



1) **May 13, 2016 10:00 AM**

For the Defendant:

EDWARD M. GENSON & ASSOCIATES

BY: MR.VADIMA.GLOZMAN

53 W. Jackson Boulevard, Suite 1420 Chicago, IL 60604

And

RALPH E. MECZYK & ASSOCIATES BY: MS. AMANDA

BIELINSKI 111 West Washington Street, Suite 1025

Chicago,IL 60602

THE COURT: Good morning. All right. I guess really the only reason probably for having this was to see if anything had changed in terms of possibly it wasn't actually going to trial.

MR. GLOZMAN: We're preparing for trial, your Honor.

This date was only 3 pages nothing stood out...

2) **May 29, 2015 10:10 AM**

THE COURT: All right. You wanted a protective order?

MR.OTLEWSKI: We did.

THE COURT: Do you still want that?

MR.OTLEWSKI: We did. And it actually was entered

by Magistrate Judge Brown.

THE COURT: Oh, I missed that. Okay. Fine. So

you've got everything.

MR.GENSON: Well, we have, and we've gone over the tapes. We don't have any transcripts. They were a few little blanks that we're going over, but we're going over the tapes. And we are in the process -- based on what we've seen so far, we're preparing a motion relative to the -- relative to a statement that the defendant made. I'm not 100 percent sure we're going to file it, but it looks like we are. We need about another two weeks to file a motion.

- . THE COURT: Okay. Probably 10:00 o'clock for
- . 9 status. And we'll exclude time until then for motions at
- . 10 this point. Now, what about this other motion?
- . 11 MR. GENSON: Withdrawn.

. 12 THE COURT: Withdrawn?

What motion are they referring to? this was a total of 4 pages nothing seemed to stand out...

3) *July 2, 2015 10:10 AM*

THE COURT: Okay. Your client's presence was waived?  
it.

MR.GENSON: I believe it was waived, Judge.

MR. GLOZMAN: Your Honor, I --

THE COURT: That's fine, as long as you're waiving

That's good.

Okay. You filed a motion to suppress. I think you

also -- I missed it, but apparently Jackie tells me you also filed  
*a motion for a bill of particulars. No?*

Where did you come up with that?

THE CLERK: There were some other motions -- wait a  
minute.

MR. GLOZMAN: We filed some standard discovery  
motions for 608(b) and for the return of trial subpoenas.

THE COURT: Oh, okay. Well, the real issue is the motion to suppress.

THE COURT: Okay. Well, I don't know, maybe this is just going to be a legal issue. I don't know if we need -- what is the government's position? Do you want to respond in writing?

THE COURT: Okay. I think that's a good idea. I looked at it, and I thought I'm not really sure what the law would be when you put these particular facts, I just don't know. Okay. How much time does the government need?

4) August 12, 2015 10:05 AM

This motion talks about the Post Arrest and how they want to interpret the request for an attorney....

5) September 17, 2015 10:16 AM

THE COURT: Good morning. Yeah, I have a question. I had hoped I'd be done with it today, but I actually wanted to ask you something. I was watching the video and the video -- the voice seems -- I'm assuming it has something to do with the way the video was recorded. I mean, I see a video and then I hear the voice and they don't seem to correspond. Have you ever looked at the video?

MR.OTLEWSKI: We have, your Honor. It's the way the Hawk recording system works. And when we try to transfer it from the Hawk covert system, that the FBI uses, to a DVD, or something that you can watch when we're presenting it in court because the Court doesn't have the Hawk software that we do.

THE COURT: Yes.

MR.OTLEWSKI: So we tried to convert it to a DVD. There can sometimes be some voice lags or freeze-frame lags. But there is -- you know, nothing else is unchanged.

THE COURT: It wasn't that I thought that there was, but I've never had that experience in looking at one.

MR.OTLEWSKI: Right. Which is why we're offering —

THE COURT: I'm not even sure—and I know--I take it there isn't -- I don't remember that there was actually a -- there wasn't a dispute as to the transcript. But I know defense counsel thought that it was actually important to look at the video.

6 pages for this date nothing stands out other than the audio does not match the video the whole process was cut and pasted.

6) October 6, 2015 9:30 AM

MR.GENSON: I moved it up. I'm supposed to be giving closing arguments in a half hour, or 40 minutes, in front of Judge Darrah.

THE COURT: Okay.

MR.GENSON: I'm too old for this, Judge, I just want you to know it.

THE COURT: Take a vacation, it renews you. Of course, I don't know, I must say

MR.OTLEWSKI: So there are two motions--

THE COURT: —ten hours on a flight the other day didn't feel that way. So, okay, yes.

MR.OTLEWSKI: If we could talk about the motion for protective order and the interlocutory sale first, I think that's the easiest to resolve.

THE COURT: Okay.

MR.OTLEWSKI: So the defendant's Bentley was seized as part of the investigation. The allegation is that . he was

using that Bentley as part of his narcotics

- . 2 trafficking activity. We've sought forfeiture of the
- . 3 Bentley. It's in the US Marshal custody. The Bentley has a
- . 4 certain amount of value to it right now on the market. It
- . 5 has a lien by Bank of America about \$130,000. In order to
- . 6 sell the Bentley, and for the US marshals to obtain money
- . 7 above and beyond the lien that Bank of America has, we'd like
- . 8 to sell it now before it further depreciates and loses value.
- . 9 THE COURT: Do Bentleys depreciate?



- . 10 MR.OTLEWSKI: They do, your Honor. Especially
- . 11 this particularly one. It's a convertible, it's not a
- . 12 classic vehicle.
- . 13 MR.GENSON: Judge, the defendant has--
- . 14 Mr. Allegra has -- wants to fight it. He has not missed  
a
- . 15 payment. As it sits where it's sitting, the government  
is
- . 16 getting value because he is up to date in his  
payments. And
- . 17 he wants to contest the seizure.

7) **October 13, 2015 10:06 AM**

*The court stated this: I think -- as we stand right now, I still think we probably get down to a question of law that maybe the Seventh Circuit will have to decide. Okay.*

MR. OTLEWSKI: At least in terms of the defendant's demeanor and his attempts to sort of fish for a deal and negotiate with the law enforcement officers. This comes up during the post-arrest.

This is the complete opposite of the facts.. the Gov't wanted me to make a deal...

THE COURT: Well, yeah. I mean, and, you know, I'll tell you how I feel about the thing right now. You know, the defendants -- they're not arguing about the first two times, with the issue of an attorney came up. They are arguing about the third one. I think you could make an argument that the fact that he then went on and talked in the whole thing, that you could make an argument that he wasn't necessarily invoking it. But I don't think that the case law supports that right now. I think you may be stuck on that word "can", and that you may have to take it up then and see. Even though -- and, you know, maybe that's the right thing. Maybe there needs to be some bright line. So -- but if there is anything on there, you know, it could -- I think I've looked at that one particular part

MR. GLOZMAN: And in regards to the interlocutory .  
sale of the Bentley motion that the government --

. THE COURT: Oh, yeah.

