 minutes of phone minutes at no charge to the inmate for one month's validation cycle with a limit of 30 minutes per day; and
2. Additional time for social visitation at the institution, as determined appropriate by the Warden.

Trust Fund staff will receive a monthly roster of inmates who are eligible for the 510 minute telephone incentive award from Central Office Systems Development Branch to update individual inmate phone/visiting limits. Ordinarily, the 510 minutes will take effect at the beginning of the inmate's monthly revalidation cycle.

(2) TRANSFER TO INSTITUTION CLOSER TO RELEASE RESIDENCE.—A prisoner who is successfully participating in an evidence-based recidivism reduction program shall be considered by the Bureau of Prisons for placement in a facility closer to the prisoner's release residence upon request from the prisoner and subject to—

(A) bed availability at the transfer facility;

(B) the prisoner's security designation; and

(C) the recommendation from the warden of the prison at which the prisoner is incarcerated at the time of making the request.

As an incentive for successful participation or completion of an assigned EBRR program, an inmate may be considered for placement at a facility closer to the inmate's release residence upon request of the inmate, subject to:

1. The recommendation of the Warden at the inmate's current institution;

2. A determination by the Designation and Sentence Computation Center that the proposed receiving institution is an appropriate facility for the inmate, following a review of the relevant designation criteria; and
3. Bed availability at the proposed receiving institution.

(3) ADDITIONAL POLICIES.—The Director of the Bureau of Prisons shall develop additional policies to provide appropriate incentives for successful participation and completion of evidence-based recidivism reduction programming.

In addition to additional phone/visitation privileges and nearer release transfer consideration, the Bureau has approved achievement awards, placement in preferred housing units, and access to FSA incentive events will be available to inmates who complete the appropriate programs. All five types of incentives must be available at every facility housing sentenced inmates.

FSA achievement awards. Inmates may earn a limited financial award to offset time lost from work as an additional incentive for successfully completing particularly intensive EBRRs in areas where they have identified needs.

Trust Fund staff will receive a monthly roster of inmates who have completed a single EBRR program worth 100 hours or more from Central Office Systems Development Branch for this incentive. Specific information about FSA achievement awards is available on the Reentry Services Division intranet page.

Preferred housing. Wardens may establish preferred housing units with the approval of the Assistant Directors of the Reentry Services and Correctional Programs Divisions and their respective Regional Director. The Getting Ready for the Outside World (GROW) special mission unit may be used as a preferred housing unit incentive. This unit promotes the acquisition of reentry skills by directing participants towards the reentry areas and programs most critical for them, and is likely to be quieter, well maintained, and include a cohort of inmates focused on personal wellbeing and growth. No other special mission unit placement may be used as an FSA program incentive. Wardens may also allow inmates to request a specific unit on the compound as preferred housing, but this unit may not include a locally developed special program.

Residential programs within the Bureau (e.g., the Residential Drug Abuse Program) are established by Executive Staff and are not considered preferred housing. This Program Statement does not change admission procedures for any residential programs.

Incentive events. Institutions must host at least one FSA incentive event quarterly. Events may include movie nights, special visit sessions, or parent-child events.

8. LOSS OR REMOVAL OF INCENTIVES

Inmates who refuse to participate in the Inmate Financial Responsibility Program (IFRP) shall not receive incentive awards for participation/completion in EBRR's while on refuse status.

Inmates who are found guilty of misconduct may not earn incentives for the time periods listed below. The below time periods will begin the day after the Unit Disciplinary Committee or the Disciplinary Hearing Officer has found that the inmate has committed the prohibited act(s).

120 days for a 100 Series incident report.

90 days for a 200 series incident report.

60 days for a 300 series incident report.

30 days for a 400 series incident report.

REFERENCES

Statutes

18 U.S.C. § 3632

Program Statements

P2310.03	Use of Appropriations (7/13/2000)
P4500.12	Trust Fund/Deposit Fund Manual (3/14/2018)
P5251.06	Inmate Work and Performance Pay (10/01/2008)
P5264.08	Inmate Telephone Regulations (1/24/2008)
P5267.09	Visiting Regulations (12/10/2015)
P5270.09	Inmate Discipline Program
P5380.08	Inmate Financial Responsibility Program (1/27/2000)

ACA Standards (see Program Statement Directives Management Manual, Section 2.5 and 10.3)

Records Retention

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on Sallyport.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)

vs.)

ROBERT ALLEGRA)

No. 15 CR 243

Judge Elaine E. Bucklo

MOTION PURSUANT TO 28 U.S.C. § 2255

Defendant, Robert Allegra (“Mr. Allegra”), by his attorneys, James A. Shapiro and Colleen Hurley, pursuant to 28 U.S.C § 2255, moves this Court to reduce his sentence because of ineffective assistance of counsel at Mr. Allegra’s July 19, 2017 sentencing and previous hearings. In support of his motion, Mr. Allegra states:

SENTENCING HEARING

Mr. Allegra pleaded guilty to possession of controlled substance and transporting the controlled substance from Van Nuys, California to Chicago. On July 19, 2017, this Court sentenced him to 65 months in prison for that crime, together with a \$500,000 fine. At the sentencing hearing, his attorneys, Edward M. Genson, Jeffrey B. Steinback, and Carolyn P. Gurland appeared. Very early in the sentencing hearing, it was apparent that Mr. Steinback was suffering from an illness or physical malady. He suffered it throughout the duration of the sentencing hearing, so much so that Mr. Steinback referenced it several times during the sentencing hearing. He even left the hearing early in an ambulance before the conclusion of the

hearing. In addition, one of Mr. Allegra's other lawyers, Mr. Genson, also indicated he had difficulty standing during the hearing, asking to instead sit and speak into the microphone.

In fact, Mr. Steinback had begun "to process passing a kidney stone." Tr. 4:5. Mr. Steinback stated he was struggling to stand and therefore would have to sit during the sentencing hearing Tr. 3:22-4:4. He further stated he would have to allow his co-counsel to argue in his stead if he began to make "strained or pain faces." Tr. 4:9-11). He would therefore divide the responsibilities three ways, quipping that opposing counsel "is such a great lawyer that we can't take him on one-on-one anyway." Tr. 4:14-22.

At the outset of his mitigation argument, Mr. Genson stated, "Monday is always my wors[t] day for walking. I'm a little better by about Friday. So if I can do my just brief words here," apparently asking the Court to sit while arguing, to which the Court responded, "That's fine. This is Wednesday." Tr. 18:8-11. Mr. Genson then made several mitigating points about Mr. Allegra, requesting a downward variance based on the facts that he had been a friendly acquaintance of Mr. Allegra for approximately twenty years, he has a record with no priors, he is charitable in the community, is involved with his family, and has had a successful career as a pilot. Tr. 18-21.

In referencing the guidelines, Mr. Genson manifested significant ignorance of the advisory guideline range, stating, "Now, the guidelines say on the bottom I think 70 to 84 months, or whatever. . . I think the recommendations of the probation person in this case were initially 60 months when they were higher, and I believe they are at this point 48 months. And I would think that you might—your Honor will consider even lowering it lower than that." Tr. 20:1-7.

Mr. Steinback made arguments in connection with § 3553(a)(6) concerning the need to avoid unwarranted sentencing disparities. He cited various cases. Tr. 21:5-50:17). He distinguished Mr. Allegra from the *Gall* and *Aurelio* cases on the grounds that Mr. Allegra is a 62-year-old man, a non-violent first offender, and neither a source, user, nor distributor of drugs. Mr. Steinback then apologized to the Court, thanking it for its patience through “some of the grimacing I’ve maybe showed” and then asked the Court for permission to “walk around to the back of the courtroom just to move” (Tr. 50:9-51:1), implying that like Mr. Genson, he may have been laboring under some pain or illness.

Ms. Gurland then argued additional mitigating facts for Mr. Allegra. She, like Mr. Steinback, was socially acquainted with him. She argued Mr. Allegra has a good reputation in the community, he has been caring for his ailing wife, he is charitable, he has been dedicated to and involved in the upbringing of their only son, that his son is dependent on him, and that he has been receiving preventative health treatment for a risk of bladder cancer, analogizing Mr. Allegra’s case to *Rothbard*, *Carter*, and *Holt*. Tr. 51:12-75:7. Ms. Gurland asked for a “substantial departure” [*sic*—variance]. Tr. 75:13-14.

AUSA Otlewski then argued for guideline sentence of 70 to 87 months for Mr. Allegra based on the severity of his crime, arguing that the mitigation presented should not be a consideration. Tr. 75:16-89:7.

Mr. Genson then argued again in rebuttal. He pointed out that Mr. Allegra was cooperative by pleading guilty at an appropriate time, reasonably refusing to go undercover, and acting out of desperation due to his wife’s illness and his child’s dependency on him. Tr. 89:12-92:16). Mr. Genson then apologized for Mr. Steinback’s absence in the middle of the sentencing

hearing, stating, “I don’t know if you’ve ever had a kidney stone, I hope not, but I have. He was in a lot of pain and we took him to [the ER].” Tr. 92:17-20.

Mr. Allegra then addressed the Court, expressing regret for his actions, apologizing to the Court and admitting to his crime, indicating he committed this offense based on extreme stress. Tr. 94:17- 97:13. In imposing sentence, the Court analyzed the § 3553 factors and sentenced Mr. Allegra to 65 months in the custody of the Bureau of Prisons, a \$500,000 fine, and a special assessment of \$100 due immediately. Tr. 103:14-104:6.

PRE-SENTENCING

During several pretrial status hearings, Mr. Genson did nothing to disabuse the court of the prejudice against Mr. Allegra and his apparent wealth. Tr. 11/20/15; 12/8/15; 12/18/15. Mr. Genson’s colloquy with the court centered around the Bentley that the government wanted to forfeit. On December 8, 2015, the court stated, “Judges aren’t likely to be experts on Bentleys.” 12/8/15 Tr. 4:3-4. At the next hearing, on December 18, 2015, the court added, “And probably Assistant U.S. Attorneys don’t [know much about Bentleys] either.” 12/18/15 Tr. 2:12-13. AUSA Otlewski rejoined, “No, I’ve never owned a 2014 Bentley GTS V8 that’s worth [\$]160,000. *Id.* lines 14-15. But then Mr. Genson chimed in, “Neither have I.” *Id.* 16. The court bantered back, “You could probably afford one.” *Id.* 17. Mr. Genson: “I probably could, but I still don’t have one.” *Id.* 18-19. The court: “Why would anybody want one?” *Id.* 20. Then the AUSA sobered up the discussion by bringing up a Bentley salesman who attested to the value of the vehicle. Mr. Genson simply failed to advocate for his client.

Later, the court wryly observed, “He must be a very successful pilot.” 12/18/15 Tr. 3:21. Mr. Genson agreed, but instead of explaining that Mr. Allegra needed a fancy car to impress his

high-end clientele, he folded by stating “for some reason” his client wanted to continue making payments on a car he wasn’t able to drive because the government had seized it. *Id.* lines 22-25. He “never had a client who had a Bentley seized.” 12/18/15 Tr. 5:21. This not-so-subtly gave the court the impression that Mr. Allegra was rich, richer even than his very successful lawyer, richer even than his very successful lawyer’s other clients (who had never had a Bentley seized), and was therefore less worthy of sympathy.

Later, in the context of scheduling around multiple lawyers’ schedules, the court asked Mr. Allegra, “Do you need all these lawyers?” 12/18/15 Tr. 5:17. On behalf of his client, Mr. Genson responded, “It wasn’t my choice. I don’t need . . . other lawyers, but it wasn’t my choice. It was the defendant’s choice. I think I was in Kentucky once. . . . I’m not that important to travel around. But . . . it wasn’t my choice. I didn’t enlist these lawyers, my client did. I mean, I’ve tried other cases, so I know how to do it.” *Id.* lines 17-25; 9:1.

The court was well aware Mr. Genson “kn[e]w how to do it.” Here, Mr. Genson was putting his own not insubstantial ego ahead of his client’s interests. This compounded the negative impression the court already had of Mr. Allegra as a rich pilot and probable drug dealer who could afford Bentleys and multiple high-priced attorneys.

Moreover, his client had a Sixth Amendment right to choice of counsel. *United States v. Gonzalez-Lopez*, 548 U.S. 140, 144 (2006) (citing *Wheat v. United States*, 486 U. S. 153, 159 (1988)). Mr. Genson put his own ego ahead of his client’s interests by criticizing his client’s exercise of that Sixth Amendment right. This reinforced the negative view the court already had of Mr. Allegra from the Bentley issue, a negative view the court manifested at sentencing by

imposing a 65-month jail sentence and draconian \$500,000 fine that threatens to bankrupt Mr. Allegra.

Later in the hearing, the court took another jab at Mr. Allegra's choice of counsel by stating, in the context of trial scheduling, "Or if he has decided he doesn't need to have so many attorneys." 12/18/15 Tr. 10:9-10. Instead of objecting to the prejudicial comment about Mr. Allegra's choice of counsel, Mr. Genson played into it by stating, "My conference room is only so big, Judge. So if we have fewer attorneys, I'll try to handle it." *Id.* lines 11-12. The court rejoined, "Well, talk to your client." *Id.* line 13.

Apparently, it would not have been a good idea for Mr. Genson to have talked to his client, because Mr. Genson might have divulged the contents of any such conversation to the court. Information regarding why counsel was retained, the reasons for the retention of particular counsel, the number of counsel, and whether it was done by client or attorney or both are all confidential communications privileged under the attorney-client relationship. This is especially so when the court had a negative impression of Mr. Allegra for having so many lawyers in the courtroom. Mr. Genson agreed with the court because his ego was bruised. Instead of protecting his client by shielding his decision-making process, Mr. Genson "threw Mr. Allegra under the bus."

This was prejudicial to Mr. Allegra. Mr. Allegra had showed up at every hearing, but the court nevertheless ordered him into custody immediately at sentencing instead of giving him a customary date to surrender. It levied a \$500,000 fine in addition to almost five and a half years in jail. This result showed Mr. Genson's ineffective assistance of counsel had an effect. This result can be directly tied to Mr. Genson's failure to erase over the course of the proceedings the

inaccurate perception that his client was a rich, spoiled drug dealer who could afford a car that was out of reach for government employees like judges and Assistant U.S. Attorneys, and not even desirable for rich criminal defense attorneys like Mr. Genson. Because of his extreme ego, Mr. Genson didn't erase this impression, so the damage was done early on, without any challenge or remediation by his attorneys.

ANALYSIS

Strickland v. Washington, 466 U.S. 688, 687-94 (1984), sets forth the now-familiar two-pronged test that a court must apply to determine whether a defendant was denied his right to effective assistance of counsel: First, an attorney's actions constituted errors so serious as to fall below the objective standard of reasonableness. Second, absent these errors, there was a reasonable probability that the defendant's sentence trial would have resulted in a different outcome.

In *Kubat v. Thieret*, 867 F.2d, 351 (7th Cir. 1989), the defendant argued ineffective assistance of counsel at his sentencing in a kidnapping and murder case. He stated that his attorney failed to present a coherent defense at sentencing and failed to object to erroneous instructions given to jurors at sentencing. The district court held that defense counsel committed three errors: failure to investigate or present mitigation, a "bizarre" and prejudicial closing argument, and failure to object to erroneous instructions indicating a requirement for unanimous agreement regarding a decision to not impose the death penalty, misstating the law. *Id.* at 366, 370.

Only two of fifteen available character witnesses were asked to testify at the sentencing hearing. The closing argument was a "rambling, incoherent discourse . . . that may have actually

strengthened the jury's resolve to impose the death sentence." Counsel admitted that he was "not going to convince" the jury, which, on appeal, was held to amount to "no representation at all." *Id.* at 368. The court held that viewing performance of counsel solely from the perspective of strategic competence, counsel must make a significant effort, based on reasonable investigation and logical argument, to ably present the defendant's fate to the jury. *Id.* at 369. The court further stated that, "counsel, in effect, presented no defense at the sentencing hearing. We view this failure of counsel as a 'breakdown in the adversarial process that our system counts on to produce just results.' On this basis alone, our confidence in the outcome is sufficiently undermined to find that Kubat was prejudiced." *Id.* The court further held that whether the jury was completely misled or merely confused by the jury instructions would not alter its determination that Kubat was prejudiced, and even if only one juror had been confused, the reliability of the verdict is undermined. *Id.* at 370.

This case is analogous to *Kubat* in that ineffectiveness at sentencing and pre-sentencing prejudiced Mr. Allegra. In *Kubat*, the defendant suffered prejudice, in part, due to his counsel's failure to present many available character witnesses at the post-conviction hearing. In this case, Mr. Allegra had counsel who: (1) prejudiced him before sentencing by failing to object to his portrayal as a rich, spoiled drug dealer; (2) failed to effectively argue on his behalf; (3) failed to present mitigating factors effectively; and (4) was unable to remain for the duration of the sentencing hearing due to the physical ailment he was suffering.

Indeed, Mr. Steinback referred many times to his physical ailment in passing a kidney stone, so much so that he left the sentencing hearing before its conclusion in an ambulance. He indicated "grimacing" to the Court during his argument, and even to "walk around" the back of

the courtroom during the sentencing hearing. Mr. Genson, upon Mr. Steinbeck's apparent departure in an ambulance, indicated that he was in a "a lot of pain" and therefore had to leave.

Mr. Genson too indicated he was in physical pain during the sentencing hearing, implying that he had difficulty standing and would need to sit during his arguments.¹ The Court then sentenced Mr. Allegra to 65 months in prison and a \$500,000 fine, rather than a below guideline sentence.