MR. GLOZMAN: We will be filing our response today to that.

THE COURT: Yeah, that's due today.

MR. GLOZMAN: Yeah, that's going to be filed today.  
*Was this motion in fact ever filed to stay the car*

8) *November 20, 2015 10:39 AM*

THE COURT: This room isn't really conducive to wheelchairs as vehicles.

MR. GENSON: They get smaller and smaller and my carts get bigger and bigger, your Honor.

MR. MECZYK: Good morning, your Honor.

THE COURT: Good morning. What is your name? MR.

MECZYK: My name is Ralph Meczyk, your Honor. THE

COURT: Oh, right, you just filed an

appearance.

MR. MECZYK: Nice to see you again, your Honor. And

joining me is Damon Cheronis.

MR. CHERONIS: Good morning, your Honor.

THECOURT: Oh, good morning, Mr. Cheronis.

MR. GENSON: It's obvious the defendant is taking into account my age and wants -- wants me to have help. So I--

MR. MECZYK: I don't think Mr. Genson needs any help, your Honor.

THE COURT: I really don't want to move it to another judge's calendar.

MR. OTLEWSKI: I beg your pardon?

THE COURT: I really don't think—it seems to me it makes more sense to put another Assistant US Attorney on it than for me to move it to some other judge's calendar, all of whom are also very busy.

MR. OTLEWSKI: Okay.

9) *December 8, 2015 9:30 AM*

For the Defendant:

EDWARD M. GENSON & ASSOCIATES

BY: MR.VADIMA.GLOZMAN

53 W. Jackson Boulevard, Suite 1420 Chicago, IL 60604

And

RALPH E. MECZYK & ASSOCIATES BY: MS. AMANDA

BIELINSKI 111 West Washington Street, Suite 1025

Chicago,IL 60602

MR.OTLEWSKI: Well, your Honor, at the last court appearance, we've been discussing this motion for interlocutory sale of the defendant's Bentley.

THE COURT: Right.

MR.OTLEWSKI: And defense counsel indicated that they were going to be providing documentation establishing the current market value of the Bentley and whether the likelihood of it appreciating versus depreciating, which the Court wanted to know before it decided on the government's motion.

THE COURT: Yes.

**MR.OTLEWSKI: We haven't seen any of that documentation.**

*THE COURT: I noticed there hadn't been anything filed.*

MR. OTLEWSKI: And none was given to us in advance of the hearing, and I haven't received any today.

MR. GLOZMAN: There must have been some

miscommunication on our part. I'll take blame for that. I don't know what was really going on with the case. I missed the last court date. But if we could just get a couple days, we will get the Court and Mr. Otlewski any sort of documentation.

THE COURT: All right. Well, if you want to get the transcript if you don't know. I mean, we had a long -- well, I don't know about long, but we certainly had a substantial discussion about that because it seemed to me that that would be the issue. I mean, if it actually -- if it's not going to lose value sitting there, well, then, fine, as long as payments are being made. But the government thinks, and it's right about most cars, they generally lose value just sitting there.

THE COURT: This particular Bentley, you know, I don't know anything about Bentleys. I think I read something that one of them actually wasn't a good one, a good buy, but -- must have been some story that probably, because of this, caught my attention. But I have no idea about this one. Perhaps -- I'm sorry, judges aren't likely to be experts on Bentleys.

MR. GLOZMAN: We'll find whatever documentation the Court and Mr. Otlewski need. I just -- it's hard for me to imagine the car is depreciating --

THE COURT: Well, you better because otherwise-- 9 pardon me?

MR. OTLEWSKI: We do.

THE COURT: The government shouldn't have to wait forever.

MR. GLOZMAN: I understand, your Honor, and I apologize.

THE COURT: It's probably not losing value at a rate that requires that we worry about -- too much about it. But I think the government filed this some time ago.

MR. OTLEWSKI: Several months ago.

MR. GLOZMAN: I think it was back in September they are saying they filed it.

THE COURT: All right. Well, then, okay. Today is the 8th. Do you want to come back, I don't know, some time next week?

MR. GLOZMAN: Yeah. I won't be here, but I'll pass on to Mr. Genson, and they'll bring whatever they need to bring.

THE COURT: Well, I think the government should be given that information ahead of time.

MR. GLOZMAN: That's fine, your Honor. We'll get everything --

THE COURT: All right. Well, you give the government that information. I mean, who was here last time?

MR. OTLEWSKI: It was Damon Cheronis, Ralph Meczyk, Ms. Bielinski and Ed Genson.

That motion that was to be filed or the information that my counsel was to get they dropped the ball...looks like the Judge bitched they out...

10) *December 18, 2015 10:13 AM*

THE COURT: Good morning. So are you convinced?

MR. OTLEWSKI: Your Honor, we'll leave it in the Court's hands.

THE COURT: What do I know about Bentleys as I said last time. And probably Assistant US Attorneys don't either.

MR. OTLEWSKI: No, I've never owned a 2014 Bentley GTS V8 that's worth 160,000.

MR. GENSON: Neither have I.

THE COURT: You could probably afford one. MR. GENSON: I probably could, but I still don't



have one.

THE COURT: Why would anybody want one?

MR.OTLEWSKI: Your Honor, here is the short of it.

We have a letter from an individual who works at a Bentley dealership. I've done some looking into this person. They've been basically a salesman for about eight years.

THE COURT: Why don't you call up a Bentley place

- . or can't -- I mean, isn't that enough to have the government
- . 2 at least take a little bit -- do a little bit of work? I
- . 3 mean, we're talking about a trial next summer, we're not
- . 4 talking about three years from now.
- . 5 MR.OTLEWSKI: Right. And if the Court is
- . 6 inclined, given the defendant's continued payments on the

- . 7 Bentley and its current value, and at least an indication
- . 8 that it's not going to depreciate, we can hold the motion in
- . 9 abeyance or we can withdrew it as moot. At the end of the
- . 10 day --
- . 11 THE COURT: Okay. I'll let you withdraw. If you
- . 12 become so inclined or somebody in -- that you can send out to
- . 13 go to a Bentley dealership, or otherwise, or -- wait a
- . 14 minute, I don't know, do they have it -- where is it you can
- . 15 go on -- what's the Blue Book thing? You could go on -- I
- . 16 can't remember what it's called.

MR.OTLEWSKI: Your Honor, the Kelley Blue Book

- . 18 doesn't cover Bentley GTS V8. I looked it up.
- . 19 MR. GENSON: There is not very many of them sold,
- . 20 Judge, so there is no market. I mean, here is my --

THE COURT: He must be a very successful pilot.

**MR. GENSON: Well, he is. And he, for some reason, .**  
**wants to continue to make payments on a car that he**  
**doesn't**  
**own -- that he is not able to drive because the government**  
**had it. He has posted a bond initially in order to contest**  
**the forfeiture. He believes, and I -- I do believe that there**  
**is a factual, at least, dispute regarding the seizure of the**  
**Bentley, which we can resolve at trial as to how, in fact, the**  
**basis by which --**

**I never said I want to keep paying for the car but forced to because of what it would do to**  
**my credit. Where is Eddie filing the motion to get me my car today (NOW)**

MR.GENSON: I know that, in my experience, and

this is why I am sort of fighting this a little, these things are sold -- of course I've never had a client who had a Bentley seized. But these things are sold for appreciably less than what the market is. And if, in fact, we do prevail, then he would lose, in my opinion, based on my experience, and, again, I have none with the Bentley, appreciable amounts of equity. And so, as a result of that, that's why I'm objecting. They have the car. He is continuing to make the payments, which, again, is not within my experience, that people continue to make those payments.

*THE COURT: Well, he probably better continue making the payments.*

MR.GENSON: And so--

THE COURT: Okay.

MR.GENSON: And so he continued to make the

payments. They're holding it. It's in a safe place. And if we have -- you know, and we'll try to resolve the case on the date that it's set to be resolved on.

*I didn't want to make payments on a car I didn't have I wanted my car, Eddie left me in the rain....*

MR.OTLEWSKI: Correct. I don't anticipate filing

a Santiago proffer on this case. We may be filing a motion for 404(b) evidence, the admission of that. I would ask for a deadline to file our motion of July 5th.

THE COURT: Okay.

MR.OTLEWSKI: And we can have our proposed jury instructions and other motions filed that same day as well.

THE COURT: Yes. Let me just see if there is anything that would interfere with that. The only -- if -- I don't know what your schedule is. If you do it a week earlier than that, I would be more comfortable, if there is a possibility that -- for sure if you file a 404(b) motion there is going to be a fight over it.

MR.OTLEWSKI: Sure. June27th? THE COURT: Yeah, that would be good.

**THE COURT: Do you need all these lawyers?**

MR.GENSON: It wasn't my choice. I don't need-- I don't think I need other lawyers, but it wasn't my choice, it was the defendant's choice. I think I was in Kentucky once.

THE COURT: What?

MR.GENSON: I'm not that important to travel around. ButI —no,I--I--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.

The point is Eddie had Terminal Cancer that he had not informed anyone of and because of that he did not make me feel comfortable nor would he take the case to trial. He told me I had to plead guilty and he would arrange a deal for probation....

THE COURT: Okay. Or if he has decided he doesn't need to have so many attorneys.

MR. GENSON: My conference room is only so big, Judge. So if we have fewer attorneys, I'll try to handle it.

THE COURT: Well, talk to your client. Okay.

Eddie begged me to remove Ralph and all the other attorneys, telling me this is what the Judge wanted me to do.

Keep in mind this is all prior to the plea agreement....

11) Chicago, Illinois July 1, 2016 2:00 o'clock p.m.

Now comes my Change of Plea

For the Defendant:

LAW OFFICES OF EDWARD M. GENSON BY:  
MR.EDWARDM.GENSON

MR. VADIM GLOZMAN  
53 West Jackson Boulevard 1420 Suite 1420  
Chicago, Illinois 60604

RALPH E. MECZYK & ASSOCIATES BY: MS.AMANDA  
BIELINSKI 111 West Washington Street Suite 1025  
Chicago, Illinois 60602

*-MS. LINDSAY JENKINS Assistant United States Attorney-*

*MS JENKINS: Your Honor, I don't mean to interrupt you,  
but I did want to put something on the record before we get  
into the heart of the plea.*

*The government is moving orally to strike the quantity  
allegations from Count 1 of the indictment. The plea  
agreement that's before you and the plea agreement that  
was tendered to the Court yesterday reflects that **no .  
mandatory minimum will be -- the government will not seek  
the mandatory minimum in this case.** We're moving to strike  
those allegations. And the plea agreement in front of you  
reflects the accurate maximum possible penalties in the  
penalty section.*

*Please see attached Plea agreement in its entirety Case No. 06 CR 850*





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

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
-vs-	)	Case No. 06 CR 850
ROBERT ALLEGRA,	)	Chicago, Illinois
Defendant.	)	July 1, 2016
	)	2:00 o'clock p.m.

TRANSCRIPT OF PROCEEDINGS - CHANGE OF PLEA  
BEFORE THE HONORABLE ELAINE E. BUCKLO

APPEARANCES:

For the Plaintiff: HON. ZACHARY T. FARDON  
United States Attorney  
BY: MS. LINDSAY JENKINS  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604

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

RALPH E. MECZYK & ASSOCIATES  
BY: MS. AMANDA BIELINSKI  
111 West Washington Street  
Suite 1025  
Chicago, Illinois 60602

Mary M. Hacker CSR, FCRR  
Official Court Reporter  
United States District Court  
219 South Dearborn Street, Suite 1212  
Chicago, Illinois 60604  
Telephone: (312) 435-5564

1 (Proceedings had in open court:)

2 THE CLERK: 15 CR 243, U.S.A. versus Allegra.

3 Change of plea hearing.

:04PM

4 MS JENKINS: Good afternoon, your Honor. Lindsay  
5 Jenkins for the United States.

6 THE COURT: Good afternoon.

7 MS. BIELINSKI: Good afternoon, your Honor. Amanda  
8 Bielinski, B-I-E-L-I-N-S-K-I, from Ralph Meczyk's office, on  
9 behalf of Mr. Allegra.

:04PM

10 MR. GLOZMAN: Good afternoon, your Honor. Vadmin  
11 Glozman and Ed Genson on behalf of Mr. Allegra, who is here  
12 present on my right.

13 THE COURT: Good afternoon.

14 All right. We're here for a plea?

:04PM

15 MR. GLOZMAN: Yes, your Honor.

16 MS JENKINS: Yes, your Honor.

17 THE COURT: All right.

18 It's my understanding -- I think I brought the  
19 wrong one in. Just a minute. Let me have a minute.

:04PM

20 (Brief pause.)

21 THE COURT: I just brought the wrong one in.

22 Okay. It's my understanding that you wish to offer  
23 a plea of guilty. Before I can accept your plea of guilty, I  
24 must determine that you are mentally competent to plead at  
:05PM 25 this time; that you've had the assistance of a lawyer; that

1 you understand your trial rights; that you understand the  
2 charges against you; that your plea is voluntary; and that  
3 there is a basis in fact for your plea.

4 I must put you under oath and ask you questions. I  
:05PM 5 want you to know that you may talk to your lawyers at any  
6 time.

7 If you lie to me or give false answers to any of my  
8 questions, you could be charged with a new and separate  
9 crime.

:05PM 10 In giving truthful answers to some of my questions,  
11 you will be giving up your right not to testify against  
12 yourself. Some of your answers will be incriminating and you  
13 will have to admit your guilt.

14 Do you understand what I've told you?

:06PM 15 THE DEFENDANT: I do, your Honor.

16 THE COURT: All right.

17 Please swear in the defendant.

18 (Defendant sworn.)