In *Fisher v. Gibson*, 282 F.3d 1283 (10th Cir. 2002), the defendant argued in a petition for habeas corpus relief, and the district court held, that his counsel provided ineffective assistance at the guilt phase of his trial. *Id.* at 1288-89. His counsel failed to conduct adequate pre-trial investigation into the readily available mitigating evidence or take any action to develop mitigating evidence. *Id.* He also failed to subject the prosecution's case to adversarial testing in a first degree murder and death sentence case. *Id.*

On appeal, the Tenth Circuit granted conditional habeas relief as to the guilt phase of the trial, holding that counsel's errors included failure to act as a reasonably diligent and professional advocate, failure through hostility to his client and his client's interests, apparent sympathy and assistance to the state's case, failure to act as his client's loyal advocate, failure to advance any defense theory, and failure to make a closing argument, ultimately holding that the nature of the case made such counsel errors prejudicial under the *Strickland* two-prong test. *Id.* at 1311.

¹ In fact, it has since come to light that Mr. Genson unfortunately has terminal cancer with an inoperable tumor. It is uncertain how, or if, Mr. Genson's cancer affected his mental status last year, but it creates such a possibility. After all, he didn't even know the day of the week. Tr. 18:8-11.

At the trial phase of the case, after the jury returned a guilty verdict, the trial court proceeded immediately to the sentencing phase of the trial. *Id.* at 1288. The state made lengthy arguments, urging the jury to find two aggravating factors: that the crime was especially heinous, atrocious, or cruel, and that the defendant is a continuing threat to society. *Id.* For the penalty phase, defense counsel waived both an opening statement and closing argument, resting without presenting any evidence, and only made one objection to the prosecution's closing statement, which was overruled. *Id.* The jury found the presence of the two aggravating factors and recommended the death sentence. *Id.*

On cross-appeal, the court found that effective assistance required an attorney to adhere to his duty of undivided loyalty to his client, including acting as a meaningful adversary vis-à-vis the state. *Id.* at 1291. The court found this duty violated not merely when counsel represented clients who have conflicting interests, but also when counsel acts more for the benefit of, and with more apparent sympathy toward, the prosecution rather than the client he is defending. *Id.* at 1290. This was found to be evidenced by, among other things, defense counsel's apparent lack of preparation, failure to conduct a reasonable investigation, failure to execute a strategy, eliciting and reiterating damaging testimony and evidence, exhibiting hostility towards his client and sympathy and agreement with the prosecution (including badgering his own client during his testimony and asking him several times if his testimony was truthful, as well as eliciting sympathetic testimony from the prosecution's witness, making statements that he believed his story), and failure to draw the jury's attention to the gaps in the state's case or otherwise articulate a reasonable doubt theory. *Id.* at 1298.

This case is analogous to *Fisher* because the ineffectiveness of Mr. Genson at the guilt phase prejudiced Mr. Allegra. In *Fisher*, the defendant suffered prejudice due in part to his attorney exhibiting prejudice against his client, in failing to prepare, in exhibiting hostility towards his client, and sympathy and agreement with the prosecution. In this case, Mr. Genson prejudiced Mr. Allegra by making repeated comments about his client on the record that developed a negative impression of Mr. Allegra related to his wealth and possessions, as detailed above. Counsel for Mr. Allegra took no significant steps to disabuse the court as to his client's real financial situation, allowing, and even bolstering, a narrative that he was a wealthy drug dealer driving Bentleys, several times implying and stating that such automobiles are outside the reach of the prosecution or the judge's income. This worked to prejudice Mr. Allegra as an unrelatable and unsympathetic character throughout the proceedings, despite the fact that sympathetic mitigating facts related to Mr. Allegra were presented at the sentencing hearing.

The *Strickland* two-prong test demands a finding of ineffective assistance of counsel in this case. Specifically, Mr. Allegra's attorney's actions caused prejudice because at least one of them was laboring under physical ailment so great that he could not even finish the sentencing hearing and left in the middle in an ambulance. It cannot be considered reasonable that representation was effective if an attorney cannot even remain for the duration of the hearing. His other attorney failed to object to his client's portrayal before sentencing as a rich, spoiled drug dealer. Absent this ineffectiveness, Mr. Allegra would have received a lower sentence.

Moreover, Mr. Genson never advised the probation officer of Mr. Allegra's drinking problem, which Mr. Allegra told him about before sentencing. Had Mr. Genson done so, Mr.

Allegra would have received a significantly lower sentence, about 12 months lower, by being placed in the Bureau of Prisons' drug treatment program. Genson's failure to do so was ineffective.

Mr. Genson did not even object to the \$500,000 fine, which was too high. That fine threatens to bankrupt Mr. Allegra now and after he leaves prison. He will have nothing to live on. He will be a pauper, virtually unemployable as a convicted felon. Mr. Allegra lost four businesses and three people lost their jobs because of the half million dollar fine that Mr. Genson did not object to. The fine should have been at most half that.

WHEREFORE, Mr. Allegra respectfully requests this Court to order a new sentencing hearing for Mr. Allegra with constitutionally effective counsel.

Respectfully submitted,

/s/ James A. Shapiro

James A. Shapiro

/s/ Colleen Hurley

Colleen Hurley

Atty. No. 6191687
James A. Shapiro
LAW OFFICE OF JAMES A. SHAPIRO, P.C.
Attorney for Defendant
180 N. LaSalle Street
Suite 3700
Chicago, IL 60601
(312) 782-4615
James@jamesshapirolaw.com

Atty. No. 6317759
Colleen M. Hurley
LAVELLE LAW, LTD.
Attorney for Defendant
141 W. Jackson Blvd.
Suite 2800
Chicago, IL 60604
(312) 332-7555
churley@lavellelaw.com

SHORT RECORD
NO. 18-3150
FILED 10/9/18

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
Case No. 1:18-cv-05061

UNITED STATES OF AMERICA)
)
Plaintiff-Appellee,)
) Notice of Appeal
vs.)
)
ROBERT ALLEGRA)
)
Defendant-Appellant.)

DEFENDANT ROBERT ALLEGRA'S NOTICE OF APPEAL

Notice is hereby given that ROBERT ALLEGRA, defendant-appellant in the above named case, hereby appeals to the United States Court of Appeals for the Seventh Circuit from a September 25, 2018 ruling denying his 2255 motion to vacate and set aside his July 19, 2017 sentence.

Respectfully submitted,

ROBERT ALLEGRA

By: 
Colleen M. Hurley, Attorney

Atty. No. 6191687
James A. Shapiro
LAW OFFICE OF JAMES A. SHAPIRO, P.C.
Attorneys for Defendant(s)
180 N. LaSalle Street
Suite 3700
Chicago, IL 60601
(312) 782-4615
James@jamesshapirolaw.com

Atty. No. 6317759
Colleen M. Hurley
LAVELLE LAW, LTD.
Attorneys for Defendant(s)
141 W. Jackson, Ste. 2800
Chicago, IL 60604
(312) 332-7555
churley@lavellelaw.com

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2
Eastern Division

United States of America

Plaintiff,

v.

Case No.: 1:18-cv-05061
Honorable Elaine E. Bucklo

Robert Allegra

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, September 25, 2018:

MINUTE entry before the Honorable Elaine E. Bucklo: Defendant's 2255 motion to vacate and set aside sentence [1] is denied. All pending dates and motions are terminated as moot. Enter Order. Civil case terminated. Mailed notice. (mgh,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.2.2
Eastern Division

United States of America

Plaintiff,

v.

Case No.: 1:18-cv-05061

Honorable Elaine E. Bucklo

Robert Allegra

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, September 25, 2018:

MINUTE entry before the Honorable Elaine E. Bucklo: Defendant's 2255 motion to vacate and set aside sentence [1] is denied. All pending dates and motions are terminated as moot. Enter Order. Civil case terminated. Mailed notice. (mgh,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

United States of America)
))
Plaintiff,)
))
v.) No. 18 C 5061
))
))
Robert Allegra,)
))
Defendant.)
)

Order

Defendant's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 and *Strickland v. Washington*, 466 U.S. 668 (1984), is denied. Defendant was ably represented by multiple attorneys throughout his criminal proceedings, which culminated in a guilty plea to a drug charge in violation of 21 U.S.C. § 846. In addition to filing a successful motion to suppress and obtaining other favorable relief prior to sentencing, the three attorneys who represented him at sentencing—Edward Genson, Jeffrey Steinback, and Carolyn Gurland—argued successfully for a below-Guidelines sentence. In his 2255 motion, defendant argues that his sentence would have been even lower had Mr. Steinback not fallen ill during sentencing, and had Mr. Genson “erase[d],” rather than reinforced, the perception that defendant “was a rich, spoiled

drug dealer.”¹ Not only are these arguments entirely speculative, defendant’s own description of his sentencing counsel’s performance reflects their zealous advocacy on his behalf.

Indeed, as defendant recounts, Mr. Genson “made several mitigating points,” including that defendant “has a record with no priors, he is charitable in the community, is involved with his family, and has had a successful career as a pilot.” Mot. at 2. Mr. Genson further “pointed out that [defendant] was cooperative by pleading guilty at an appropriate time, reasonably refusing to go undercover, and acting out of desperation due to his wife’s illness and his child’s dependency on him.” *Id.* at 3. Mr. Steinback, for his part, “made arguments in connection with § 3553(a)(6) concerning the need to avoid unwarranted sentencing disparities,” “cited various cases,” and noted that defendant “is a 62-year-old man, a non-violent first offender, and neither a source, user, nor distributor of drugs.” *Id.* And Ms. Gurland

¹ Defendant articulates a battery of additional grounds for vacating his sentence in his reply memorandum—including that Mr. Genson gave him “misinformation” on which he relied for his decision to plead guilty; that Ms. Gurland’s representation was infected by a conflict of interest; and that his attorneys failed to present certain facts in mitigation. But arguments raised for the first time on reply are waived. *Broadus v. Shields*, 665 F.3d 846, 855 (7th Cir. 2011) (invoking “well established waiver jurisprudence: arguments raised for the first time in a reply brief are waived”) (citing *Mendez v. Perla Dental*, 646 F.3d 420, 423–24 (7th Cir. 2011)), overruled on other grounds by *Hill v. Tangherlini*, 724 F.3d 965, 967 n. 1 (7th Cir. 2013). At all events, the conclusory fashion in which defendant presents these arguments do not establish an entitlement to relief under *Strickland*.

"argued additional mitigating facts" including that defendant "has a good reputation in the community, he has been caring for his ailing wife, he is charitable, he has been dedicated to and involved in the upbringing of their only son, that his son is dependent on him, and that he has been receiving preventative health treatment for a risk of bladder cancer." *Id.* Ms. Gurland argued that these factors warranted a "substantial departure" from the Guidelines, citing several supporting authorities. *Id.*

Relief under § 2255 is "an extraordinary remedy." *Almonacid v. United States*, 476 F.3d 518, 521 (7th Cir. 2007). A successful claim under *Strickland* requires a movant to show both attorney error so serious that "counsel was not functioning as the 'counsel' guaranteed" by the Sixth Amendment and resulting prejudice. *Atkins v. Zenk*, 667 F.3d 939, 945 (7th Cir. 2012). Because defendant's claim is at odds with the record on both fronts, he is not entitled to the "extraordinary" remedy of § 2255 relief.

ENTER ORDER:



Elaine E. Bucklo
United States District Judge

Dated: September 25, 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ILLINOIS

United States of America ,

Plaintiff(s),

v.

Robert Allegra ,

Defendant(s).

Case No. 1:18-cv-05061
Judge Elaine E. Bucklo

JUDGMENT IN A CIVIL CASE

Judgment is hereby entered (check appropriate box):

☐ in favor of plaintiff(s)
and against defendant(s)
in the amount of \$,

which ☐ includes pre-judgment interest.
☐ does not include pre-judgment interest.

Post-judgment interest accrues on that amount at the rate provided by law from the date of this judgment.

Plaintiff(s) shall recover costs from defendant(s).

☐ in favor of defendant(s)
and against plaintiff(s)

Defendant(s) shall recover costs from plaintiff(s).

☒ other: The Court denies Defendant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody under 28 U.S.C. § 2255.

This action was (*check one*):

- ☐ tried by a jury with Judge presiding, and the jury has rendered a verdict.
☐ tried by Judge without a jury and the above decision was reached.
☒ decided by Judge Elaine E. Bucklo on a motion to Vacate, Set Aside or Correct Sentence (2255) [1].

Date: 9/25/2018

Thomas G. Bruton, Clerk of Court

Maria G. Hernandez , Deputy Clerk

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6.2.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:18-cv-05061
Internal Use Only

United States of America v. Allegra
Assigned to: Honorable Elaine E. Bucklo
Cause: 28:2255 Remedies on motion attacking sentence

Date Filed: 07/20/2018
Date Terminated: 09/25/2018
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate
Sentence
Jurisdiction: U.S. Government Defendant

Plaintiff

United States of America

represented by **AUSA - Chicago**
United States Attorney's Office (NDIL -
Chicago)
219 South Dearborn Street
Chicago, IL 60604
Email: USAILN.ECFAUSA@usdoj.gov
ATTORNEY TO BE NOTICED

Joseph A. Stewart
United States Attorney's Office (NDIL -
Chicago)
219 South Dearborn Street
Chicago, IL 60604
(312) 469-6008
Email: joseph.stewart@usdoj.gov
ATTORNEY TO BE NOTICED

Nicole M. Kim
U.S. Attorneys Office
219 S. Dearborn Street
Chicago, IL 60604
312-886-7635
Email: nicole.kim@usdoj.gov
ATTORNEY TO BE NOTICED

V.

Defendant

Robert Allegra

represented by **Colleen Mary Hurley**
Lavelle Law, Ltd.

141 W. Jackson
#2800
Chicago, IL 60604
(312) 332-7555
Email: churley@lavellelaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/20/2018	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) filed by Robert Allegra; Notice. (Exhibits). (15-cr-243). (Received for Docketing on 07/25/2018). (eaa,) (Entered: 07/25/2018)
07/20/2018	<u>2</u>	PRISONER CIVIL Cover Sheet. (Received for Docketing on 07/25/2018). (eaa,) (Entered: 07/25/2018)
07/25/2018	<u>3</u>	ATTORNEY Appearance for Plaintiff United States of America by Nicole M. Kim (Kim, Nicole) (Entered: 07/25/2018)
07/25/2018	<u>4</u>	MINUTE entry before the Honorable Elaine E. Bucklo: The government shall file its response to petitioner's Section 2255 motion <u>1</u> by 8/13/2018. Petitioner's reply brief shall be filed by 8/27/2018. Ruling before Honorable Elaine E. Bucklo on 10/10/2018 at 9:45 a.m. Mailed notice. (mgh,) (Entered: 07/25/2018)
08/13/2018	<u>5</u>	RESPONSE by United States of American Opposition to MOTION to Vacate, Set Aside or Correct Sentence (2255) filed by Robert Allegra <u>1</u> (Kim, Nicole) (Entered: 08/13/2018)
08/21/2018	<u>6</u>	ATTORNEY Appearance for Defendant Robert Allegra by Colleen Mary Hurley (Hurley, Colleen) (Entered: 08/21/2018)
08/27/2018	<u>7</u>	MOTION by Defendant Robert Allegra to set a briefing schedule <i>modification</i> (Hurley, Colleen) (Entered: 08/27/2018)
08/27/2018	<u>8</u>	NOTICE of Motion by Colleen Mary Hurley for presentment of motion by filer to set a briefing schedule <u>7</u> before Honorable Elaine E. Bucklo on 8/31/2018 at 09:30 AM. (Hurley, Colleen) (Entered: 08/27/2018)
08/29/2018	<u>9</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Defendant's unopposed motion to modify briefing and hearing schedule <u>7</u> is granted. Petitioner's reply brief to its Section 2255 motion <u>1</u> is extended and due by 9/14/2018. Ruling before Honorable Elaine E. Bucklo on 10/26/2018 at 9:30 a.m. No appearance required on 8/31/2018. Mailed notice. (mgh,) (Entered: 08/29/2018)
09/14/2018	<u>10</u>	MEMORANDUM by Robert Allegra in Opposition to motion to vacate/set aside/correct sentence (2255) <u>1</u> (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C)(Hurley, Colleen) (Linked document contains incorrect case number - Docket text modified by Clerk's Office) (Entered: 09/14/2018)

09/14/2018	<u>11</u>	NOTICE by Robert Allegra re memorandum in opposition to motion <u>10</u> <i>to Vacate, Set Aside, Or Correct Sentence</i> (Hurley, Colleen) (Entered: 09/14/2018)
09/25/2018	<u>12</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Defendant's 2255 motion to vacate and set aside sentence <u>1</u> is denied. All pending dates and motions are terminated as moot. Enter Order. Civil case terminated. Mailed notice. (mgh,) (Entered: 09/25/2018)
09/25/2018	<u>13</u>	ORDER Signed by the Honorable Elaine E. Bucklo on 9/25/2018. Mailed notice. (mgh,) (Entered: 09/25/2018)
09/25/2018	<u>14</u>	ENTERED JUDGMENT. (mgh,) (Entered: 09/25/2018)
10/08/2018	<u>15</u>	NOTICE of appeal by Robert Allegra regarding orders <u>14</u> , <u>12</u> , <u>13</u> Filing fee \$ 505, receipt number 0752-15033490. Receipt number: n (Hurley, Colleen) (Entered: 10/08/2018)
10/09/2018	<u>16</u>	NOTICE of Appeal Due letter sent to counsel of record regarding notice of appeal <u>15</u> . (eaa,) (Entered: 10/09/2018)

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

ROBERT ALLEGRA,

Petitioner,

V.