19 MS JENKINS: Your Honor, I don't mean to interrupt

:06PM 20 you, but I did want to put something on the record before we  
21 get into the heart of the plea.

22 The government is moving orally to strike the  
23 quantity allegations from Count 1 of the indictment. The  
24 plea agreement that's before you and the plea agreement that  
:06PM 25 was tendered to the Court yesterday reflects that no

1 mandatory minimum will be -- the government will not seek the  
2 mandatory minimum in this case. We're moving to strike those  
3 allegations. And the plea agreement in front of you reflects  
4 the accurate maximum possible penalties in the penalty  
:06PM 5 section.

6 THE COURT: Okay.  
7 Would you state your name, please?  
8 THE DEFENDANT: Robert Vincent Allegra.  
9 THE COURT: Mr. Allegra, how old are you?  
:07PM 10 THE DEFENDANT: 61.  
11 THE COURT: What city or town do you live in?  
12 THE DEFENDANT: Hinsdale, Illinois.  
13 THE COURT: Are you married?  
14 THE DEFENDANT: Yes, I am, your Honor.  
:07PM 15 THE COURT: How far did you go in school?  
16 THE DEFENDANT: Graduated college.  
17 THE COURT: What kind of work have you been doing  
18 the last three years?  
19 THE DEFENDANT: I've been in the aviation business  
:07PM 20 my whole life, along with construction.  
21 THE COURT: All right. Are you basically in good  
22 physical health?  
23 THE DEFENDANT: Yes, your Honor.  
24 THE COURT: Have you taken any medication or drugs  
:07PM 25 of any kind or alcoholic beverages in the last 24 hours?

1 THE DEFENDANT: No alcoholic beverages. I am on  
2 cholesterol medication, high blood pressure medicine.

3 THE COURT: Okay. Have you ever been under the  
4 care of a doctor or in a hospital for a mental condition?

:07PM 5 THE DEFENDANT: No, your Honor.

6 THE COURT: Also -- I should say, do either of you  
7 -- I don't know -- is somebody here speaking, or all of you?

8 MR. GLOZMAN: Mr. Genson will speak on behalf of  
9 everyone.

:07PM 10 THE COURT: Okay. And the government.

11 Do either of you have any doubt as to Mr. Allegra's  
12 competence to plead at this time?

13 MR. GENSON: I have no doubts.

14 MS JENKINS: No.

:08PM 15 THE COURT: All right.

16 I find that you are competent to offer a plea of  
17 guilty.

18 Tell me the name of the attorney who is  
19 representing you in this case.

:08PM 20 THE DEFENDANT: Edward Genson.

21 THE COURT: Have you had enough time to talk to Mr.  
22 Genson?

23 THE DEFENDANT: Yes, I have.

24 THE COURT: Have you told him everything you know  
:08PM 25 about your case?

1 THE DEFENDANT: Yes, I have, your Honor.

2 THE COURT: Are you satisfied with the advice and  
3 efforts of your attorney?

4 THE DEFENDANT: Yes, I am, your Honor.

:08PM 5 THE COURT: Something is going wrong with my voice.  
6 (Brief pause.)

7 THE COURT: All right.

8 You are charged in this indictment with attempted  
9 possession with intent to distribute a controlled substance;  
:09PM 10 namely, a mixture and substance containing a detectable  
11 amount of cocaine.

12 Have you read the indictment?

13 THE DEFENDANT: Yes, I have.

14 THE COURT: Have you discussed the indictment with  
:09PM 15 your attorney?

16 THE DEFENDANT: I have.

17 THE COURT: Do you understand the charge against  
18 you?

19 THE DEFENDANT: I do, your Honor.

:09PM 20 THE COURT: Under the Constitution and laws of the  
21 United States, you are entitled to a trial by jury on the  
22 charges against you.

23 Do you understand this?

24 THE DEFENDANT: I do, your Honor.

:09PM 25 THE COURT: You have retained counsel to assist you

1 today. At least I -- I think that's a given, right? You got  
2 three lawyers here; they must be retained.

3 THE DEFENDANT: Yes.

4 THE COURT: All right.

:09PM 5 You have retained counsel to assist you today. If  
6 you chose to plead not guilty, you would have the right to  
7 the assistance of counsel at trial as well.

8 If you chose to plead not guilty and you no longer  
9 had the funds to hire a lawyer, I would appoint a lawyer to  
:09PM 10 serve as your counsel at trial at no cost to you.

11 Do you understand this?

12 THE DEFENDANT: I do, your Honor.

13 THE COURT: Do you understand that you have a right  
14 to plead not guilty?

:09PM 15 THE DEFENDANT: I do, your Honor.

16 THE COURT: If you plead not guilty, you have the  
17 right to a speedy trial, to see and hear all the witnesses  
18 called to testify against you.

19 Your lawyer would have a right to cross-examine  
:10PM 20 witnesses, and you could use the subpoena of the court to  
21 obtain attendance of witnesses to testify on your behalf.

22 Do you understand this?

23 THE DEFENDANT: I do, your Honor.

24 THE COURT: At trial you would be presumed to be  
:10PM 25 innocent, and the government would be required to prove you

1 guilty by competent evidence beyond a reasonable doubt before  
2 you could be found guilty. You would not have to prove you  
3 were innocent.

4 Do you understand that?

:10PM

5 THE DEFENDANT: I do, your Honor.

6 THE COURT: At trial you would have the right to  
7 testify, if you wanted to.

8 You would also have the right not to testify. If  
9 you chose not to testify, no inference or suggestion of guilt  
10 could be drawn from the fact that you did not testify.

:10PM

11 Do you understand that?

12 THE DEFENDANT: I do, your Honor.

13 THE COURT: The trial could be either a jury trial  
14 or a trial by a judge without a jury. The trial by judge  
15 would occur only if you, the government, and I all agree.

:10PM

16 Do you understand this?

17 THE DEFENDANT: I do.

18 THE COURT: If the trial were a jury trial, the  
19 jury would be composed of twelve persons selected from a  
20 large group, whose names have been drawn at random from  
21 voters' lists.

:10PM

22 You and your attorney would have an opportunity to  
23 exclude jurors if they were biased against you or  
24 disqualified. You would be able to exclude a certain number  
25 of jurors simply because you did not want them to serve on

:11PM



1 your jury.

2 Do you understand this?

3 THE DEFENDANT: I do, your Honor.

4 THE COURT: If you had a jury trial, a jury would  
:11PM 5 have to agree unanimously and would have to consider each  
6 count of the indictment separately.

7 Do you understand that?

8 THE DEFENDANT: I do.

9 THE COURT: Do you understand that if at a trial  
:11PM 10 you were found guilty, you would also have a right to appeal?

11 THE DEFENDANT: I do.

12 THE COURT: Do you understand that if you plead  
13 guilty you waive, that is, you give up all of these trial  
14 rights?

:11PM 15 THE DEFENDANT: I do, your Honor.

16 THE COURT: If you plead guilty and I accept your  
17 plea, there will be no trial and I will enter a finding of  
18 guilty on the basis of your plea and sentence you after a  
19 sentencing hearing.