JOHN R. HEMINGWAY,

Respondent.

No. 21-11143

DECLARATION OF CYNTHIA SUYDAM

In accordance with the provisions of 28 U.S.C. § 1746, I, Cynthia Suydam, make the following unsworn declaration, under penalty of perjury, pertinent to the above-styled and numbered cause:

1. I am employed as a Legal Assistant with the Federal Bureau of Prisons (hereafter "BOP") at the Federal Correctional Institution and Federal Detention Center in Milan, Michigan (hereafter "FCI Milan" and "FDC Milan"). I have held this position since October 2014. I have been employed by the BOP in a variety of positions at FCI and FDC Milan since 1992. I am familiar with the operations of the FCI Milan and FDC Milan and in my official capacity I have access to all department staff and to the records of inmates who are designated to FCI Milan and FDC Milan. The records attached hereto are accurate copies of BOP records that are kept in the regular course of business of the BOP.

2. As part of my duties, I serve as the Clerk for the Administrative Remedy Program. I am familiar with the policies and procedures regarding the processing of Administrative Remedies filed by inmates, including Bureau of Prisons Program Statement 1330.18,

Administrative Remedy Program, and 28 C.F.R. §§ 542.10- 542.19. In my role as the Administrative Remedy Clerk, I have access to the electronic database (called SENTRY) used for tracking all administrative remedy submissions and outcomes of those submissions (rejection or response).

3. I have searched SENTRY for all administrative remedy submissions by inmate Robert Allegra (Register Number 47926-424). During his incarceration, Allegra has submitted 5 requests for administrative remedy. *See* Attachment A. These include 4 submissions related to his appeal of incident report 3465121. He also submitted one request (BP-9) to the Warden at the Federal Correctional Institution in Terre Haute Indiana (remedy 1008842-F1).

4. I obtained a copy of the remedy 1008842. *See* Attachment B. In that request, Allegra requested halfway house, home confinement, good conduct time, and time credits. A response was issued on April 7, 2020. Allegra did not appeal this to the Regional or Central Office levels.

5. I have been informed that Allegra alleges that “[o]n or about December 18, 2020, Petitioner, Robert Allegra submitted a written formal request to the BOP, in the form of a BP-9 Request for Remedy, via email and fax, requesting the BOP to apply the Earned Time Credits (ETCs) pursuant to the First Step Act of 2018, 18 U.S.C. §3632” and that the BOP has not responded. From May 14, 2020, through December 17, 2020, Allegra was serving his sentence on home confinement. On December 17, 2020, he was moved to the Metropolitan Correctional Center in Chicago, Illinois, and then moved to FCI Milan on March 16, 2021. A BP-9 (submission to a Warden or, if in community placement to the Residential Reentry Manager) cannot be emailed or faxed. There is no evidence that Allegra submitted a request for administrative remedy (or BP-9) to the proper location.

Executed this 22nd day of July, 2021.

A handwritten signature in black ink, appearing to read 'Cynthia Suydam', written over a horizontal line.

Cynthia Suydam
Legal Assistant
FCI Milan
Federal Bureau of Prisons

Attachment A

MILBO *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 07-22-2021
PAGE 001 OF 10:59:26
FUNCTION: L-P SCOPE: REG EQ 47926-424 OUTPUT FORMAT: FULL
-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----
DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____
DT STS: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT RDU
DT TDU: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT TRT
STS/REAS: _____
SUBJECTS: _____
EXTENDED: _____ REMEDY LEVEL: _____ RECEIPT: _____ "OR" EXTENSION: _____
RCV OFC : EQ _____
TRACK: DEPT: _____
PERSON: _____
TYPE: _____
EVNT FACL: EQ _____
RCV FACL.: EQ _____
RCV UN/LC: EQ _____
RCV QTR.: EQ _____
ORIG FACL: EQ _____
ORG UN/LC: EQ _____
ORIG QTR.: EQ _____

MILBO *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 07-22-2021
PAGE 002 OF * FULL SCREEN FORMAT * 10:59:26

REGNO: 47926-424 NAME: ALLEGRA, ROBERT
RSP OF...: MIL UNT/LOC/DST: F UNIT QTR.: F15-021L RCV OFC: THA
REMEDY ID: 1008842-F1 SUB1: 31ZM SUB2: DATE RCV: 02-07-2020
UNT RCV...:CAMP QTR RCV.: S01-009L FACL RCV: THA
UNT ORG...:CAMP QTR ORG.: S01-009L FACL ORG: THA
EVT FACL.: THA ACC LEV: THA 1 RESP DUE: THU 02-27-2020
ABSTRACT.: WANTS REL DATE UPDATED TO REFLECT FSA CREDITS
STATUS DT: 04-07-2020 STATUS CODE: CLO STATUS REASON: XPL
INCRPTNO.: RCT: P EXT: DATE ENTD: 03-03-2020
REMARKS...:

REGNO: 47926-424 NAME: ALLEGRA, ROBERT
RSP OF...: MIL UNT/LOC/DST: F UNIT QTR.: F15-021L RCV OFC: NCR
REMEDY ID: 1065282-R1 SUB1: 20AM SUB2: DATE RCV: 01-19-2021
UNT RCV...:JAIL SENT QTR RCV.: H03-004L FACL RCV: CCC
UNT ORG...:JAIL SENT QTR ORG.: H03-004L FACL ORG: CCC
EVT FACL.: CCC ACC LEV: NCR 2 BOP 1 RESP DUE:
ABSTRACT.: DHO APPEAL
STATUS DT: 01-19-2021 STATUS CODE: REJ STATUS REASON: ONE OTH RSR
INCRPTNO.: 3465121 RCT: EXT: DATE ENTD: 01-19-2021
REMARKS...: RETURN WITH REJECTION NOTICE

G0002 MORE PAGES TO FOLLOW . . .

MILBO *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 07-22-2021
PAGE 003 OF * FULL SCREEN FORMAT * 10:59:26

REGNO: 47926-424 NAME: ALLEGRA, ROBERT
RSP OF...: MIL UNT/LOC/DST: F UNIT QTR.: F15-021L RCV OFC: NCR
REMEDY ID: 1065282-R2 SUB1: 20AM SUB2: DATE RCV: 02-12-2021
UNT RCV...:JAIL SENT QTR RCV.: H03-004L FACL RCV: CCC
UNT ORG...:JAIL SENT QTR ORG.: H03-004L FACL ORG: CCC
EVT FACL.: CCC ACC LEV: NCR 2 BOP 1 RESP DUE: TUE 04-13-2021
ABSTRACT.: DHO APPEAL
STATUS DT: 02-24-2021 STATUS CODE: CLO STATUS REASON: XPL
INCRPTNO.: 3465121 RCT: P EXT: P DATE ENTD: 02-12-2021
REMARKS...:

REGNO: 47926-424 NAME: ALLEGRA, ROBERT
RSP OF...: MIL UNT/LOC/DST: F UNIT QTR.: F15-021L RCV OFC: BOP
REMEDY ID: 1065282-A1 SUB1: 20AM SUB2: DATE RCV: 04-12-2021
UNT RCV...:F UNIT QTR RCV.: F15-021L FACL RCV: MIL
UNT ORG...:JAIL SENT QTR ORG.: H03-004L FACL ORG: CCC
EVT FACL.: CCC ACC LEV: NCR 2 BOP 1 RESP DUE: FRI 06-11-2021
ABSTRACT.: DHO APPEAL 12/17/2020, CODE 200
STATUS DT: 06-02-2021 STATUS CODE: CLO STATUS REASON: XPL
INCRPTNO.: 3465121 RCT: P EXT: P DATE ENTD: 04-26-2021
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

MILBO *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 07-22-2021
PAGE 004 OF 004 * FULL SCREEN FORMAT * 10:59:26

REGNO: 47926-424 NAME: ALLEGRA, ROBERT
RSP OF...: MIL UNT/LOC/DST: F UNIT QTR.: F15-021L RCV OFC: NCR
REMEDY ID: 1087962-R1 SUB1: 20AM SUB2: DATE RCV: 07-15-2021
UNT RCV...: F UNIT QTR RCV.: F15-021L FACL RCV: MIL
UNT ORG...: F UNIT QTR ORG.: F15-021L FACL ORG: MIL
EVT FACL.: MIL ACC LEV: NCR 1 RESP DUE: MON 09-13-2021
ABSTRACT.: DHO APPEAL
STATUS DT: 07-21-2021 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: 3465121 RCT: P EXT: P DATE ENTD: 07-15-2021
REMARKS...:

G0000 5 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

Attachment B

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: ALLEGRA, Robert V. 47926-424 SOI THA
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST To be given the full (12) months of Community Corrections Placement pursuant to "the Second Chance Act" up to 12 months, Halfway House to be followed up by (6) six months of Home Confinement and given all credits for good Time in accordance with the "First Step Act" effective December 21st 2018. Specifically Section 3632(d)(4)(A)(i) which states: "A prisoner shall earn 10 or 15 days of time credit for every 30 days of successful participation of evidence based recidivism reduction programming or productive activities". According to FSA Section 3635(3)(C)(xi) the prison jobs I have had my entire stay qualify as programming along with other programming that is listed in my B.O.P. file. (See Attached sheet and Exhibit I & II)


02-07-2020

DATE

Robert V. Allegra

SIGNATURE OF REQUESTER

Part B- RESPONSE

Rec'd
02-07-2020
TJ


DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 1006842 F1

CASE NUMBER:

Part C- RECEIPT

Return to: ALLEGRA, Robert V. 47926-424 SOI THA
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION
SUBJECT: Request for all credits for my time under "FSA" & "The Second Chance Act"

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

BP-229(13)
APRIL 1982

Warden Lammer & Watson,

Robert Allegra inmate #47926-424 is requesting at this time a calculation to arrive with an outdate that would give me the maximum time allowed based on the "First Step Act" and "The Second Chance Act" of 2007 (and reauthorized in 2018) states that the B.O.P. shall ensure that a prisoner, if eligible, will spend a portion of their final months of his incarceration term in a CCC in order to afford the inmate an opportunity to adjust and reintegrate back into society.

The Second Chance Act clarifies the statute governing federal CCC placement prior to release, and ensures consideration of longer placements. The Act requires the B.O.P. to ensure the maximum available placement of up to 12 months Community Corrections placement instead of the previous, maximum of 6 months. The Act further states that an Inmate MUST be individually assessed for the appropriateness and the length of pre-release placement using the five factors from 18 USC 3621 (b)

- 1) Resources of the facility contemplated;
- 2) Nature and circumstances of the offense;
- 3) History and characteristics of the prisoner;
- 4) Any statements imposed by the Court recommending CCC placement or Home Confinement;
- 5) Any personal policy statement issued by the U.S. Sentencing Commission.

I am aware that the decision for extended CCC placement is based on several factors, one of which determines that any placement is of sufficient duration to provide the greatest likelihood of reintegration back into society. Furthermore, in a memorandum dated June 24th, 2010, from D. Scott Dodrill, assistant Director of the Correctional programs Division in the South Central Regional Offices; stated that: "the CCC resources must be focused on those inmates likely to benefit from those resources available."

I will be such a person based on a true assessment. I meet the requirements for the extended CCC Placement based on the following facts which have contributed to my successful adaptability during my incarceration.

- 1) Never been convicted of a Federal or State sex offense;
- 2) No escape or attempted escape from a B.O.P. institution;
- 3) No Knowledge of any risk factor for engaging in criminal conduct or endangering any person or the general public upon release to CCC;
- 4) Never received an incident report which would hinder CCC Placement;
- 5) I have made and continue to make satisfactory progress toward all required unit team recommendations for course and programming. As of date I have attained over 30+ certificates for either classes or participation that have credited me towards my programming credits. I have continued to hold a full time job during the course of my incarceration and all this can be verified by viewing my B.O.P. folder.
- 6) No Public Safety factors (PSF) or detainees.

In addition, Mr. Dodrill's memorandum listed several general concepts for the unit team member to use in consideration of CCC final decision placement. Since the decision making authority for CCC placement rests at the institutional level I am requesting the 12 months at this time.

I should be afforded the maximum allowed in CCC or direct placement to Home Confinement due to the following factors:

- 1) Successful completion of all mandatory academic requirements, programming opportunities as required by the B.O.P.;
- 2) My need to reestablish community support systems, especially at the age of 65 years of age.
- 3) A minor child at home who is 11 years old
- 4) Re-Establish the Father-Son bond.
- 5) 95 year old Mother that I was the primary care taker.
- 6) Re-establish business
- 7) No Disciplinary reports during my incarceration.
- 8) I need the 12 months of CCC so I can assimilate back into society as a law-abiding citizen.

Therefore; I am a perfect candidate for the maximum allowable CCC Placement (12 month) in order to prove I am to rebuild my life career, and build trust in society. CCC placement via the Second Chance Act has provided this exactly for the kind of inmate I am.

Not only have I spelled out all the reasons that I qualify for the 12 months CCC time along with Good Time Credits of 9.8 months, Earned Credits from the First Step Act of an additional 6 1/2 months and Home Confinement of 6 months, which is 10% of my sentence or 6 months whichever is less. This has already been shown to be the way the "First Step Act" & "The Second Chance Act" was written to help the inmates that can use this Law to help promote all the reasons that I have shown. This is not my interpretation but the law passed down by the Courts and has been given to inmates on a regular basis at many facilities.

Exhibit I

Statutory Provisions & B.O.P. Policy Statements:

Statutory Provisions:

Section 3624(C) of Title 18 of the United States Code provides:

"The Bureau of prisons shall to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed (12) twelve month, of the last ten percent of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust and prepare for the prisoner to reentry into the community. The authority provided by this subsection may be used to place a prisoner in Home Confinement..."

Section 3621(b) of Title 18 of the United States Code Provides:

"The Bureau of prisons shall designate the place of the prisoners imprisonment. The bureau may designate any available penal correctional facility...the Bureau determines to be appropriate and suitable. A CCC meets the definition of a penal correctional facility".

As such, the Bureau of Prisons has the authority and ability to place me in (12) twelve months of halfway House and (6) six months Home Confinement.

Community Corrections Manual-Program 7300.09

It is the purpose and scope of the B.O.P. to operate community based corrections for offenders who are reintegrating into community and require more supervision than traditional probation or parole. The Community Corrections objectives include, but not limited to:

- 1) A variety of community based correctional sources and programs will be available.
- 2) Eligible inmates in Community programs will have opportunities for work experience to develop positive skills, knowledge, and work habits.
- 3) Inmates will be able to participate in specialized community programs such as drug, alcohol and mental health counseling and services.
- 4) Positive relationships, family values and mental support and nurturing will be permitted and reinforced among inmates, their spouses and their children.
- 5) Eligible inmates will have the opportunity to develop and maintain supportive and nurturing relationships with their families through participation in their Religious Communities.

FBOP Policy Statement 5100.5:

Furthermore, it is the Policy of the B.O.P. to place individual in the least restrictive environment for which he or she qualifies within reasonable proximity to their release residence.

Exhibit II

United States District Court for the District of Hawaii CR 06-00469 LEK (D. Haw. Mar. 15, 2017)

United States V. Qadri

Exhibit II

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII
CR 06-00469 LEK (D. Haw. Mar. 15, 2017)

UNITED STATES V. QADRI

Leslie E. Kobayashi United States District Judge

ORDER GRANTING DEFENDANT'S MOTION REQUESTING A JUDICIAL RECOMMENDATION CONCERNING LENGTH OF RRC/HALFWAY HOUSE OR HOME CONFINEMENT PLACEMENT

On February 13, 2017, pro se Defendant Syed Qadri ("Defendant") filed his Motion Requesting a Judicial Recommendation Concerning Length of RRC/Halfway House or Home Confinement Placement ("Motion"), in which he seeks a judicial recommendation to the Federal Bureau of Prisons ("BOP") for placement in a halfway house or home confinement for twelve months preceding his release from confinement. [Dkt. no. 760.] On March 13, 2017, Plaintiff the United States of America ("the Government") filed its Statement of No Objection. [Dkt. no. 762.] The Court finds the Motion suitable for disposition without a hearing pursuant to Rule LR7.2(d) of the Local Rules of Practice of the United States District Court for the District of Hawai'i ("Local Rules").

For the reasons set forth more fully below and based upon the memoranda submitted, the pleadings and filings herein, and the applicable law, the Court HEREBY GRANTS the Motion and RECOMMENDS Defendant's placement for: 1) the maximum time permitted (which is twelve months) in community confinement (such as a halfway house); or 2) six months of community confinement

(such as a halfway house) and the maximum time permitted (which is six months) of home confinement preceding Defendant's final months of confinement pursuant to his fifty-one month sentence of imprisonment.

BACKGROUND

In brief, the background of this case is as follows: Defendant was indicted on August 31, 2006. [Dkt. no. 1.] He was arraigned on September 1, 2006, and later pled guilty pursuant to a memorandum of plea agreement. [Dkt. nos. 16, 546, 549.] His guilty plea was accepted on January 26, 2012. [Dkt. no. 566.] On September 13, 2012, his plea agreement was accepted, and he was sentenced on Count 4 of the Second Superseding Indictment. [Dkt. no. 625.] He was sentenced to a term of imprisonment of fifty one months, followed by a term of supervised release of two years. [Dkt. no. 641.] Defendant, pursuant to the plea agreement, appealed the denial of his motion to dismiss based upon the Speedy Trial Act. The notice of appeal was filed on October 10, 2012, and the Ninth Circuit Court of Appeals affirmed the ruling on March 14, 2014. [Dkt. nos. 654, 702.] *

During the pendency of the appeal, Defendant was permitted to remain, on bond, in the community. [Dkt. no. 649.] Defendant is now serving his term of imprisonment, and his current projected release date is November 15, 2018. [Motion at 2.]

DISCUSSION

Once Defendant was sentenced to the fifty-one month term of imprisonment, he was committed to BOP's custody until the expiration of that term. See 18 U.S.C. § 3621(a) (/statute/18-usc-3621-imprisonment-of-a-convicted-person). BOP has the authority to transfer an inmate to any penal or correctional facility at any time. § 3621(b). As to placement in community correctional facilities (such as a halfway house), the law provides:

(c) Prerelease custody. -

(1) In general. - The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

(2) Home confinement authority. - The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

18 U.S.C. § 3624(c) (/statute/18-usc-3624-release-of-a-prisoner). *4

To the extent that BOP is mandated to consider "any statement by the court that imposed the sentence . . . recommending a type of penal or correctional facility as appropriate" in designating Defendant's placement of imprisonment, see § 3621(b)(4)(B), the Court HEREBY RECOMMENDS to BOP that it designate and place Defendant in a community correctional facility (such as a halfway house) for the maximum time permitted (which is twelve months) of his final months of his fifty-one month term of imprisonment; or in a community correctional facility (such as a halfway house) for six months and in home confinement for the maximum time permitted (which is six months) for a total of twelve months of his final months of his fifty-one month term of imprisonment.

The Court's recommendation is based on Defendant's good conduct and compliance with release conditions during his pretrial release from 2006 to 2012, and during his release pending appeal from 2012 to 2014. Further, Defendant has no prior criminal history. The Court commends Defendant on his efforts in rehabilitating himself, such as taking classes while incarcerated, and FINDS that his request is both credible and motivated by a desire to reintegrate into our society as a positively contributing and law-abiding member. *5

CONCLUSION

For the foregoing reasons, Defendant's Motion Requesting a Judicial Recommendation Concerning
Contact (mailto:contact@casetext.com) Features (/features) Pricing (/pricing) (https://twitter.com/casetext)
Long (https://www.youtube.com/watch?v=...) House or Home Confinement Placement, filed February 13, 2017, is
Press (/about#press). Students (/students)
HEREBY GRANTED. (https://www.facebook.com/casetext)

© 2017 Casetext.
IT IS SO ORDERED.

Casetext, Inc. and Casetext are not attorneys or a law firm and do not provide legal advice.

DATED AT HONOLULU, HAWAII, March 15, 2017.

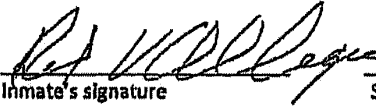
/s/ Leslie E. Kobayashi

Leslie E. Kobayashi

United States District Judge

Attachment A

FCC Terre Haute
BP-8 - Informal Resolution

NAME	NUMBER	UNIT
ALLEGRA, Robert	47926-424	SO I
<p>Notice to Inmate: Be advised, ordinarily, prior to filing a Request for Administrative Remedy, BP-229 (13), you should attempt to informally resolve your complaint through your Correctional Counselor. Please refer to P.S. 1330.18, <u>Administrative Remedy Program</u> and the FCC Terre Haute Institutional Supplement thereto (both available via the Law Library).</p>		
<p>1. Briefly state inmate's complaint (One complaint/issue per Form):</p> <p>I would like to be calculated for an out date using all available credits per the "First Step Act"</p>		
<p>2. Requested Resolution: To be calculated using my good time, plus maximum earned credit time, plus maximum halfway house time, plus maximum home confinement time. (See Attached Sheet)</p>		
Inmate Signature:		
Staff Printed Name/Signature/Date:		
Dept Assigned for Response:	Unit team	Due Date: 2-7-20
<p>3. Staff Response:</p> <p>Sentences & out dates are calculated @ Grand Prairie, Tx, not FCC Terre Haute.</p>		
<p>Section 4: <input type="checkbox"/> Informally Resolved/Complaint Withdrawn <input type="checkbox"/> No Informal Resolution/Progress to BP-9</p>		
Inmate's signature	Staff Printed Name/Signature	Date
	T. Jensen	2-1-20

This is in accordance with "First Step Act" effective December 21st 2018. Specifically Section 3632(d)(4)(A)(i) which states "A prisoner shall earn 10 or 15 days of time credit for every 30 days of successful participation of evidence based Recidivism Reduction programming or productive activities." According to FSA Section 3635(3)(c)(xi) the prison jobs I have had my entire stay qualify as programming along with other programming that is listed in my file.

Remedy No.: 1008842-F1

FCC Terre Haute, IN

PART B - RESPONSE


This is in response to your Administrative Remedy receipted February 7, 2020, in which you allege you would like to be calculated for an out date using all available credits per the First Step Act. For relief, you request to be calculated using your good time, maximum earned credit time, maximum halfway house time, and maximum home confinement time.

A review of your request reveals Residential Reentry Center and Direct Home Confinement are reviewed on an individual basis. Your unit team will make a recommendation and it will be given to the Warden for final review. Ultimately, the Residential Reentry Manager will determine your placement date and location. Every inmate is reviewed for the First Step and Second Chance Acts; however, this is not a guarantee of maximum time or your desired placement location.

Therefore, this response to your Request for Administrative Remedy is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the Regional Director, North Central Regional Office, Federal Bureau of Prisons, 400 State Avenue, Suite 800, Kansas City, Kansas 66101. Your appeal must be received within 20 calendar days of the date of this response.

4/07/20
Date


B. Lammer, Warden

FILED *SG*

4-29-15
APR 29 2015

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

) Case No.

15CR 243

v.

) Violation: 21 U.S.C. § 846

JUDGE BUCKLO

) INDICTMENT

MAGISTRATE JUDGE BROWN

ROBERT ALLEGRA

)

COUNT ONE

The SPECIAL SEPTEMBER 2014 GRAND JURY charges:

Beginning on or about March 20, 2015, and continuing until on or about March 25, 2015, at Aurora, in the Northern District of Illinois, Eastern Division, and elsewhere,

ROBERT ALLEGRA,

defendant herein, did attempt to knowingly and intentionally possess with intent to distribute a controlled substance, namely, five kilograms or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance;

In violation of Title 21, United States Code, Section 846.

FORFEITURE ALLEGATION

The SPECIAL SEPTEMBER 2014 GRAND JURY alleges:

1. Upon conviction of the offense in violation of Title 21, United States Code, Section 846, as set forth in this Indictment, defendant shall forfeit to the United States of America any property which constitutes and is derived from proceeds obtained, directly and indirectly, as a result of the offenses; and any property used, and intended to be used, in any manner and part, to commit and facilitate commission of the offenses, as provided in Title 21, United States Code, Sections 853(a).

2. The property to be forfeited includes, but is not limited to: (a) \$30,000 in United States currency; and (b) a black Bentley Continental convertible vehicle, VIN SCBGT3ZA0EC089032.

3. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, as provided in Title 21, United States Code, Section 853(p).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY

BROWN,PROTO,TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6.3.3 (Chicago)
CRIMINAL DOCKET FOR CASE #: 1:15-cr-00243-1

Case title: USA v. Allegra

Date Filed: 04/29/2015

Date Terminated: 08/18/2017

Assigned to: Honorable Elaine E.
Bucklo

Defendant (1)

Robert Allegra

TERMINATED: 08/18/2017

represented by **Andrea Elizabeth Gambino**

Law Offices of Andrea E. Gambino
53 West Jackson Boulevard
Suite 1332
Chicago, IL 60604
(312)322-0014
Email: agambinolaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Edward Marvin Genson

Edward M. Genson
53 West Jackson Boulevard
Suite 1410
Chicago, IL 60604
(312) 726-9015
Email: edwardmgenson@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Jeffrey Bruce Steinback

Jeffrey N. Steinback, LLC
8351 Snaresbrook Rd
Roscoe, IL 61073
(847)624-9600
Email: jbsteinbacklaw@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lisa Lundell Wood

Lisa Wood Law, LLC

53 W. Jackson Blvd
Suite 1424
Chicago, IL 60604
(872) 888-7089
Email: lisa@lisawoodlaw.com
TERMINATED: 09/30/2019
LEAD ATTORNEY
Designation: CJA Appointment

Ralph E. Meczyk
Ralph E. Meczyk & Associates
33 N. Deaborn
Suite 1830
Chicago, IL 60602
(312) 332-2853
Email: rmeczyk@meczyklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Blaire C Dalton
53 W. Jackson Blvd.
Ste. 1550
Chicago, IL 60604
(847) 373-4750
Email: blairec.dalton@gmail.com
ATTORNEY TO BE NOTICED
Designation: Retained

Carolyn Pelling Gurland
White & Case, LLC
111 S. Wacker Drive
Suite 5100
Chicago, IL 60606
(312) 881-5405
Email: cgurland@comcast.net
ATTORNEY TO BE NOTICED
Designation: Retained

Colleen Mary Hurley
Lavelle Law, Ltd.
141 W. Jackson
#2800
Chicago, IL 60604
(312) 332-7555
Email: churley@lavellelaw.com
TERMINATED: 01/18/2019
Designation: Retained

Vadim A. Glozman
Vadim A. Glozman Ltd.
53 W. Jackson Blvd, Suite 1410
Chicago, IL 60604
(312) 726-9015
Email: vg@glozmanlaw.com
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

CONSPIRACY TO DISTRIBUTE
CONTROLLED SUBSTANCE
(1)

Disposition

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of Sixty Five (65) months on Count 1 (one) of the Indictment. The defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of Three (3) years on Count 1 of the Indictment. The defendant shall pay a fine of \$500,000. Schedule of payments.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **AUSA - Chicago**
United States Attorney's Office (NDIL - Chicago)
219 South Dearborn Street
Chicago, IL 60604
Email: USAILN.ECFAUSA@usdoj.gov

ATTORNEY TO BE NOTICED

Designation: Assistant US Attorney

Pretrial Services

(312) 435-5793

Email:

ilnptdb_Court_Action_Notice@ilnpt.uscourts.gov

ATTORNEY TO BE NOTICED

Designation: Pretrial Services

Probation Department

408-5197

Email: Intake_Docket_ILNP@ilnp.uscourts.gov

ATTORNEY TO BE NOTICED

Designation: Probation Department

Beth A. Clukey

219 South Dearborn Street

Suite 500

Chicago, IL 60604

312-886-1325

Email: beth.clukey@usdoj.gov

ATTORNEY TO BE NOTICED

Designation: Assistant US Attorney

Joseph A. Stewart

United States Attorney's Office (NDIL - Chicago)

219 South Dearborn Street

Chicago, IL 60604

(312) 469-6008

Email: joseph.stewart@usdoj.gov

ATTORNEY TO BE NOTICED

Designation: Assistant US Attorney

Nicole M. Kim

U.S. Attorneys Office

219 S. Dearborn Street

Chicago, IL 60604

312-886-7635

Email: nicole.kim@usdoj.gov

ATTORNEY TO BE NOTICED

Designation: Assistant US Attorney

Patrick Mark Otlewski

King & Spalding LLP

353 N. Clark

12th Floor

Chicago, IL 60654
 312-995-6333
 Email: potlewski@kslaw.com
 TERMINATED: 12/13/2017
 Designation: Assistant US Attorney

Date Filed	#	Docket Text
04/29/2015	<u>1</u>	INDICTMENT as to Robert Allegra (1) count(s) 1. (ym,) (Entered: 04/30/2015)
04/29/2015	<u>3</u>	DESIGNATION Sheet: FELONY (Category 3). (ym,) (Entered: 04/30/2015)
04/29/2015	<u>4</u>	MINUTE entry before the Honorable Mary M. Rowland as to Robert Allegra: To set preliminary bail at \$250,000.00 (Secured). (ym,) (Entered: 04/30/2015)
04/30/2015	<u>5</u>	ATTORNEY Appearance for defendant Robert Allegra by Edward Marvin Genson (Genson, Edward) (Entered: 04/30/2015)
04/30/2015	<u>6</u>	ATTORNEY Appearance for defendant Robert Allegra by Vadim A. Glozman (Glozman, Vadim) (Entered: 04/30/2015)
04/30/2015	<u>7</u>	NOTICE of Arraignment as to Robert Allegra before Honorable Geraldine Soat Brown on 5/7/2015 at 09:30 AM. (ym,) (Entered: 04/30/2015)
05/07/2015	<u>8</u>	PRETRIAL Bail Report as to Robert Allegra (SEALED) (va) (Entered: 05/07/2015)
05/07/2015		SELF Surrender of defendant Robert Allegra. (ym,) (Entered: 05/08/2015)
05/07/2015		ORAL MOTION by USA to exclude time until the next status hearing as to Robert Allegra. (ym,) (Entered: 05/08/2015)
05/07/2015	<u>9</u>	ORDER as to Robert Allegra: Initial appearance proceedings held. Defendant self-surrenders. Edward Marvin Genson appears as retained counsel on behalf of defendant Robert Allegra. Defendant informed of his rights and the charges against him. Arraignment proceedings held. Defendant waives formal reading of the Indictment. Defendant enters plea of not guilty to all counts in the Indictment. Rule 16.l(A) conference to be held by 05/14/15. Pretrial motions shall be filed by 05/26/15. Responses to pretrial motions shall be filed by 06/05/15. Status hearing before Judge Bucklo is set for 05/29/15 at 10:00 a.m. Government moves to exclude time. Government and defendant agree that the time until the status hearing before District Judge Bucklo shall be excluded pursuant to 18 U.S.C. 316I (h)(7)(A). The government's oral motion to exclude time until that status hearing is granted. The court finds, based on the agreement of the government and defendant and for the reasons stated on the record, that the ends of justice served by excluding time outweigh the best interests of the public and the defendant in a speedy trial. Bloate v. U.S., 559 U.S. 196 (2010); U.S. v. O'Connor, 656 F.3d 630, (7th Cir. 2011). (X-T.) Government and defendant agree on certain conditions of release. Defendant to be released on a \$250,000.00 secured bond. Said bond to be secured by the property located at Hinsdale, IL and owned by Lisa Allegra. Lisa Allegra is advised in open court of the risks in the event of defendant's failure to appear

		as required or surrender to serve any sentence imposed. Enter Order Setting Conditions of Release. Defendant shall be released after processing. Signed by the Honorable Geraldine Soat Brown on 5/7/2015. (ym,) (Entered: 05/08/2015)
05/07/2015	<u>10</u>	ORDER Setting Conditions of Release as to Robert Allegra in amount of \$ 250,000, Secured Signed by the Honorable Geraldine Soat Brown on 5/7/2015. (ym,) (Entered: 05/08/2015)
05/07/2015	<u>11</u>	APPEARANCE Bond as to Robert Allegra in the amount of \$ 250,000, Receipt # 4624139782. (ym,) (Entered: 05/08/2015)
05/07/2015	<u>12</u>	FORFEITURE AGREEMENT as to Robert Allegra. (ym,) (Entered: 05/11/2015)
05/12/2015	<u>13</u>	MOTION by USA for protective order as to Robert Allegra <i>Governing Discovery</i> (Attachments: # <u>1</u> Exhibit Proposed Protective Order)(Otlewski, Patrick) (Entered: 05/12/2015)
05/12/2015	<u>14</u>	NOTICE of Motion by Patrick Mark Otlewski for presentment of motion for protective order <u>13</u> before Honorable Elaine E. Bucklo on 5/29/2015 at 10:00 AM. (Otlewski, Patrick) (Entered: 05/12/2015)
05/18/2015	<u>15</u>	ATTORNEY Appearance for defendant Robert Allegra by Blaire C Dalton (Dalton, Blaire) (Entered: 05/18/2015)
05/28/2015	<u>16</u>	MOTION by Robert Allegra to modify conditions of release <i>to allow travel</i> (Glozman, Vadim) (Entered: 05/28/2015)
05/28/2015	<u>17</u>	NOTICE of Motion by Vadim A. Glozman for presentment of motion to modify conditions of release <u>16</u> before Honorable Elaine E. Bucklo on 5/29/2015 at 10:00 AM. (Glozman, Vadim) (Entered: 05/28/2015)
05/29/2015	<u>18</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Status hearing held on 5/29/2015 and continued to 7/2/2015 at 10:00 AM. The Courts the interest of justice would best be served by excluding from 5/29/2015 to and including 7/2/2015 pursuant to 18:3161(h)(7)(A)(B). Mailed notice (jdh) (Entered: 05/29/2015)
05/29/2015	<u>19</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra (1). Government's Motion for protective order <u>13</u> is granted. Enter Protective Order. Defendant's Motion to modify conditions of release <u>16</u> is withdrawn in open court. Mailed notice (jdh) (Entered: 05/29/2015)
05/29/2015	<u>20</u>	Enter PROTECTIVE Order governing discovery as to Robert Allegra Signed by the Honorable Elaine E. Bucklo on 5/29/2015. Mailed notice (jdh) (Entered: 05/29/2015)
06/30/2015	<u>21</u>	MOTION by Robert Allegra early return of trial subpoenas (Genson, Edward) (Entered: 06/30/2015)
06/30/2015	<u>22</u>	MOTION by Robert Allegra to produce <i>discovery pursuant to FRE 608(b)</i> (Genson, Edward) (Entered: 06/30/2015)
06/30/2015	<u>23</u>	