:11PM 20 Do you understand this?

21 THE DEFENDANT: I do.

22 THE COURT: All right. We do have a written plea  
23 agreement. Are there any agreements or promises that have  
24 been made that are not in the plea agreement?

:11PM 25 THE DEFENDANT: No, your Honor.

1 THE COURT: Is this your signature on this plea  
2 agreement?

3 THE DEFENDANT: Yes, it is.

4 THE COURT: Have you read this document?

:11PM 5 THE DEFENDANT: I have.

6 THE COURT: Did you discuss the agreement with your  
7 attorney?

8 THE DEFENDANT: I have.

9 THE COURT: Now, the charge to which you indicated  
:12PM 10 you wish to plead guilty carries a maximum sentence of  
11 20 years imprisonment and a maximum fine of \$2 million.

12 There's also a term of supervised release of at  
13 least three years, and up to any number of years, including  
14 life. There is no mandatory minimum term of imprisonment.

:12PM 15 There is a \$100 special assessment on the charge to  
16 which you've indicated you want to plead guilty.

17 The indictment had how many counts? It was more  
18 than one, wasn't it?

19 MS JENKINS: Only one.

:12PM 20 THE COURT: It was only one?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay.

23 Anyway, do you understand all of that?

24 THE DEFENDANT: I do, your Honor.

:12PM 25 THE COURT: Do you also understand that I have the

1 final decision as to what your sentence will be?

2 THE DEFENDANT: I do, your Honor.

3 THE COURT: This agreement also contains a  
4 forfeiture agreement in which it says that you are -- that if  
:13PM 5 you plead guilty, that you will forfeit to the United States  
6 all right, title and interest in any property constituting  
7 the proceeds obtained as a result of the offense, as well as  
8 any property used or intended to be used in any manner to  
9 commit or facilitate commission of the offense?

:13PM 10 Do you understand that?

11 THE DEFENDANT: Yes, I do, your Honor.

12 THE COURT: Has anyone forced you in any way to  
13 plead guilty?

14 THE DEFENDANT: No, your Honor.

:13PM 15 THE COURT: Has anyone threatened or coerced you in  
16 any way to cause you to plead guilty?

17 THE DEFENDANT: No.

18 THE COURT: Have any promises been made to cause  
19 you to plead guilty?

:13PM 20 THE DEFENDANT: No, your Honor.

21 THE COURT: Is your decision to plead guilty  
22 entirely voluntary?

23 THE DEFENDANT: Yes, it is.

24 THE COURT: All right.

:13PM 25 Will the government please summarize what its

1 evidence would be if this case were tried?

2 MS JENKINS: Yes, your Honor.

3 If this case were to go to trial, the government's  
4 evidence would show that on or about February 9th, 2015, the  
:14PM 5 defendant had an in-person meeting regarding trafficking  
6 cocaine with an individual who, unbeknownst to the defendant,  
7 was cooperating with law enforcement.

8 During that meeting the defendant agreed to  
9 transport both quantities of cocaine from California to the  
:14PM 10 Chicago area for that cooperating individual using a private  
11 plane flown by the defendant.

12 Also during the meeting the defendant stated, in  
13 substance, that he wanted to be paid a percentage of the  
14 value of the cocaine to be transported.

:14PM 15 Around February 24th of 2015, the defendant had an  
16 in-person meeting with the cooperating individual and an  
17 undercover officer who posed as a narcotics trafficker.  
18 Defendant brought the cooperating individual and the  
19 undercover officer to the Aurora Municipal Airport, where  
:14PM 20 defendant showed the undercover officer a private plane which  
21 defendant explained he could use to transport the cocaine.

22 During the meeting the defendant agreed to  
23 transport approximately 45 kilograms of cocaine hidden inside  
24 suitcases from California to Chicago.

:15PM 25 On approximately March 10th of 2015, the defendant

1 had an in-person meeting with the cooperating individual at a  
2 restaurant in Elmhurst, Illinois, where defendant agreed to  
3 receive \$30,000 in cash as an up-front payment for the  
4 transportation of the cocaine, with the remainder due after  
5 the delivery of the cocaine was complete.

6 On March 20th of 2015 the defendant drove a black  
7 Bentley Continental, which is described in the plea  
8 agreement, and arrived at a parking lot in Oak Brook,  
9 Illinois, for the meeting with the cooperating individual to  
10 discuss the planned transportation of cocaine from California  
11 to Illinois.

12 During that meeting and in the presence of the  
13 defendant, the cooperating individual placed \$30,000 in cash  
14 in the glove box of the Bentley as an advance payment for the  
15 transportation of the cocaine.

16 At the conclusion of that meeting the defendant  
17 took the money and departed the area in the Bentley.

18 On March 23rd, 2015, the defendant flew a private  
19 airplane from Aurora Municipal Airport to Van Nuys Airport in  
20 California with the intent to obtain suitcases which  
21 defendant believed would contain approximately 45 kilograms  
22 of cocaine.

23 On March 25th, 2015, undercover officers, posing as  
24 narcotics traffickers, brought weighted suitcases to  
25 defendant at the Van Nuys Airport which defendant believed

1 contained approximately 45 kilograms of cocaine that  
2 defendant planned to load into a private airplane for the  
3 purpose of transporting that to Chicago.

4 And the government's evidence would prove that the  
:16PM 5 amount that the defendant intended to distribute was  
6 approximately 45 kilograms of cocaine.

7 THE COURT: Have you heard the statement of the  
8 Assistant United States Attorney?

9 THE DEFENDANT: I have, your Honor.

:17PM 10 THE COURT: Is it true?

11 THE DEFENDANT: It is true, your Honor.

12 THE COURT: Could you just summarize briefly what  
13 it is that you were doing -- or intended to do?

14 THE DEFENDANT: I intended to fly suitcases from  
:17PM 15 California with the intent that there may have been drugs in  
16 there back to the United -- back to Chicago.

17 THE COURT: Did you believe that it was going to  
18 have 45 kilograms of cocaine in it?

19 THE DEFENDANT: Yes, your Honor.

:17PM 20 THE COURT: And did you intend to distribute it?

21 THE DEFENDANT: No, I did not, your Honor.

22 THE COURT: What did you intend to do with it?

23 THE DEFENDANT: I was just flying it from Chicago  
24 to Aurora.

:17PM 25 THE COURT: From California to --

1 THE DEFENDANT: From California to Aurora.

2 THE COURT: And then what?

3 THE DEFENDANT: Then the confidential informant was  
4 to meet me and pick it up.

:17PM 5 THE COURT: I see.

6 And you expected the confidential informant was  
7 going to do something with it?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: What is your plea to the charge in this  
:17PM 10 case?

11 THE DEFENDANT: Guilty as charged.

12 THE COURT: Since you acknowledge that you are, in  
13 fact, guilty as charged in the indictment and you have had  
14 the assistance of counsel, you know your right to a trial,  
:18PM 15 the maximum possible punishment, and you are voluntarily  
16 pleading guilty, I will accept your plea of guilty and enter  
17 a judgment of guilty on your plea.