		MOTION by Robert Allegra to produce <i>Brady/Giglio, 3500, and 404(b) materials 30 days before trial</i> (Genson, Edward) (Entered: 06/30/2015)
06/30/2015	<u>24</u>	MOTION by Robert Allegra to suppress <i>statement</i> (Genson, Edward) (Entered: 06/30/2015)
07/02/2015	<u>25</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra (1). Status hearing held on 7/2/2015. Defendant's appearance is waived. Defendant's Motion to suppress <u>24</u> is taken under advisement. Government to respond by 7/23/2015. Defendant to reply by 8/6/2015. Status hearing and defendant's motion for early return of trial subpoenas <u>21</u> , motion to produce discovery pursuant to FRE 608(b) <u>22</u> and motion to produce Brady/Giglio, 3500 and 404(b) materials 30 days before trial are continued to 8/12/2015 at 10:00 AM. The Courts the interest of justice would best be served by excluding from 7/2/2015 to and including 8/12/2015 pursuant to 18:3161(h)(7)(A)(B). Mailed notice (jdh) (Entered: 07/06/2015)
07/23/2015	<u>26</u>	RESPONSE by USA as to Robert Allegra regarding MOTION by Robert Allegra to produce <i>discovery pursuant to FRE 608(b) 22</i> , MOTION by Robert Allegra early return of trial subpoenas <u>21</u> , MOTION by Robert Allegra to produce <i>Brady/Giglio, 3500, and 404(b) materials 30 days before trial 23</i> (Otlewski, Patrick) (Entered: 07/23/2015)
07/23/2015	<u>27</u>	RESPONSE by USA as to Robert Allegra regarding MOTION by Robert Allegra to suppress <i>statement 24</i> (Attachments: # <u>1</u> Exhibit Signed Miranda Waiver)(Otlewski, Patrick) (Entered: 07/23/2015)
08/06/2015	<u>28</u>	REPLY by Robert Allegra to response to motion <u>27</u> <i>to suppress statements</i> (Glozman, Vadim) (Entered: 08/06/2015)
08/12/2015	<u>29</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Status hearing held on 8/12/2015 and continued to 9/18/2015 at 10:00 AM. Government to submit a copy of complete DVD and transcript to the Court by 8/28/2015. Excludable delay from 8/12/2015 to and including 9/18/2015 pursuant to 18:3161(h)(7)(A)(B) to continue. Mailed notice (jdh) (Entered: 08/13/2015)
09/10/2015	<u>30</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Status hearing reset from 9/18/2015 to 9/17/2015 at 10:15 AM. Mailed notice (jdh) (Entered: 09/10/2015)
09/17/2015	<u>31</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Status hearing held on 9/17/2015. Defendant to file any challenges to the DVD by 11/6/2015. Ruling set for 11/20/2015 at 10:15 AM. Excludable delay from 9/17/2015 to and including 11/20/2015 pursuant to 18:3161(h)(7)(A)(B) to continue. Mailed notice (jdh) (Entered: 09/21/2015)
09/23/2015	<u>32</u>	MOTION by USA Interlocutory Sale of Vehicle Subject to Forfeiture as to Robert Allegra (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Otlewski, Patrick) (Entered: 09/23/2015)
09/23/2015	<u>33</u>	

		NOTICE of Motion by Patrick Mark Otlewski for presentment of motion for miscellaneous relief <u>32</u> before Honorable Elaine E. Bucklo on 9/29/2015 at 09:30 AM. (Otlewski, Patrick) (Entered: 09/23/2015)
09/23/2015	<u>34</u>	MOTION by USA to revoke as to Robert Allegra (Otlewski, Patrick) (Entered: 09/23/2015)
09/23/2015	<u>35</u>	NOTICE of Motion by Patrick Mark Otlewski for presentment of motion to revoke <u>34</u> before Honorable Elaine E. Bucklo on 9/29/2015 at 09:30 AM. (Otlewski, Patrick) (Entered: 09/23/2015)
09/25/2015	<u>36</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra (1). Hearing on Government's Motion for protective order and interlocutory sale of vehicle subject to forfeiture <u>32</u> and Government's Motion to revoke defendant's bond and forfeit bond <u>34</u> are continued to 10/6/2015 at 10:30 AM. No appearance is required on 9/29/2015. Mailed notice (jdh) (Entered: 09/25/2015)
10/02/2015	<u>37</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. The time for the hearing on Government's Motion for protective order and interlocutory sale of vehicle subject to forfeiture <u>32</u> and Government's Motion to revoke defendant's bond and forfeit bond <u>34</u> set for 10/6/2015 are reset to 9:30 AM. Mailed notice (jdh) (Entered: 10/02/2015)
10/06/2015	<u>38</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Motion hearing held on 10/6/2015. Defendant to respond to Government's Motion for protective order and interlocutory sale of vehicle subject to forfeiture <u>32</u> by 10/13/2015. Defendant to reply by 10/20/2015. Hearing on Government's Motion to revoke defendant's bond and forfeit bond <u>34</u> continued to 10/13/2015 at 10:00 AM. Mailed notice (jdh) (Entered: 10/06/2015)
10/13/2015	<u>39</u>	RESPONSE by Robert Allegra regarding MOTION by USA Interlocutory Sale of Vehicle Subject to Forfeiture as to Robert Allegra <u>32</u> (Attachments: # <u>1</u> Exhibit Exhibit)(Glozman, Vadim) (Entered: 10/13/2015)
10/13/2015	<u>40</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra (1). Motion hearing held on 10/13/2015 regarding motion to revoke <u>34</u> . Defendant's Motion to revoke and forfeit bond <u>34</u> is withdrawn by agreement in open court. Defendant admonished as to following the conditions of bond. Mailed notice (jdh) (Entered: 10/13/2015)
10/23/2015	<u>41</u>	ATTORNEY Appearance for defendant Robert Allegra by Ralph E. Meczyk (Meczyk, Ralph) (Entered: 10/23/2015)
11/19/2015	<u>42</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra (1). Defendant's Motion to suppress <u>24</u> is granted. Enter Memorandum Opinion and Order. Mailed notice (jdh) (Entered: 11/19/2015)
11/19/2015	<u>43</u>	Enter MEMORANDUM Opinion and Order as to Robert Allegra Signed by the Honorable Elaine E. Bucklo on 11/19/2015. Mailed notice (jdh) (Entered: 11/19/2015)
11/20/2015	<u>44</u>	

		MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Motion hearing held on 11/20/2015. Status hearing set for 12/8/2015 at 9:30 AM. Jury Trial set for 7/25/2016 at 9:3 AM. Excludable delay from 11/20/2015 to and including 7/25/2016 pursuant to 18:3161(h)(7)(A)(B) to continue. Mailed notice (jdh) (Entered: 12/01/2015)
12/08/2015	<u>45</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Status hearing held on 12/8/2015 and continued to 12/17/2015 at 9:30 AM. Defendant to tender the vehicle valuation estimate to the government and the Court by 12/11/2015. Mailed notice (jdh) (Entered: 12/08/2015)
12/11/2015	<u>46</u>	RESPONSE by Robert Allegra regarding MOTION by USA Interlocutory Sale of Vehicle Subject to Forfeiture as to Robert Allegra <u>32</u> <i>Supplemental</i> (Attachments: # <u>1</u> Exhibit A)(Meczyk, Ralph) (Entered: 12/11/2015)
12/16/2015	<u>47</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Status hearing reset to 12/18/2015 at 10:00 AM. Mailed notice (jdh) (Entered: 12/16/2015)
12/18/2015	<u>48</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra (1). Status hearing held on 12/18/2015 and continued to 5/13/2016 at 10:00 AM. Government's Motion for interlocutory sale of vehicle subject to forfeiture <u>32</u> is withdrawn in open court. Government's 404b motion and any substantive motions to be filed by 6/27/2016. Agreed statement of the case, proposed voir dire, agreed jury instructions, motions in limine, witness and exhibit lists to be filed by 7/5/2016. Mailed notice (jdh) (Entered: 12/21/2015)
05/13/2016	<u>49</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Status hearing held on 5/13/2016. Pretrial Conference set for 7/18/2016 at 1:30 PM. Mailed notice (jdh) (Entered: 05/13/2016)
06/28/2016	<u>50</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Change of Plea Hearing set for 7/1/2016 at 2:00 PM. Mailed notice (jdh) (Entered: 06/28/2016)
07/01/2016		ORAL MOTION by USA to strike the quantity allegations from Count I of the indictment as to Robert Allegra. (ym,) (Entered: 07/08/2016)
07/01/2016		ORAL MOTION by USA to seal the plea agreement as to Robert Allegra. (ym,) (Entered: 07/08/2016)
07/01/2016	<u>51</u>	ORDER as to Robert Allegra: Change of plea hearing held. Government's oral motion to strike the quantity allegations from Count I of the indictment is granted. Defendant withdraws plea of not guilty. Enter enters plea of guilty. Defendant informed of his rights. Court enters judgment of guilty. Order cause referred to the Probation Department for a presentence investigation report. Sentencing memorandum and objections to PSR to be filed by 10/24/2016. Responses due by 10/31/2016. Sentencing set for 11/4/2016 at 10:00 a.m. Government's oral motion to seal the plea agreement is granted as stated in open court. The plea agreement is to be unsealed on 8/1/2016 without any further order of Court. The trial date of 7/27/2016 is stricken. Signed by the Honorable Elaine E. Bucklo on 7/1/2016. Mailed notice. (ym,) (Entered: 07/08/2016)

07/01/2016	<u>52</u>	PLEA Agreement as to Robert Allegra . (ym,) (Modified on 8/3/2016 (ym,). (Entered: 07/08/2016)
07/08/2016	<u>53</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. Defendant having pled guilty, the pretrial conference date of 7/18/2016 is stricken and no appearance is required. Mailed notice (jdh) (Entered: 07/08/2016)
08/25/2016	<u>54</u>	ATTORNEY Designation for USA of Nicole M. Kim (Kim, Nicole) (Entered: 08/25/2016)
09/19/2016	<u>55</u>	MOTION by USA to continue as to Robert Allegra (Kim, Nicole) (Entered: 09/19/2016)
09/19/2016	<u>56</u>	NOTICE of Motion by Nicole M. Kim for presentment of motion to continue <u>55</u> before Honorable Elaine E. Bucklo on 9/23/2016 at 09:30 PM. (Kim, Nicole) (Entered: 09/19/2016)
09/23/2016	<u>57</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra (1). Agreed Motion to continue sentencing date <u>55</u> is granted. Sentencing reset from 11/4/2016 to 12/9/2016 at 10:00 AM. Sentencing memoranda and objections to PSR to be filed by 12/5/2016. Responses to be filed by 11/29/2016. Mailed notice (jdh) (Entered: 09/26/2016)
11/03/2016	<u>58</u>	PRESENTENCE Investigation Report as to Robert Allegra (SEALED) (Attachments: # <u>1</u> Supplement Plea Agreement)(Dorencz, Tracy) (Entered: 11/03/2016)
11/07/2016	<u>60</u>	CHARACTER Reference Letters as to Robert Allegra (SEALED) (Dawson, Sabrina) (Entered: 11/07/2016)
11/07/2016	<u>61</u>	MINUTE entry before the Honorable Elaine E. Bucklo: as to Robert Allegra. The Probation Officer shall provide the parties with a copy of the recommendation section of the presentence investigation report. Mailed notice (jdh) (Entered: 11/07/2016)
11/29/2016	<u>62</u>	SENTENCING MEMORANDUM as to Robert Allegra (Kim, Nicole) (Entered: 11/29/2016)
11/29/2016	<u>63</u>	SENTENCING MEMORANDUM as to Robert Allegra (Glozman, Vadim) (Entered: 11/29/2016)
12/01/2016	<u>64</u>	SEALED Document (Attachments: # <u>1</u> Exhibit Exhibit A)(Glozman, Vadim) (Entered: 12/01/2016)
12/05/2016	<u>65</u>	MOTION by Robert Allegra for attorney representation (Ettinger, Michael) (Entered: 12/05/2016)
12/05/2016	<u>66</u>	ATTORNEY Appearance for defendant Robert Allegra by Michael D. Ettinger (Ettinger, Michael) (Entered: 12/05/2016)
12/07/2016	<u>67</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra: By agreement, the sentencing is set for 12/9/2016 is reset to 1/19/2017 at 10:30 a.m. Mailed notice. (mgh,) (Entered: 12/07/2016)

01/06/2017	<u>68</u>	PRESENTENCE Investigation Report (Supplemental) as to Robert Allegra (SEALED) (Dawson, Sabrina) (Entered: 01/06/2017)
01/13/2017	<u>69</u>	MINUTE entry before the Honorable Elaine E. Bucklo: By agreement, the sentencing set for 1/19/2017 is reset to 3/8/2017 at 10:30 a.m. Mailed notice. (mgh,) (Entered: 01/13/2017)
02/24/2017	<u>70</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 5-29-15, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)</p>
02/24/2017	<u>71</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 7-2-15, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)</p>
02/24/2017	<u>72</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 8-12-15, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p>

		Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) Modified date by Clerk's office on 2/27/2017 (yap,). (Entered: 02/24/2017)
02/24/2017	<u>73</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 9-17-15, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)</p>
02/24/2017	<u>74</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 10-6-15, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)</p>
02/24/2017	<u>75</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 10-13-15, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p>

		Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)
02/24/2017	<u>76</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 11-20-15, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)</p>
02/24/2017	<u>77</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 12-8-15, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)</p>
02/24/2017	<u>78</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 12-18-15, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)</p>

02/24/2017	<u>79</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 5-13-16, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)</p>
02/24/2017	<u>80</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 7-1-16, before the Honorable Elaine E. Bucklo. Court Reporter Contact Information: Sandra M. Tennis, Sandra_Tennis@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/17/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/25/2017. (Tennis, Sandra) (Entered: 02/24/2017)</p>
02/27/2017	<u>81</u>	<p>NOTICE of Correction regarding transcript,, <u>72</u> as to Robert Allegra (yap,) (Entered: 02/27/2017)</p>
03/01/2017	<u>82</u>	<p>MINUTE entry before the Honorable Elaine E. Bucklo: By agreement, the sentencing set for 3/8/2017 is reset to 5/31/2017 at 10:30 a.m. Mailed notice. (mgh,) (Entered: 03/01/2017)</p>
05/26/2017	<u>84</u>	<p>ATTORNEY Appearance for defendant Robert Allegra by Jeffrey Bruce Steinback (Steinback, Jeffrey) (Entered: 05/26/2017)</p>
05/30/2017	<u>85</u>	<p>NOTICE OF MOTION by Robert Allegra for presentment of motion for a continuance of his sentencing date on 5/31/2017 at 9:30 a.m. before the Honorable Elaine E. Bucklo. (Gurland, Carolyn) (Docket Text Modified on 6/16/2017 by the Clerk's Office.) (ym,). (Entered: 05/30/2017)</p>
05/30/2017	<u>86</u>	<p>MOTION by Robert Allegra to continue <i>sentencing date</i> (Gurland, Carolyn) (Entered: 05/30/2017)</p>
05/30/2017	<u>87</u>	<p>ATTORNEY Appearance for defendant Robert Allegra by Carolyn Pelling Gurland (Gurland, Carolyn) (Entered: 05/30/2017)</p>

05/30/2017	<u>88</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): At the request of defense counsel who cited health reasons for the request, defendant's unopposed motion for a continuance of his sentencing date <u>86</u> is granted. Sentencing is reset for 7/12/2017 at 10:30 a.m. by agreement. Mailed notice. (mgh,) (Entered: 05/30/2017)
06/02/2017	<u>89</u>	MOTION by USAPreliminary Order of Forfeiture as to Robert Allegra (Otlewski, Patrick) (Entered: 06/02/2017)
06/29/2017	<u>90</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Motion of The United States for entry of a preliminary order of forfeiture <u>89</u> is granted. Enter Preliminary Order of Forfeiture. Mailed notice. (mgh,) (Entered: 06/29/2017)
06/29/2017	<u>91</u>	PRELIMINARY ORDER OF FORFEITURE as to Robert Allegra Signed by the Honorable Elaine E. Bucklo on 6/29/2017. Mailed notice. (mgh,) (Entered: 06/29/2017)
07/06/2017	<u>92</u>	MOTION by Robert Allegra for departure from guidelines <i>Supplemental Submission in Aid of Sentencing and With Respect to the Sentencing Factors Set Forth in 18 USC 3553</i> (Gurland, Carolyn) (Entered: 07/06/2017)
07/06/2017	<u>93</u>	RETURN of Service of Notice of POF executed on 7/5/2017 as to Robert Allegra. (yap,) (Entered: 07/07/2017)
07/07/2017	<u>94</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra: Per defendant's request Sentencing is reset for 7/19/2017 at 10:30 a.m. by agreement. Mailed notice. (mgh,) (Entered: 07/07/2017)
07/17/2017	<u>95</u>	MOTION by USA to revoke as to Robert Allegra <i>Governments Second Motion to Revoke Defendants Bond and Forfeit Bond</i> (Otlewski, Patrick) (Entered: 07/17/2017)
07/17/2017	<u>96</u>	NOTICE of Motion by Patrick Mark Otlewski for presentment of motion to revoke <u>95</u> before Honorable Elaine E. Bucklo on 7/19/2017 at 10:30 AM. (Otlewski, Patrick) (Entered: 07/17/2017)
07/19/2017	<u>97</u>	CHARACTER Reference Letters as to Robert Allegra (SEALED) (Sohl, David) (Entered: 07/19/2017)
07/19/2017	<u>98</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Sentencing and motion hearing held on 7/19/2017. Defendant's oral motion to withdraw his supplemental submission in aid of sentencing is granted. Robert Allegra's supplemental submission in aid of sentencing and with respect to sentencing factors set forth in 18 U.S.C. § 355 <u>92</u> is withdrawn. Government's second motion to revoke defendant's bond and forfeit bond <u>95</u> is denied as moot. Defendant is taken into custody under Title 18 U.S.C. sec. 3143. Mailed notice. (mgh,) (Entered: 07/19/2017)
07/24/2017	<u>99</u>	MOTION by Robert Allegra for reconsideration <i>bond revocation</i> (Attachments: # <u>1</u> Exhibit Exhibit A)(Glozman, Vadim) (Entered: 07/24/2017)
07/24/2017	<u>100</u>	

		NOTICE of Motion by Vadim A. Glozman for presentment of motion for reconsideration <u>99</u> before Honorable Elaine E. Bucklo on 7/26/2017 at 09:30 AM. (Glozman, Vadim) (Entered: 07/24/2017)
07/24/2017	<u>101</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra: On Defendant's emergency motion to reconsider bond revocation <u>99</u> : Government's responses is due by 7/28/2017. No appearance required on 7/26/2017. Mailed notice. (mgh,) (Entered: 07/24/2017)
07/28/2017 ✓	<u>102</u>	RESPONSE by USA as to Robert Allegra regarding MOTION by Robert Allegra for reconsideration <i>bond revocation</i> <u>99</u> (Otlewski, Patrick) (Entered: 07/28/2017)
07/28/2017 ✓	<u>103</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Defendant's emergency motion to reconsider bond revocation <u>99</u> is denied. Mailed notice. (mgh,) (Entered: 07/28/2017)
07/31/2017	<u>104</u>	MOTION by Robert Allegra to exonerate bond (unopposed) (Glozman, Vadim) (Entered: 07/31/2017)
07/31/2017	<u>105</u>	NOTICE of Motion by Vadim A. Glozman for presentment of motion for miscellaneous relief <u>104</u> before Honorable Elaine E. Bucklo on 8/4/2017 at 09:30 AM. (Glozman, Vadim) (Entered: 07/31/2017)
08/02/2017 ✓	<u>106</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Defendant's unopposed motion to exonerate bond <u>104</u> is granted. The Clerk of Court is directed to return the quit claim deed executed in favor of the United States of America, currently held in the custody of the Clerk of the United States District Court, Northern District of Illinois, to the surety at the property address. No appearance required on 8/4/2017. Mailed notice. (mgh,) (Entered: 08/02/2017)
08/02/2017	<u>109</u>	ORDER as to Robert Allegra. Signed by the Honorable Elaine E. Bucklo on 8/2/2017. Mailed notice. (ym,) (Entered: 08/21/2017)
08/03/2017		FORWARDED copy of order dated 8/2/2017 to Fiscal Department returning quit claim deed. (yap,) (Entered: 08/03/2017)
08/18/2017 ✓	<u>107</u>	JUDGMENT (Sentencing Order) as to Robert Allegra (1), Count(s) 1, The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of Sixty Five (65) months on Count 1 (one) of the Indictment. The defendant is remanded to the custody of the United States Marshal. Upon release from imprisonment, the defendant shall be on supervised release for a term of Three (3) years on Count 1 of the Indictment. The defendant shall pay a fine of \$500,000. Schedule of payments. (Terminated defendant Robert Allegra). Signed by the Honorable Elaine E. Bucklo on 8/18/2017. Mailed certified copy to defendant Robert Allegra's counsel of record Edward Marvin Genson. (ym,) (Entered: 08/18/2017)
08/18/2017	<u>108</u>	STATEMENT of Reasons as to Robert Allegra(SEALED). Mailed certified copy to defendant Robert Allegra's counsel of record Edward Marvin Genson. (ym,) (Entered: 08/18/2017)
08/18/2017		

		JUDGMENT and Commitment as to Robert Allegra issued to U.S. Marshal via email. (ym,) (Entered: 08/18/2017)
08/18/2017		FORWARDED certified copy of Judgment (Sentencing Order) with Statement of Reasons to the Docketing Department of the U.S. Attorney's Office and the U.S. District Court's Fiscal Department as to Robert Allegra. (ym,) (Entered: 08/18/2017)
09/29/2017	<u>110</u>	CITATION to Discover Assets issued as to Third Party Lisa M. Allegra regarding defendant Robert Allegra. (ym,) (Entered: 09/29/2017)
09/29/2017	<u>111</u>	CITATION to Discover Assets issued as to Third Party RPA, LLC regarding defendant Robert Allegra. (ym,) (Entered: 09/29/2017)
09/29/2017	<u>112</u>	CITATION to Discover Assets issued as to Third Parties UBS Financial Services Inc., Bank of America, N.A., and JP Morgan Chase Bank, NA regarding defendant Robert Allegra. (ym,) (Entered: 09/29/2017)
10/03/2017	<u>113</u>	MOTION by USA to amend/correct as to Robert Allegra <i>MOTION OF THE US TO AMEND JUDGMENT IN A CRIMINAL CASE AND</i> , MOTION by USA for forfeiture as to Robert Allegra <i>FOR ENTRY OF A FINAL ORDER OF FORFEITURE</i> (Attachments: # <u>1</u> Exhibit A: Declaration of Publication, # <u>2</u> Exhibit B: Bank of America Petition, # <u>3</u> Text of Proposed Order)(Otlewski, Patrick) (Entered: 10/03/2017)
10/03/2017	<u>114</u>	NOTICE of Motion by Patrick Mark Otlewski for presentment of motion to amend/correct,, motion for forfeiture, <u>113</u> before Honorable Elaine E. Bucklo on 10/6/2017 at 09:30 AM. (Otlewski, Patrick) (Entered: 10/03/2017)
10/04/2017	<u>115</u>	ATTORNEY Designation for USA of Joseph A. Stewart (Stewart, Joseph) (Entered: 10/04/2017)
10/05/2017	<u>116</u>	RETURN of Third-Party Citation to Discover Assets executed on 10/02/2017 as to Lisa M. Allegra c/o Michael Z. Gurland, Esq. (Stewart, Joseph) (Entered: 10/05/2017)
10/05/2017	<u>117</u>	RETURN of Third-Party Citation to Discover Assets executed on 10/02/2017 as to RPA, LLC (Stewart, Joseph) (Entered: 10/05/2017)
10/05/2017	<u>118</u>	RETURN of Third Party Citation to Discover Assets executed on 10/02/2017 as to Bank of America (Stewart, Joseph) (Entered: 10/05/2017)
10/05/2017	<u>119</u>	RETURN of Third-Party Citation to Discover Assets executed on 10/02/2017 as to UBS Financial Services Inc (Stewart, Joseph) (Entered: 10/05/2017)
10/06/2017	<u>120</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Motion hearing held on 10/6/2017. Governments motion to amend a judgment in a criminal case and for entry of final order of forfeiture <u>113</u> is granted. Mailed notice. (mgh,) (Entered: 10/06/2017)
10/19/2017	<u>122</u>	AMENDED JUDGMENT: The defendant shall forfeit the defendant's interest in the following property to the United States: See attached PRELIMINARY ORDER OF FORFEITURE. Signed by the Honorable Elaine E. Bucklo on 10/19/2017. Mailed notice (rp,) (Entered: 10/23/2017)

10/20/2017	<u>121</u>	RETURN of Third Party Citation to Discover Assets executed on 10/02/2017 as to JP Morgan Chase Bank, NA (Stewart, Joseph) (Entered: 10/20/2017)
10/24/2017	<u>123</u>	ISSUED ABSTRACT of Judgment per the request of USA against Robert Allegra in the amount of \$30,000.00. (rp,) (mc,) (Entered: 10/24/2017)
11/02/2017	<u>124</u>	CITATION to Discover Assets issued as to Mesirow Financial (Third Party) (rp,) (Entered: 11/06/2017)
11/06/2017	<u>125</u>	2 Originals and 2 Copies citations to Discover Assets issued on 11/6/17 as to (Third Party) The Leaders Bank, Fifth Third Bank regarding defendant Robert Allegra. (smm) (Entered: 11/07/2017)
12/01/2017	<u>126</u>	FINAL ORDER OF FORFEITURE as to Robert Allegra. Mailed notice. (mgh,) (Entered: 12/01/2017)
12/13/2017	<u>127</u>	Withdrawal of AUSA Patrick M. Otlewski by USA as to Robert Allegra (Otlewski, Patrick) (Entered: 12/13/2017)
12/22/2017	<u>128</u>	CITATION to Discover Assets issued as to Gibson Restaurant Group Management Company LLC regarding defendant Robert Allegra (mma,) (Entered: 12/22/2017)
01/04/2018	<u>129</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 7-19-17, before the Honorable Elaine E. Bucklo. SENTENCING. Order Number: 29054. Court Reporter Contact Information: Sandra M. Mullin, Sandra_Mullin@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 1/25/2018. Redacted Transcript Deadline set for 2/5/2018. Release of Transcript Restriction set for 4/4/2018. (Mullin, Sandra) (Entered: 01/04/2018)</p>
01/16/2018	<u>130</u>	RETURN of Third-Party Citation To Discover Assets executed on 12/26/2017 as to Gibsons Restaurant Group Management Company, LLC (Stewart, Joseph) (Entered: 01/16/2018)
01/16/2018	<u>131</u>	RETURN of Third Party Citation To Discover Assets executed on 11/8/2017 as to The Leaders Bank (Stewart, Joseph) (Entered: 01/16/2018)
01/16/2018	<u>132</u>	RETURN of Third-Party Citation To Discover Assets executed on 11/3/2017 as to Mesirow Financial (Stewart, Joseph) (Entered: 01/16/2018)
01/16/2018	<u>133</u>	RETURN of Third Party Citation To Discover Assets executed on 11/7/2017 as to Fifth Third Bank (Stewart, Joseph) (Entered: 01/16/2018)
05/01/2018	<u>134</u>	

		MOTION by USA for order as to Robert Allegra <i>Motion of the United States to Appoint A Receiver</i> (Stewart, Joseph) (Entered: 05/01/2018)
05/01/2018	<u>135</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for order <u>134</u> before Honorable Elaine E. Bucklo on 5/14/2018 at 09:30 AM. (Stewart, Joseph) (Entered: 05/01/2018)
05/14/2018	<u>136</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion hearing held on 5/14/2018. Motion of the United States to appoint a receiver <u>134</u> is entered and continued to 6/8/2018 at 10:00 a.m. Defendant's response due 6/4/2018. Mailed notice. (mgh,) (Entered: 05/14/2018)
06/01/2018	<u>137</u>	CITATION to Discover Assets issued as to John Sweeney regarding defendant Robert Allegra. (mma,) (Entered: 06/01/2018)
06/06/2018	<u>138</u>	MOTION by USA for order as to Robert Allegra <i>Motion of the United States for Turnover Order</i> (Stewart, Joseph) (Entered: 06/06/2018)
06/06/2018	<u>139</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for order <u>138</u> before Honorable Elaine E. Bucklo on 6/14/2018 at 09:30 AM. (Stewart, Joseph) (Entered: 06/06/2018)
06/07/2018	<u>140</u>	MINUTE entry before the Honorable Elaine E. Bucklo: At the parties request and by agreement, Motion of the United States to appoint a receiver <u>134</u> is reset for 6/14/2018 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 06/07/2018)
06/08/2018	<u>141</u>	CITATION to Discover Assets issued one original and one copy as to Royal Palm Aviation, Inc. (3rd party citation) no notice regarding defendant Robert Allegra (las,) (Entered: 06/08/2018)
06/14/2018	<u>142</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion hearing held on 6/14/2018. Government's motion to appoint a receiver <u>134</u> is granted. Enter Order. Government's motion for turnover order <u>138</u> is entered and continued to 8/15/2018 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 06/14/2018)
06/18/2018	<u>143</u>	ORDER APPOINTING Lawrence Madden as Receiver Signed by the Honorable Elaine E. Bucklo on 6/18/2018. Mailed notice. (mgh,) (Entered: 06/18/2018)
06/22/2018 ✓	<u>144</u>	MOTION by USA for order as to Robert Allegra <i>Motion of the United States for Confirmation of Sale</i> (Stewart, Joseph) (Entered: 06/22/2018)
06/22/2018	<u>145</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for order <u>144</u> before Honorable Elaine E. Bucklo on 6/28/2018 at 09:30 AM. (Stewart, Joseph) (Entered: 06/22/2018)
06/25/2018	<u>146</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for order <u>144</u> before Honorable Jorge L. Alonso on 6/28/2018 at 09:30 AM. (Stewart, Joseph) (Entered: 06/25/2018)
06/25/2018	<u>147</u>	RETURN of Third-Party Citation To Discover Assets executed on 06/11/2018 as to Royal Palm Aviation, Inc. c/o Richard Morley (Stewart, Joseph) (Entered: 06/25/2018)
06/28/2018	<u>148</u>	

		MINUTE entry before the Honorable Jorge L. Alonso as to Robert Allegra: Motion hearing held. For the reasons stated on the record, USA's motion for confirmation of sale <u>144</u> is granted. Defendant is given leave to file a motion to reconsider by 7/5/18. Enter Order Confirming Sale. Notices mailed by judge's staff (ntf,) (Entered: 06/28/2018)
06/28/2018	<u>149</u>	ORDER Confirming Sale as to Robert Allegra. Notices mailed by judge's staff (ntf,) (Entered: 06/28/2018)
07/18/2018 Q	<u>150</u>	MOTION by Robert Allegra to correct sentence <i>pursuant to sec. 2255</i> (Attachments: # <u>1</u> Exhibit Sentencing transcript, # <u>2</u> Exhibit 11/20/15 hearing, # <u>3</u> Exhibit 12/8/15 hearing, # <u>4</u> Exhibit 12/18/15 hearing)(Shapiro, James) (Entered: 07/18/2018)
07/20/2018 Q	<u>151</u>	NOTICE of of Filing by All Defendants as to Robert Allegra regarding MOTION by Robert Allegra to correct sentence <i>pursuant to sec. 2255</i> <u>150</u> (Attachments: # <u>1</u> Notice of Filing Notice of Filing sec. 2255 motion)(Shapiro, James) (Entered: 07/20/2018)
07/20/2018		MOTION by defendant Robert Allegra pursuant to 28 U.S.C. Section 2255 filed in case number 18cv5061. All filings and entries will be made in civil case number 18cv5061. (eaa,) (Entered: 07/25/2018)
07/23/2018 J	<u>152</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Defendant has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. 2255. The Court directs the Clerk's Office to open a civil proceeding for this 28 U.S.C. 2255 action. The Clerk's Office is directed to inform the defendant of the new case number. All further filings related to this motion must be filed in the new civil action. The government shall file its response to petitioner's Section 2255 motion by 8/13/2018. Petitioner's reply brief shall be filed by 8/27/2018. Ruling before Honorable Elaine E. Bucklo on 10/10/2018 at 9:45 a.m. Mailed notice. (mgh,) (Entered: 07/23/2018)
07/30/2018	<u>153</u>	Report of Sale and Distribution by USA as to Robert Allegra (Stewart, Joseph) (Entered: 07/30/2018)
08/03/2018	<u>154</u>	<p>TRANSCRIPT OF PROCEEDINGS as to Robert Allegra held on 6-14-18, before the Honorable Elaine E. Bucklo. Order Number: 31257. Court Reporter Contact Information: Sandra M. Mullin, Sandra_Mullin@ilnd.uscourts.gov, 312-554-8244.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 8/24/2018. Redacted Transcript Deadline set for 9/4/2018. Release of Transcript Restriction set for 11/1/2018. (Mullin, Sandra) (Entered: 08/03/2018)</p>

08/09/2018	<u>155</u>	ATTORNEY Appearance for defendant Robert Allegra by Colleen Mary Hurley (Hurley, Colleen) (Entered: 08/09/2018)
08/15/2018	<u>156</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Motion hearing held on 8/15/2018. Motion of the United States for Turnover Order <u>138</u> is moot. Mailed notice. (mgh,) (Entered: 08/15/2018)
08/21/2018	<u>157</u>	MOTION by USA for order as to Robert Allegra <i>Renewed Motion of the United States for Turnover Order</i> (Stewart, Joseph) (Entered: 08/21/2018)
08/21/2018	<u>158</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for order <u>157</u> before Honorable Elaine E. Bucklo on 9/12/2018 at 09:45 AM. (Stewart, Joseph) (Entered: 08/21/2018)
09/12/2018	<u>159</u>	CITATION to Discover Assets issued as to K9s for Veterans NFP, Attn: Regina Lattuca (No Notice)(Third Party) regarding defendant Robert Allegra. (eaa,) (Entered: 09/12/2018)
09/12/2018	<u>160</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion hearing held on 9/12/2018. Renewed Motion of the United States for Turnover Order <u>157</u> is entered and continued to 11/1/2018 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 09/13/2018)
09/25/2018	<u>161</u>	RETURN of Third-Party Citation to Discover Assets executed on 09/16/2018 as to K9s for Veterans NFP (Stewart, Joseph) (Entered: 09/25/2018)
10/16/2018	<u>162</u>	ATTORNEY Appearance for defendant Robert Allegra by Lance C. Ziebell (Ziebell, Lance) (Entered: 10/16/2018)
10/24/2018	<u>163</u>	ATTORNEY Appearance for defendant Robert Allegra by Joshua Pagan (Pagan, Joshua) (Entered: 10/24/2018)
11/01/2018	<u>164</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion hearing held on 11/1/2018. Renewed Motion of the United States for Turnover Order <u>157</u> is entered and continued to 11/30/2018 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 11/01/2018)
11/08/2018	<u>165</u>	MOTION by USAMotion of the United States to Approve Receiver's Report of Sale, to Employ an Accountant, and for Other Relief as to Robert Allegra (Stewart, Joseph) (Entered: 11/08/2018)
11/08/2018	<u>166</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for miscellaneous relief <u>165</u> before Honorable Elaine E. Bucklo on 11/15/2018 at 09:30 AM. (Stewart, Joseph) (Entered: 11/08/2018)
11/14/2018	<u>167</u>	ATTORNEY Appearance for defendant Robert Allegra by Jennifer Burt Tee (Tee, Jennifer) (Entered: 11/14/2018)
11/15/2018	<u>168</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion hearing held on 11/15/2018. Motion of the United States to approve receiver's report of sale, to employ an accountant, and for other relief <u>165</u> is granted. Enter Order. Mailed notice. (mgh,) (Entered: 11/15/2018)
11/15/2018	<u>169</u>	ORDER as to Robert Allegra signed by the Honorable Elaine E. Bucklo on 11/15/2018. Mailed notice. (mgh,) (Entered: 11/15/2018)