18 I will order a presentence investigation. Your  
19 lawyer will explain that procedure to you.

:18PM 20 Jackie, you need to give out some dates.

21 THE CLERK: 6/15 memoranda and objections to PSR to  
22 be filed by September 30th. Any response to be filed by  
23 October 6th. And the sentencing is set for --

24 MR. GLOZMAN: Your Honor, if I may. We have a  
:18PM 25 trial in front of Judge Gettleman starting October 17th which

1 could last up to two weeks. So if we could do it after that?

2 THE COURT: Probably.

3 THE CLERK: That will take us into the beginning of  
4 November, the first week of November.

:19PM 5 THE COURT: November 4th? Is the government okay  
6 with that?

7 MS JENKINS: Any date that's fine with the Court is  
8 okay for the government, your Honor.

9 MR. GLOZMAN: November 4th works, your Honor.

:19PM 10 THE COURT: All right.

11 MS JENKINS: One moment, your Honor.

12 (Discussion had off the record.)

13 MR. GLOZMAN: Your Honor, can we -- for our motion  
14 to seal the plea agreement?

:19PM 15 MS JENKINS: My understanding is that counsel  
16 wishes to have that plea agreement sealed. The government  
17 has no objection to that, other than what the normal  
18 disclosures would be to the Probation Department.

:20PM 19 THE COURT: You can't seal a plea agreement. I  
20 don't know what the possible basis would be.

21 MR. GENSON: Pursuant to further conversations that  
22 we're having with the government, the question is whether we  
23 would like to make the plea agreement --

24 THE COURT: Sorry, what?

:20PM 25 MR. GENSON: Pursuant to conversations we plan to



1 have with the government, the interest -- we would think in  
2 the interest of the circumstances of the conversation, that  
3 the plea agreement be sealed for a period of time. Not  
4 permanently but just for a period of time.

:20PM

5 THE COURT: Well, the fact that there was a plea  
6 today would already be on the --

7 MR. GENSON: I understand.

8 Your Honor, it's something that we think would be  
9 helpful. It would only be for a short period of time.

:20PM

10 THE COURT: All right. I'll seal it for 30 days.

11 MR. GENSON: That's fine, Judge.

12 THE COURT: Okay. Apart from the fact that the  
13 Seventh Circuit thinks things should be public, I also do.

14 MR. GENSON: I understand.

:21PM

15 THE COURT: Okay.

16 All right. We'll seal it for 30 days.

17 MR. GENSON: Thank you, your Honor.

18 THE DEFENDANT: Thank you, your Honor.

19 MS. BIELINSKI: Thank you.

20 (Which were all the proceedings heard.)

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## CERTIFICATE

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

*/s/ Mary M. Hacker*

*February 6, 2017*

\_\_\_\_\_  
Mary M. Hacker  
Official Court Reporter

\_\_\_\_\_  
Date



<p style="text-align: right;">Page 1</p> <p style="text-align: center;">AUDIO FILE TRANSCRIPTION OF POST-ARREST INTERVIEW OF R. ALLEGRA</p> <p style="text-align: center;">MARCH 25, 2015</p>	<p style="text-align: right;">Page 3</p> <p>1 UNIDENTIFIED SPEAKER: (Inaudible).</p> <p>2 AGENT OSTROW: Okay. Thank you. We got the</p> <p>3 other guys in custody. Okay.</p> <p>4 ROBERT ALLEGRA: Who are the guys?</p> <p>5 AGENT RONSMAN: The other girls, I'm sorry.</p> <p>6 ROBERT ALLEGRA: No, who were the girls.</p> <p>7 AGENT OSTROW: Hold on a second.</p> <p>8 AGENT RONSMAN: This is formalities.</p> <p>9 AGENT OSTROW: I am Dave Ostrow special agent</p> <p>10 with the FBI.</p> <p>11 ROBERT ALLEGRA: Okay.</p> <p>12 AGENT RONSMAN: Pat Ronsman.</p> <p>13 ROBERT ALLEGRA: I believe you guys. You got</p> <p>14 your readers, too. This is the first time this</p> <p>15 has ever happened to me. I have been flying for</p> <p>16 40 years.</p> <p>17 AGENT RONSMAN: Before, before we figure out</p> <p>18 what's going onto cover ourselves and protect</p> <p>19 you, I do want to advise you of your rights,</p> <p>20 just so you know if you are (inaudible) and you</p> <p>21 want to (inaudible).</p> <p>22 ROBERT ALLEGRA: I don't know what -- I don't</p> <p>23 know we are talking about.</p> <p>24 AGENT RONSMAN: Well, that's why --</p>
<p style="text-align: right;">Page 2</p> <p>1 AGENT OSTROW: All right. March 25th. SA</p> <p>2 Pat Ronsman and SA Dave Ostrow about to go</p> <p>3 interview Robert Allegra in Van Nuys,</p> <p>4 California.</p> <p>5 AGENT RONSMAN: All right now.</p> <p>6 AGENT OSTROW: Have you brought in with us.</p> <p>7 Yeah, yeah. It's going. This is live. We are</p> <p>8 live (inaudible).</p> <p>9 ROBERT ALLEGRA: I'm still trying to figure</p> <p>10 out why I'm cuffed. (Inaudible).</p> <p>11 AGENT RONSMAN: We can go inside. We are</p> <p>12 going through this way, sir.</p> <p>13 ROBERT ALLEGRA: You got my little tool kit</p> <p>14 not that it matters (inaudible).</p> <p>15 UNIDENTIFIED SPEAKER: What was it?</p> <p>16 ROBERT ALLEGRA: Little tiny plastic tool</p> <p>17 kit, precision screws and stuff. Guy pulled it</p> <p>18 out of my pocket.</p> <p>19 AGENT RONSMAN: I'm not sure.</p> <p>20 UNIDENTIFIED SPEAKER: After you.</p> <p>21 AGENT RONSMAN: Thanks, guys.</p> <p>22 UNIDENTIFIED SPEAKER: You bet.</p> <p>23 Are you okay?</p> <p>24 AGENT OSTROW: We are good.</p>	<p style="text-align: right;">Page 4</p> <p>1 AGENT OSTROW: We will explain everything to</p> <p>2 you. We just --</p> <p>3 AGENT RONSMAN: That's why I want to have a</p> <p>4 conversation with you. But it's our policy any</p> <p>5 time we interview somebody now that we have to</p> <p>6 advise them of their rights.</p> <p>7 AGENT OSTROW: No matter what.</p> <p>8 AGENT RONSMAN: I know you read English fine,</p> <p>9 so you can just read along with me. Before you</p> <p>10 ask any questions, you must understand your</p> <p>11 rights. You have the right to remain silent.</p> <p>12 Anything you say can be used against you in</p> <p>13 court. You have a right to talk to a lawyer for</p> <p>14 advice before we ask you any questions. You</p> <p>15 have the right to have a lawyer with you during</p> <p>16 questioning. If you cannot afford a lawyer, one</p> <p>17 will be appointed for you before any questioning</p> <p>18 if you wish. If you decide to answer questions</p> <p>19 now without a lawyer present, you have the right</p> <p>20 to stop answering questions at any time.</p> <p>21 ROBERT ALLEGRA: Okay.</p> <p>22 AGENT RONSMAN: Do you want to speak to us</p> <p>23 right now?</p> <p>24 ROBERT ALLEGRA: Yeah. In fact, I don't --</p>