11/15/2018	<u>170</u>	MINUTE entry before the Honorable Elaine E. Bucklo: The minute order dated 11/15/2018, docket no. <u>168</u> is hereby amended to state as follows: Motion hearing held on 11/15/2018. Motion of the United States to employ an accountant is granted. Government's motion to approve receiver's report of sale, and for other relief is entered and continued to 11/30/2018 at 9:30 a.m. Defendant's response is due before the next court hearing. Mailed notice. (mgh,) (Entered: 11/15/2018)
11/15/2018	<u>171</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Order dated 11/15/2018, docket no. <u>169</u> is stricken as entered in error. Mailed notice. (mgh,) (Entered: 11/15/2018)
11/29/2018	<u>172</u>	RESPONSE by Robert Allegra regarding MOTION by USA Motion of the United States to Approve Receiver's Report of Sale, to Employ an Accountant, and for Other Relief as to Robert Allegra <u>165</u> (Attachments: # <u>1</u> Exhibit Exhibits, # <u>2</u> Notice of Filing Notice of Filing)(Pagan, Joshua) (Entered: 11/29/2018)
11/30/2018	<u>173</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion hearing held on 11/30/2018. Ruling on Government's renewed motion for turnover order <u>157</u> and motion to approve receiver's report of sale, and for other relief <u>165</u> is reset for 12/20/2018 at 9:30 a.m. Government's reply is due 12/14/2018. Mailed notice. (mgh,) (Entered: 12/03/2018)
12/19/2018	<u>174</u>	MINUTE entry before the Honorable Elaine E. Bucklo: At the parties request and by the agreement, Ruling on Government's renewed motion for turnover order <u>157</u> and motion to approve receiver's report of sale, and for other relief <u>165</u> is reset to 1/18/2019 at 9:30 a.m. Government's reply is extended and due by 1/11/2019. No appearance required on 12/20/2018. Mailed notice. (mgh,) (Entered: 12/19/2018)
01/14/2019	<u>175</u>	MOTION to withdraw as attorney as to Robert Allegra ; <i>Joshua Pagan, Jennifer B. Tee, Colleen M. Hurley, and Lance C. Ziebell</i> (Pagan, Joshua) (Entered: 01/14/2019)
01/14/2019	<u>176</u>	NOTICE of Motion by Joshua Pagan for presentment of motion to withdraw as attorney <u>175</u> before Honorable Elaine E. Bucklo on 1/18/2019 at 09:30 AM. (Pagan, Joshua) (Entered: 01/14/2019)
01/16/2019	<u>177</u>	MOTION by Robert Allegra to amend/correct <i>Motion to Withdraw as Counsel of Record</i> (Attachments: # <u>1</u> Exhibit)(Pagan, Joshua) (Entered: 01/16/2019)
01/16/2019	<u>178</u>	NOTICE of Motion by Joshua Pagan for presentment of motion to amend/correct <u>177</u> before Honorable Elaine E. Bucklo on 1/18/2019 at 09:30 AM. (Pagan, Joshua) (Entered: 01/16/2019)
01/18/2019	<u>179</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Motion hearing held on 1/18/2019. Government's renewed motion for turnover order <u>157</u> and motion to approve receiver's report of sale, and for other relief <u>165</u> are entered and continued to 3/1/2019 at 9:30 a.m. Defendants amended motion to withdraw as counsel of record <u>177</u> is granted. Attorneys, Joshua Pagan, Lance C. Ziebell, Jennifer B. Tee, and Colleen M. Hurley are terminated. Mailed notice. (mgh,) (Entered: 01/18/2019)

01/18/2019	<u>180</u>	NOTICE of Notice of Entry of Order by All Defendants as to Robert Allegra (Pagan, Joshua) (Entered: 01/18/2019)
02/14/2019	<u>181</u>	AFFIDAVIT of Robert Allegra filed by Robert Allegra. (Envelope not Postmarked) (jh,) (Entered: 02/15/2019)
02/25/2019	<u>182</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Hearing on Government's renewed motion for turnover order <u>157</u> and motion to approve receiver's report of sale, and for other relief <u>165</u> is reset to 3/4/2019 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 02/25/2019)
03/04/2019	<u>183</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion hearing held on 3/4/2019. Government's renewed motion for turnover order <u>157</u> and motion to approve receiver's report of sale, and for other relief <u>165</u> are entered and continued. Defendant is given until 3/18/19 to file a motion for appointment of counsel, together with an appropriate financial affidavit, if he wishes counsel to be appointed. Defendant is ordered to cooperate with the government in providing documents in order to wind up the affairs at issue on the motions before the court. Status hearing set for 4/3/2019 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 03/04/2019)
03/22/2019	<u>184</u>	MOTION by Robert Allegra for attorney representation. (Envelope not Postmarked) (jh,) (Entered: 03/25/2019)
03/22/2019	<u>185</u>	LETTER from Robert Allegra dated 3/14/2019. (Envelope not Postmarked) (jh,) (Entered: 03/25/2019)
03/22/2019	<u>186</u>	APPLICATION by Defendant Robert Allegra for leave to proceed in forma pauperis. (Exhibits) (jh,) (Entered: 03/28/2019)
04/03/2019	<u>187</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Status hearing held on 4/3/2019. Defendant's motion for attorney representation and in forma pauperis application and financial affidavit are granted. The Court appoints the Federal Defender to represent the Defendant in this matter. Status hearing set for 5/8/2019 at 10:00 a.m. Mailed notice. (mgh,) (Entered: 04/03/2019)
05/03/2019	<u>188</u>	ATTORNEY Appearance for defendant Robert Allegra by Gerardo Solon Gutierrez (Gutierrez, Gerardo) (Entered: 05/03/2019)
05/08/2019	<u>189</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Status hearing held on 5/8/2019. Appointed Federal Defender, Gerardo Gutierrez's oral motion to withdraw as counsel based on conflict of interest is granted. The Court appoints the Federal Defender to represent the Defendant in this matter. Status hearing set for 5/24/2019 at 10:00 a.m. Mailed notice. (mgh,) (Entered: 05/08/2019)
05/14/2019	<u>190</u>	ATTORNEY Appearance for defendant Robert Allegra by Lisa Lundell Wood (Wood, Lisa) (Entered: 05/14/2019)
05/24/2019	<u>191</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Status hearing held on 5/24/2019 and continued to 6/20/2019 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 05/24/2019)
05/24/2019	<u>192</u>	

		ORDER Appointing Counsel Under the Criminal Justice Act as to Robert Allegra. Signed by the Honorable Elaine E. Bucklo on 5/24/2019. Mailed notice (jh,) (Entered: 05/28/2019)
06/17/2019	<u>193</u>	CJA ORDER Appointing Counsel Lisa Wood Under the Criminal Justice Act as to Robert Allegra. Signed by the Honorable Elaine E. Bucklo on 6/14/2019. Mailed notice (ph,) (Entered: 06/17/2019)
06/18/2019	<u>194</u>	MOTION by USA for order as to Robert Allegra <i>Motion of the United States for Turnover Order</i> (Stewart, Joseph) (Entered: 06/18/2019)
06/18/2019	<u>195</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for order <u>194</u> before Honorable Elaine E. Bucklo on 6/20/2019 at 09:30 AM. (Stewart, Joseph) (Entered: 06/18/2019)
06/18/2019	<u>196</u>	MOTION by USA for order as to Robert Allegra <i>Motion of the United States for Turnover Order</i> (Stewart, Joseph) (Entered: 06/18/2019)
06/18/2019	<u>197</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for order <u>196</u> before Honorable Elaine E. Bucklo on 6/20/2019 at 09:30 AM. (Stewart, Joseph) (Entered: 06/18/2019)
06/20/2019	<u>198</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra: Status and motion hearing held on 6/20/2019. Motion of the United States for Turnover Order <u>194</u> and <u>196</u> are entered and continued. Status hearing set for 7/18/2019 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 06/20/2019)
07/01/2019	<u>199</u>	MOTION by Robert Allegra to remand Defendant to the custody of the U.S. Marshals Service and transfer to a Chicago-area Detention Facility (Wood, Lisa) (Entered: 07/01/2019)
07/01/2019	<u>200</u>	NOTICE of Motion by Lisa Lundell Wood for presentment of motion for miscellaneous relief <u>199</u> before Honorable Elaine E. Bucklo on 7/12/2019 at 09:30 AM. (Wood, Lisa) (Entered: 07/01/2019)
07/12/2019	<u>201</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion hearing held on 7/12/2019. Motion to remand defendant to the custody of the U.S. Marshals Service and to transfer defendant to a Chicago-area detention facility <u>199</u> is denied. Status hearing previously set for 7/18/2019 is stricken and reset for 8/22/2019 at 9:30 a.m. Government is requested to contact Terre Haute Correctional Center and make arrangements for defendant's attorney to have an attorney-client privilege phone call with Mr. Allegra. Mailed notice. (mgh,) (Entered: 07/12/2019)
08/22/2019	<u>202</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Status hearing held on 8/22/2019 and continued to 10/3/2019 at 9:45 a.m. Renewed Motion of the United States for Turnover Order (UBS) <u>157</u> ; Motion to approve receiver's report of sale, to employ an accountant, and for other relief <u>165</u> ; and Motion of the United States for Turnover Order (K9s for Veterans) <u>196</u> are entered and continued. Motion of the United States for Turnover Order (Gibsons Restaurant Group) <u>194</u> is granted. Mailed notice. (mgh,) (Entered: 08/22/2019)
08/28/2019	<u>203</u>	

		MOTION to withdraw as attorney as to Robert Allegra (Wood, Lisa) (Entered: 08/28/2019)
08/28/2019	<u>204</u>	NOTICE of Motion by Lisa Lundell Wood for presentment of motion to withdraw as attorney <u>203</u> before Honorable Elaine E. Bucklo on 9/20/2019 at 09:30 AM. (Wood, Lisa) (Entered: 08/28/2019)
09/17/2019	<u>205</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion to withdraw as counsel is reset for 10/3/2019 at 9:45 a.m. No appearance required on 9/20/2019. Mailed notice. (mgh,) (Entered: 09/17/2019)
09/24/2019	<u>206</u>	MINUTE entry before the Honorable Elaine E. Bucklo: At the parties request and by agreement, The status hearing and the hearing on the motion to withdraw as counsel <u>203</u> set for 10/3/2019 are stricken and reset to 9/30/2019 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 09/24/2019)
09/26/2019	<u>207</u>	MOTION by USA for order as to Robert Allegra <i>Motion of the United States for Miscellaneous Relief</i> (Stewart, Joseph) (Entered: 09/26/2019)
09/26/2019	<u>208</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for order <u>207</u> before Honorable Elaine E. Bucklo on 9/30/2019 at 09:30 AM. (Stewart, Joseph) (Entered: 09/26/2019)
09/30/2019	<u>211</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Status hearing held on 9/30/2019. Motion to withdraw counsel <u>203</u> is granted. Attorney Lisa Wood is terminated. Defendant to reply to government's motion for miscellaneous relief <u>207</u> as to K9 for Veterans by 10/15/2019. Enter Turnover Order as to Gibson's Restaurant Group. Government's motion is due by 10/28/2019. Defendant's response is due 11/27/2019. Ruling before Honorable Elaine E. Bucklo on 12/12/2018 at 10:00 a.m. Status hearing set for 10/18/2019 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 10/15/2019)
10/10/2019	<u>209</u>	MOTION by USA for rule to show cause as to Robert Allegra <i>Motion of the United States for Rule to Show Cause Directed to John Sweeney</i> (Stewart, Joseph) (Entered: 10/10/2019)
10/10/2019	<u>210</u>	NOTICE of Motion by Joseph A. Stewart for presentment of motion for rule to show cause <u>209</u> before Honorable Elaine E. Bucklo on 10/17/2019 at 09:30 AM. (Stewart, Joseph) (Entered: 10/10/2019)
10/15/2019	<u>212</u>	TURNOVER ORDER signed by the Honorable Elaine E. Bucklo on 10/15/2019. Mailed notice. (mgh,) (Entered: 10/16/2019)
10/17/2019	<u>213</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra: Motion of the United States for Rule to Show Cause Directed to John Sweeney <u>209</u> is reset for 10/18/2019 at 9:30 a.m. Mailed notice. (mgh,) (Entered: 10/17/2019)
10/17/2019	<u>214</u>	ATTORNEY Designation for USA of Beth A. Clukey (Clukey, Beth) (Entered: 10/17/2019)
10/18/2019	<u>215</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Status and motion hearing held on 10/18/2019. Motion of the United States for Rule to Show Cause Directed to John Sweeney <u>209</u> is entered and continued to 12/11/2019 at

		9:30 a.m. Motion of the United States for miscellaneous relief <u>207</u> as to K for Veterans is granted. Mailed notice. (mgh,) (Entered: 10/18/2019)
12/11/2019	<u>216</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Motion hearing held on 12/11/2019. Motion of the United States for rule to show cause directed to John Sweeney <u>209</u> is withdraw. Status hearing set for 2/6/2020 at 10:00 a.m. Mailed notice. (mgh,) (Entered: 12/11/2019)
02/06/2020	<u>217</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Status hearing held on 2/6/2020. Government's motion for turnover order is granted. Enter Turnover Order. Government's motion for miscellaneous relief <u>207</u> is granted. Enter Order. Status hearing set for 4/3/2020 at 10:15 a.m. Mailed notice. (mgh,) (Entered: 02/06/2020)
02/06/2020	<u>218</u>	ORDER as to Robert Allegra. Signed by the Honorable Elaine E. Bucklo on 2/6/20. Mailed notice. (kp,) (Entered: 02/07/2020)
02/06/2020	<u>219</u>	TURNOVER ORDER as to Robert Allegra. Signed by the Honorable Elaine E. Bucklo on 2/6/20. Mailed notice. (kp,) (Entered: 02/07/2020)
02/27/2020	<u>220</u>	MOTION by USA for order as to Robert Allegra <i>MOTION OF THE UNITED STATES FOR TRANSFER OF OWNERSHIP</i> (Clukey, Beth) (Entered: 02/27/2020)
02/27/2020	<u>221</u>	NOTICE of Motion by Beth A. Clukey for presentment of motion for order <u>220</u> before Honorable Elaine E. Bucklo on 3/5/2020 at 10:15 AM. (Clukey, Beth) (Entered: 02/27/2020)
03/03/2020	<u>222</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion of the United States for transfer of ownership <u>220</u> is granted. No appearance required on 3/5/2020. Mailed notice. (mgh,) (Entered: 03/03/2020)
03/27/2020	<u>223</u>	ATTORNEY Appearance for defendant Robert Allegra by Andrea Elizabeth Gambino (Gambino, Andrea) (Entered: 03/27/2020)
03/27/2020	<u>224</u>	MOTION by Robert Allegra for release from custody <i>PURSUANT TO FIRST STEP ACT 2018, 18 USC 3624(C), AND ATTORNEY GENERAL'S DIRECTIVE TO BOP RE: COVID-19 RELEASE TO HOME CONFINEMENT</i> (Gambino, Andrea) (Entered: 03/27/2020)
03/31/2020	<u>225</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra: The Court sets the following briefing schedule on Defendant's motion for immediate release to home confinement, pursuant to Title 18, United States Code, Section 3624(c) and Sections 102, 602, and 603 of the First Step Act of 2018, and Attorney General Barr's Directive to the BOP RE: COVID-19 Early Release 244 : Government to respond to by 4/7/2020. The Court will issue a ruling on 4/9/2020. Mailed notice. (mgh,) (Entered: 03/31/2020)
04/02/2020	<u>226</u>	MOTION by USA for order as to Robert Allegra <i>MOTION OF THE UNITED STATES</i> (Clukey, Beth) (Entered: 04/02/2020)
04/03/2020	<u>227</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Motion of the United States to approve payment of accountant fees <u>226</u> is granted. Mailed notice. (mgh,) (Entered: 04/03/2020)

04/07/2020	<u>228</u>	RESPONSE by USA as to Robert Allegra regarding MOTION by Robert Allegra for release from custody <i>PURSUANT TO FIRST STEP ACT 2018, 18 USC 3624(C), AND ATTORNEY GENERAL'S DIRECTIVE TO BOP RE: COVID-19 RELEASE TO HOME CONFINEMENT</i> <u>224</u> (Kim, Nicole) (Entered: 04/07/2020)
04/08/2020	<u>229</u>	REPLY by Robert Allegra to response to motion, <u>228</u> (Attachments: # <u>1</u> Exhibit admin remedy request, # <u>2</u> Exhibit admin remedy request, # <u>3</u> Exhibit news article Terre Haute)(Gambino, Andrea) (Entered: 04/08/2020)
04/09/2020	<u>230</u>	MINUTE entry before the Honorable Elaine E. Bucklo: Ruling on The court will issue a ruling on defendant's motion for immediate release to home confinement, pursuant to Title 18, United States Code, Section 3624(c) and Sections 102, 602, and 603 of the First Step Act of 2018, and Attorney General Barr's Directive to the BOP RE: COVID-19 Early Release <u>224</u> by mail. Mailed notice. (mgh,) (Entered: 04/09/2020)
04/13/2020	<u>231</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): Defendant's motion for immediate release to home confinement, pursuant to Title 18, United States Code, Section 3624(c) and Sections 102, 602, and 603 of the First Step Act of 2018, and Attorney General Barr's Directive to the BOP RE: COVID-19 Early Release <u>224</u> is denied. Enter Order. Mailed notice. (mgh,) (Entered: 04/13/2020)
04/13/2020	<u>232</u>	ORDER as to Robert Allegra signed by the Honorable Elaine E. Bucklo on 4/13/2020. Mailed notice. (mgh,) (Entered: 04/13/2020)
08/03/2020	<u>233</u>	MOTION by USA for order as to Robert Allegra <i>THE UNITED STATES' AMENDED MOTION TO APPROVE RECEIVER'S REPORT OF SALE</i> (Clukey, Beth) (Entered: 08/03/2020)
08/05/2020	<u>234</u>	MINUTE entry before the Honorable Elaine E. Bucklo, as to Robert Allegra (1): The United States' amended motion to approve receiver's report of sale <u>233</u> is granted. Enter Order. Mailed notice. (mgh,) (Entered: 08/05/2020)
08/05/2020	<u>235</u>	ORDER as to Robert Allegra signed by the Honorable Elaine E. Bucklo on 8/5/2020. Mailed notice. (mgh,) (Entered: 08/05/2020)
08/12/2020	<u>236</u>	MOTION by USA for order as to Robert Allegra <i>MOTION OF THE UNITED STATES FOR TURNOVER ORDER</i> (Clukey, Beth) (Entered: 08/12/2020)

PACER Service Center			
Transaction Receipt			
11/09/2020 08:41:18			
PACER Login:	profaaa0514:2500475:0	Client Code:	Allegra
Description:	Docket Report	Search Criteria:	1:15-cr-00243
Billable Pages:	20	Cost:	2.00

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ROBERT ALLEGRA,
Defendant.

Case No. 15 CR 243

Chicago, Illinois
July 19, 2017
10:30 AM

TRANSCRIPT OF PROCEEDINGS - Sentencing
BEFORE THE HONORABLE ELAINE E. BUCKLO

APPEARANCES:

For the Plaintiff: JOHN R. LAUSCH, JR.
UNITED STATES ATTORNEY
BY: MR. PATRICK OTLEWSKI
219 South Dearborn, 5th Floor,
Chicago, Illinois 60604

For the Defendant: EDWARD M. GENSON & ASSOCIATES
BY: MR. EDWARD M. GENSON
MR. VADIM GLOZMAN
53 West Jackson Boulevard,
Suite 1420
Chicago, Illinois 60604

Court Reporter: SANDRA M. MULLIN, CSR, RMR, FCRR
Official Court Reporter
219 S. Dearborn Street, Room 2260
Chicago, Illinois 60604
(312) 554-8244
sandra_mullin@ilnd.uscourts.gov

1 APPEARANCES: (Continued.)

2 For the Defendant: JEFFREY B. STEINBACK, LLC
3 BY: MR. JEFFREY B. STEINBACK
4 53 West Jackson Boulevard,
5 Chicago, Illinois 60604

6 LAW OFFICES OF CAROLYN P. GURLAND
7 BY: MS. CAROLYN P. GURLAND
8 414 North Clay Street
9 Hinsdale, IL 60521
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (Proceedings heard in open court:)

2 THE CLERK: Calling 15 CR 243-1, USA versus Robert

3 Allegra.

4 MR. OTLEWSKI: Good morning, your Honor. Patrick

5 Otlewski on behalf of the United States.

6 THE COURT: Good morning.

7 MR. GENSON: Good morning. Ed Genson, Jeff

8 Steinback and Carolyn Gurland on behalf of --

9 PROBATION OFFICER: Good morning, your Honor.

10 Laura O'Connor on behalf of US probation.

11 MS. GURLAND: Carolyn Gurland.

12 MR. STEINBACK Good morning, your Honor.

13 THE COURT: Are you one of the counsel?

14 MS. GURLAND: Yes. I filed an appearance in the

15 case.

16 THE COURT: Maybe I should find out who all is

17 representing Mr. Allegra. You are.

18 MR. GENSON: Myself, Jeffrey and Carol.

19 THE COURT: Okay. Good. Okay.

20 MR. OTLEWSKI: One person we're missing, your

21 Honor, is the defendant.

22 MR. GENSON: Your Honor, I apologize ahead of time.

23 I don't stand up very well and I'll put the microphone and --

24 THE COURT: You don't have to stand, that's fine.

25 I understand.

1 MR. GENSON: -- scream out loud, if I can sit here,
2 I would appreciate it.

3 THE COURT: You may not scream, please, but you may
4 sit there, of course.

5 MR. STEINBACK: While we're making pre-apologies,
6 on the way down this morning, I began to process passing a
7 kidney stone.

8 THE COURT: Oh, dear.

9 MR. STEINBACK: I'm -- so if I make strained or
10 pain faces, or if I have to let one of my colleagues do the
11 part I was going to argue, I just want to --

12 THE COURT: That's fine. Who is intending to
13 argue?

14 MR. STEINBACK: What I was hoping, your Honor, and
15 what we've done was divide the responsibilities into three
16 separate areas. Patrick is such a great lawyer that we can't
17 take him on one-v-one anyway. So we had -- and he was going
18 to make some introductory remarks. My intention was to make
19 some arguments with respect to a portion of the 3553(a)
20 arguments, no repetition, and then Carolyn was going to make
21 the other 3553 arguments so that we cover everything through
22 the three of us.

23 THE COURT: All right.

24 MR. STEINBACK: We hoped that would be all right
25 with your Honor.

1 MR. OTLEWSKI: We have no objection, your Honor.

2 THE COURT: Okay. So, let's see, where should we
3 start? We don't have any actual objections to the
4 calculations, as I understand it.

5 MR. GENSON: There is no objection to the
6 calculations, your Honor.

7 THE COURT: Right. So I guess we really turn to
8 3553(a).

9 MR. GENSON: It's all going to be pretty much all
10 3553.

11 THE COURT: Yes. You've got three people arguing.
12 Ordinarily I have the government go first. You've got three
13 people that are going to argue against you.

14 MR. OTLEWSKI: Here is, I think, before we get to
15 the argument, obviously the first step is to determine
16 whether the defendant has read the pre-sentence investigation
17 report. I want to make sure that we have a clear record
18 for -- should there -- when there is an appeal of this case
19 of the sentencing. And I think the first question is, has
20 the defendant reviewed the pre-sentence investigation report,
21 and then because -- even if there are no objections to the
22 guidelines, what the range is that we're looking at which --

23 THE COURT: All right. Well, I don't ordinarily
24 ask that. But, in this case, if you want me to, I will.
25 Have you read the pre-sentence investigation report?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Okay. And are we agreed that we are at
3 a total -- this is really directed to your attorneys -- a
4 total Offense Level of 27, Criminal History Category I, as
5 was determined. I think -- make sure I've got the right one
6 here. Is that the amended one? It is. Okay. Offense Level
7 of 27, Criminal History Category I; is that correct?

8 MS. GURLAND: Yes, your Honor, that's our
9 understanding.

10 THE COURT: All right. Then go ahead.

11 MR. GENSON: Your Honor?

12 MR. OTLEWSKI: Your Honor, given the nature of the
13 filings that have occurred, I would respectfully request that
14 the defense go first and make their presentation, give me an
15 opportunity to respond to their arguments, and then make our
16 own arguments as well.

17 THE COURT: Okay.

18 MR. GENSON: I have no problem. Your Honor, there
19 is one thing, also. They filed, the government, I'm sorry,
20 most respectfully, filed the government's second motion to
21 revoke defendant's bond and forfeit bond.

22 THE COURT: Certainly something that we're going to
23 have to deal with.

24 MR. GENSON: Could we deal with it before we argue?

25 THE COURT: Yes.

1 MR. GENSON: Your Honor --

2 THE COURT: Actually, that may be, indeed,
3 appropriate.

4 MR. GENSON: Your Honor, I'm sorry?

5 THE COURT: Okay. Go ahead, yes.

6 MR. GENSON: The government filed something
7 entitled the, Government's Second Motion to Revoke
8 Defendant's Bond and Forfeit Bond. There is really two parts
9 to it. One, it relates to something you had already heard;
10 that is, there was a traffic stop in Florida. He had a badge
11 from a sheriff in Florida. It was one of these badges that
12 they issue. I think there was some question as to what the
13 sheriff thought of the badge. But whatever it was, your
14 Honor heard it. Your Honor did nothing regarding the bond.
15 Your Honor surrendered the badge, and we did that. That one
16 I think is already disposed of, and I don't know why it's
17 there. But there is a second paragraph. And the second
18 one --

19 THE COURT: I don't think he was asking for a
20 revocation of bond on the basis of that this time, just
21 noting that there had been that prior motion. That was the
22 way I understood it.

23 MR. GENSON: The second part of it deals with the
24 house. And it's a gigantic misunderstanding. The house in
25 question is in his wife's name. The house in question needed

1 to be sold. It's a large house. It's an expensive house.
2 And the Allegras wanted to downsize. Mrs. Allegra contacted
3 the lawyers in this case, Mr. Steinback, and basically
4 believed that she had permission to sell the house, believed
5 that the security of the house would be substituted. And
6 it's not relative -- this is not subject to forfeiture
7 relative to the case, it's just up for bond. Would be
8 forfeited -- not forfeited, would be given -- taken --
9 replaced by a warehouse he had. At which point, she
10 basically -- she basically put the house up for sale. When
11 she put the house up for sale, again, she was believed that
12 she had permission to sell the house. At some point of time,
13 before the sale, she learned she didn't and the sale was
14 canceled and the money as escrow was returned, or is about to
15 be returned.

16 The fact of the matter is, your Honor, she did
17 nothing wrong. She was under a misapprehension that one of
18 her lawyers had gone in front of your Honor and the
19 government and gotten permission to substitute the equity for
20 the second house for the first. And as a result of that --
21 and as a result of that, this is what the -- what the
22 misapprehension is about. She did not sell the house. When
23 she learned that the lien hadn't been removed, the deal was
24 canceled. The house is in her name. The lien hasn't been
25 removed. She made no misrepresentation. She did nothing

1 wrong. And the government has moved to forfeit the house.
2 He is here in court, as he should be. The house still stays
3 there as security. And as a result of that, she should not,
4 and I ask your Honor to dismiss it, be held liable for
5 mistakes that she didn't make. So I'm asking your Honor that
6 this motion to revoke defendant's bond and forfeit bond be
7 dismissed.

8 THE COURT: I would like to know what attorney told
9 her that because that's absolutely contrary to the order that
10 was entered in this case by the magistrate judge.

11 MR. GENSON: Mr. Steinback?

12 MR. STEINBACK: Your Honor, if I may approach. I
13 had conversations with Lisa Allegra, and she had said that
14 there was a need to downsize, that there had been a lot of
15 reversals in business, in income, and other things. And I
16 said, well, if you're going to think about doing that, we'd
17 have to think about some kind of a substitute asset. There
18 is a warehouse. I had asked for the documentation with
19 respect to it, and she sent that to me, then followed up with
20 an e-mail, which my wife received. She serves as my -- she
21 helps me as a secretary. And in the e-mail what was
22 requested was whether an order had been obtained yet so that
23 she could put the house on the market. When my wife and I
24 talked about it and I told her to get back to her, the
25 question my wife asked was, did you review and get all the

1 information you needed about the warehouse? And I said,
2 yeah, it's done it's no problem, I've got it.

3 When my wife spoke back with Mrs. Allegra, she
4 said, yes, it's done, it's no problem. Now, I didn't have
5 much conversation thereafter until Mrs. Allegra called me and
6 said, you know, the market isn't good, and I don't think
7 we're going to be able to do anything. At which point I
8 thought, okay, she is not posting it, she is not going to do
9 this, and I don't have to do anything. I didn't realize that
10 she had taken my wife's response to her as an affirmation
11 that I had done what we had spoken about and she had asked me
12 to do.

13 Unfortunately, when I realized that that disconnect
14 had been made, I actually spoke with Carolyn Gurland about
15 it, and I said, Carolyn, we need to contact the government
16 immediately. Carolyn, I believe, reached out to speak with
17 Patrick, let him know that this was something that was
18 ongoing and would the government -- I don't know exactly what
19 was said, but more -- words to the effect, would the
20 government have any problem with it. The government said,
21 yes, we would have a problem with it. So they reversed
22 whatever proposed sale was pending, and that ended the
23 matter.

24 It's my responsibility for not having been clear
25 and being certain as to what precisely was the status of her

1 inquiry. She, I understand, reasonably understood my
2 response to mean, yes, I took care of it. My response
3 intended to be, yes, I have all the documents to take care of
4 it if we need to go forward. And it's not her fault. I
5 need -- I needed to be more careful about focusing and
6 following up, and I didn't, until I realized later that there
7 was, in fact, going to be an attempted sale. I said, well,
8 we've got to back and retrace and see if -- what the
9 government's position is because, if they're not willing to
10 go along with it, we can't do it. And the government is not
11 willing to go along with it, their prerogative. And so the
12 advice was, you can't do it, and the sale was canceled. The
13 buyers have walked away, and they were advised that the -- no
14 sale could be made. That's the entirety of it.

15 So, unfortunately, there was an honest
16 misunderstanding I think on both of your parts, but it was on
17 me to follow up and make sure that I was clear with her, and
18 I wasn't. I made an assumption that was erroneous, and I
19 told everybody as soon as I realized what had happened, well,
20 this is -- this is my responsibility. I didn't -- I wasn't
21 clear. I talked to the -- I talked to government counsel and
22 told him exactly what I'm telling your Honor. It's my
23 responsibility, not hers. Lisa Allegra proceeded in good
24 faith based on conversations we had.

25 THE COURT: When did you talk to government

1 counsel?

2 MR. STEINBACK: When I found out what was going on,
3 recently. I didn't -- I wasn't aware that there was anything
4 until a few days ago. And, at which point, maybe -- maybe
5 three or four days, I don't know. As soon as I learned of
6 it. I was not in the best of shape for other reasons, and I
7 asked Carolyn if she would contact the government counsel and
8 see what their position would be and whether they would
9 permit that and a substitute of assets. There is -- there is
10 a warehouse that's worth every bit as much as the home in
11 terms of equity. So they weren't trying to pull a fast one.

12 THE COURT: It may not be as easy to sell a
13 warehouse, or at least to evaluate it, I don't know. But it
14 seems like that the government certainly should have been
15 contacted before this was put up for sale. I mean, you're
16 talking about an asset that apparently has at least a million
17 dollars in equity.

18 MR. STEINBACK: Yes, I understand.

19 THE COURT: In a tight housing market.

20 MR. STEINBACK: Yes. And the warehouse has greater
21 equity than that, as I was advised.

22 THE COURT: All right. Well, you're very
23 experienced. I can't imagine that you or any one of you
24 didn't know you had to call -- contact the government
25 beforehand. But I'll listen to the government, if the

1 government wants to say anything.

2 MR. OTLEWSKI: Your Honor, the only thing that I
3 would add, and I have no information about what specifically
4 was represented by Ms. Steinback to Ms. Allegra, or what
5 Ms. Allegra's understanding was. We haven't talked to either
6 of those individuals, so I can't speak to that at all. The
7 representation that counsel has made to the court is the same
8 representation he made to me yesterday.

9 What I can tell you is that the first time that we
10 learned that this property was for sale was Monday. And the
11 only reason I learned that wasn't because defense counsel
12 came to me and said, this house is on the market, mea culpa,
13 it shouldn't have been, here is the reason why it is.
14 Instead, the way it was presented to us was, we'd like to
15 substitute this other asset that has -- you know, it's
16 over -- it would over-secure the bond. It's this warehouse
17 that has approximately \$450,000 in equity. The bond is set
18 at approximately \$250,000, won't you swap out the properties.
19 And I explained our position was, no, and the reasons
20 therefore. In fact, prior, when this case had originally
21 been charged and the conditions of bond were being set,
22 defense counsel -- prior defense counsel -- I'm sorry,
23 Mr. Genson, had offered that warehouse as security for the
24 bond, had provided us with an appraisal, and we turned it
25 down for the very reasons. It's a business. It's not his

1 own personal assets. The same reasons I explained to defense
2 counsel. It wasn't until further I asked more questions of
3 defense counsel, why they're trying to swap this out now,
4 that it came to light that the property was actually being
5 offered for sale, that they were trying to get it sold. And
6 that's when I asked defense counsel, hold on, that's a clear
7 violation of the forfeiture.

8 So this isn't a case where, as soon as a misstep or
9 a believed misstep has occurred that they're coming and
10 trying to rectify it. To the contrary. We found that the
11 property was for sale. We found that it had been on the
12 market since at least March of 2017. That since March of
13 2017, the price had been reduced twice, and that it appeared,
14 based on what we had seen, that a closing was rapidly
15 approaching and that defense counsel was trying to get this
16 done prior to closing so that the closing could go forward.
17 That's why we filed the motion as soon as we figured this
18 out, as soon as we were able to get the publicly available
19 information we could about the property, and present it to
20 the court.

21 So that's the -- and that has then formed the basis
22 for our motion where it does appear, your Honor, that we have
23 been -- we have not received full information about what's
24 going on with the property. It appears as if someone is
25 trying to swap out an asset prior to sentencing in a way to