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Interview with Robert Allegra

Page 5	Page 7
<p>1 AGENT OSTROW: Sure.</p> <p>2 AGENT RONSMAN: I just ask you to sign that</p> <p>3 acknowledging you understand your rights.</p> <p>4 AGENT OSTROW: Okay. What's the time right</p> <p>5 now?</p> <p>6 ROBERT ALLEGRA: 10:22 Eastern time or</p> <p>7 Central time.</p> <p>8 AGENT OSTROW: 8:23. All right.</p> <p>9 AGENT RONSMAN: So what's -- obviously, you</p> <p>10 can tell there is suitcases full of this.</p> <p>11 ROBERT ALLEGRA: What is this?</p> <p>12 AGENT RONSMAN: I suspect it's cocaine. So</p> <p>13 what's, what's your involvement with all this?</p> <p>14 ROBERT ALLEGRA: None. None. I mean that's</p> <p>15 the first time I'm hearing of it. A guy -- a</p> <p>16 guy called me yesterday to go pick up three,</p> <p>17 people, four people, maybe five out of Van Nuys.</p> <p>18 And I said, "Okay." I said, "I need \$25,000 to</p> <p>19 do it."</p> <p>20 I brought a guy out on Monday and he</p> <p>21 said he was coming back out. And then I got a</p> <p>22 call and they said these people are at the</p> <p>23 Hampton Inn.</p> <p>24 AGENT RONSMAN: Uh-huh.</p>	<p>1 contact you, was it Monday or last week?</p> <p>2 ROBERT ALLEGRA: No, it was about month ago</p> <p>3 they asked me if I can do -- if I all over the</p> <p>4 country and I said, "Yeah." I mean, I don't</p> <p>5 really per se advertise.</p> <p>6 AGENT RONSMAN: Yeah.</p> <p>7 ROBERT ALLEGRA: So one of the things that I</p> <p>8 do is -- as a matter of fact, I just started</p> <p>9 doing this at -- so I told the lady, she just</p> <p>10 give me this check.</p> <p>11 AGENT RONSMAN: Uh-huh.</p> <p>12 ROBERT ALLEGRA: We were out on the ramp.</p> <p>13 She goes, "I understand you got something for me</p> <p>14 to sign." I said, "Yes." And I said, "When we</p> <p>15 get in the airplane, you can sign it for me."</p> <p>16 So they were going to sign that and she</p> <p>17 gave me a check for \$25,000.</p> <p>18 AGENT RONSMAN: Just your standard agreement.</p> <p>19 So it was a Jay that you flew out on --</p> <p>20 ROBERT ALLEGRA: He said his name was Jay.</p> <p>21 AGENT OSTROW: That you flew out on Monday?</p> <p>22 ROBERT ALLEGRA: On Monday.</p> <p>23 AGENT RONSMAN: Okay. Have you just been --</p> <p>24 is that common, that you fly out and then just</p>
Page 6	Page 8
<p>1 ROBERT ALLEGRA: Would you -- "would you make</p> <p>2 arrangements for a limo for them?" And I said,</p> <p>3 "Fine, no problem."</p> <p>4 I mean, I got an agreement that they</p> <p>5 were going to sign. And when the lady came out,</p> <p>6 she said, "We have got to go to the bathroom but</p> <p>7 here is a check for you." And she says, "Do you</p> <p>8 want me to sign anything for you?" And I said,</p> <p>9 "We can do it in the airplane when we get going</p> <p>10 because I got to -- I'm flying my family and</p> <p>11 another group of people down to Florida</p> <p>12 tonight."</p> <p>13 AGENT RONSMAN: Okay.</p> <p>14 ROBERT ALLEGRA: And then tomorrow morning I</p> <p>15 fly Coach Ditka -- I don't know if you know who</p> <p>16 Mike Ditka is. I fly Mike Ditka. So we are</p> <p>17 leaving for Washington DC at 7:00 a.m. tomorrow</p> <p>18 morning.</p> <p>19 AGENT RONSMAN: So who is this guy in Chicago</p> <p>20 that hired you?</p> <p>21 ROBERT ALLEGRA: It was is guy by the name of</p> <p>22 Jay. I got the phone call. If you give me my</p> <p>23 computer -- can I grab my computer?</p> <p>24 AGENT RONSMAN: Yeah. When did he first</p>	<p>1 wait?</p> <p>2 ROBERT ALLEGRA: Well, what ended up -- what</p> <p>3 ended up happening was were -- I really wanted</p> <p>4 to come out here. So it worked out to be</p> <p>5 terrific. Gary from Jet Set Aircraft out</p> <p>6 here -- I don't know if you know who he is.</p> <p>7 AGENT RONSMAN: No.</p> <p>8 ROBERT ALLEGRA: -- he has got a Lear 55 that</p> <p>9 I wanted to buy. So I spent all day yesterday</p> <p>10 looking at that airplane and trying to negotiate</p> <p>11 buying that airplane and I have got a contract</p> <p>12 to buy it.</p> <p>13 AGENT RONSMAN: Okay.</p> <p>14 ROBERT ALLEGRA: I have got a buyer for it in</p> <p>15 Florida. And then the day before, a guy came</p> <p>16 in, a guy lives in Malibu, so we stayed at his</p> <p>17 house in Malibu and we went out for dinner. He</p> <p>18 rented a \$25,000 a month house. The guy is</p> <p>19 going through a divorce. His wife is worth</p> <p>20 about 50 million bucks.</p> <p>21 AGENT RONSMAN: He can get some alimony.</p> <p>22 ROBERT ALLEGRA: In Illinois he gets half.</p> <p>23 You know, the guy is just --</p> <p>24 AGENT RONSMAN: I know.</p>

2 (Pages 5 to 8)

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Interview with Robert Allegra

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<p>1 ROBERT ALLEGRA: So anyways, and then I had a 2 guy that I loaned a lot of money to that's down 3 in Newport Beach, so we went to Newport Beach 4 last night and had dinner with him, went back to 5 his house, talked to him about how he is going 6 to repay me. And then we went and stayed at 7 Airtel last night.</p> <p>8 AGENT RONSMAN: So do you got a phone number 9 for this Jay guy? How did you communicate with 10 him?</p> <p>11 ROBERT ALLEGRA: Umm.</p> <p>12 AGENT RONSMAN: By e-mail? Did he send you 13 an E-mail to hire you or --</p> <p>14 ROBERT ALLEGRA: I'm going to take a look. I 15 don't know if he had an E-mail. I know we 16 talked on the phone. He called me a couple of 17 times.</p> <p>18 AGENT RONSMAN: Do you have a number for him?</p> <p>19 ROBERT ALLEGRA: No. He always called me.</p> <p>20 AGENT RONSMAN: Usually (inaudible).</p> <p>21 AGENT OSTROW: Do you have your cellphone 22 with you?</p> <p>23 AGENT RONSMAN: Have you flown Jay before?</p> <p>24 ROBERT ALLEGRA: Never.</p>	<p>1 AGENT RONSMAN: Do you think that's him?</p> <p>2 AGENT OSTROW: Is that him?</p> <p>3 ROBERT ALLEGRA: I think that's his number.</p> <p>4 AGENT RONSMAN: Okay. All right. I'm 5 (inaudible) a hole in your story.</p> <p>6 ROBERT ALLEGRA: Okay.</p> <p>7 AGENT RONSMAN: Not only are we FBI agents, 8 we are Chicago FBI agents.</p> <p>9 ROBERT ALLEGRA: Oh, nice.</p> <p>10 AGENT RONSMAN: And we came out here 11 specifically for this operation.</p> <p>12 ROBERT ALLEGRA: Okay.</p> <p>13 AGENT RONSMAN: And we know Jay. I know Jay 14 well.</p> <p>15 ROBERT ALLEGRA: Okay.</p> <p>16 AGENT RONSMAN: He has been cooperating with 17 us.</p> <p>18 ROBERT ALLEGRA: Okay.</p> <p>19 AGENT RONSMAN: All the meetings you have had 20 with him over the past month, all the phone 21 calls, everything is recorded.</p> <p>22 ROBERT ALLEGRA: Okay.</p> <p>23 AGENT RONSMAN: We know you are getting paid 24 \$180,000 to do this flight, the \$30,000 you got</p>
Page 10	Page 12
<p>1 AGENT RONSMAN: Never. So you flew Jay out 2 here Monday and you thought he was coming back 3 and bringing some girls back today?</p> <p>4 ROBERT ALLEGRA: Uh-huh.</p> <p>5 AGENT RONSMAN: And you have no knowledge of 6 anything other than that?</p> <p>7 ROBERT ALLEGRA: No, none whatever. I mean, 8 I have never seen cocaine. I have never used a 9 drug in my life.</p> <p>10 AGENT RONSMAN: Okay.</p> <p>11 ROBERT ALLEGRA: Never. I mean, can I see 12 that?</p> <p>13 AGENT RONSMAN: Do you want your fingerprints 14 on it?</p> <p>15 ROBERT ALLEGRA: No. That's okay. Thanks 16 for suggesting it.</p> <p>17 AGENT OSTROW: Do you got Jay's number?</p> <p>18 ROBERT ALLEGRA: No, I don't.</p> <p>19 AGENT OSTROW: When's the last time you 20 talked to him?</p> <p>21 ROBERT ALLEGRA: Well, you know what, I have 22 the number that I tried calling. It was a 23 630-930 -- I take that 630-607-4774 number. 24 (End of file.)</p>	<p>1 last week was ours.</p> <p>2 So you got some decisions to make.</p> <p>3 ROBERT ALLEGRA: Okay.</p> <p>4 AGENT RONSMAN: I know you are a family man. 5 You got a young son. It's up to you. Do you 6 want to cooperate and work with us?</p> <p>7 ROBERT ALLEGRA: I have no reason not to.</p> <p>8 AGENT RONSMAN: Or take it on the chin?</p> <p>9 ROBERT ALLEGRA: I have no reason not to work 10 with you guys. I'm not here to hurt anybody. 11 Okay?</p> <p>12 AGENT RONSMAN: I know you were doing this to 13 -- to make money. We realize that you are not a 14 violent guy. It's not a violent crime. Of 15 course it is a crime, though, as you know, to 16 knowingly transport cocaine.</p> <p>17 ROBERT ALLEGRA: I didn't know they were 18 transporting cocaine. But go ahead.</p> <p>19 AGENT RONSMAN: You did. This is where you, 20 if you want to help yourself and cooperate, you 21 have to -- the \$1,800 of your own plus \$25,000 22 and this is our check.</p> <p>23 AGENT OSTROW: 30 grand last week was our 24 check.</p>

3 (Pages 9 to 12)

<p style="text-align: right;">Page 13</p> <p>1 AGENT RONSMAN: And we know your dealings 2 with Jay and Alfredo as well. You have met with 3 Alfredo and Jay's partner. The dude with the 4 glasses, older guy. 5 ROBERT ALLEGRA: Older man, gray hair and 6 stuff. 7 AGENT RONSMAN: Your last couple meetings you 8 had with him, it's all recorded. 9 ROBERT ALLEGRA: When I ran across him at -- 10 I was having breakfast with the -- 11 AGENT RONSMAN: At Johnny's Ice House. Yeah, 12 but you met up with him back in October as well. 13 ROBERT ALLEGRA: Yes, it was a coincidence. 14 AGENT RONSMAN: The October wasn't. You 15 talked about flying. You gave him a quote to 16 fly some kilos down there. 17 ROBERT ALLEGRA: No, absolutely not. 18 AGENT RONSMAN: You didn't do it but you gave 19 him a price. 20 ROBERT ALLEGRA: Never have I given anybody 21 quote to fly kilos. 22 AGENT RONSMAN: \$80,000. 23 ROBERT ALLEGRA: No, no. Positively not. 24 AGENT OSTROW: You know we have it on</p>	<p style="text-align: right;">Page 15</p> <p>1 AGENT RONSMAN: If you choose to go that 2 route and you cooperate and we are comfortable 3 that you are going to work with us, you can walk 4 out of here today and go back to your family. 5 ROBERT ALLEGRA: What do you want me to do? 6 AGENT RONSMAN: Tell the truth. None of this 7 happens without the truth. There is a U.S. 8 attorney sitting in Chicago right now waiting 9 for my phone call saying "What's Bobby doing?" 10 We have an agent there ready to sign a criminal 11 complaint. 12 ROBERT ALLEGRA: What do you want me to do? 13 AGENT RONSMAN: What can you do? 14 ROBERT ALLEGRA: I got hired a long time ago 15 to fly south to Texas -- 16 AGENT RONSMAN: Yeah, we know about all that. 17 ROBERT ALLEGRA: -- as you guys know. And to 18 my knowledge I was flying cash -- 19 AGENT RONSMAN: You were? 20 ROBERT ALLEGRA: -- in the United States. 21 AGENT RONSMAN: You were? 22 ROBERT ALLEGRA: Which to my knowledge is not 23 a crime. 24 AGENT RONSMAN: Well, knowing that it's drug</p>
<p style="text-align: right;">Page 14</p> <p>1 recording. Every meeting you have had. 2 ROBERT ALLEGRA: I'm more than happy to 3 listen to your recordings. I have never flown a 4 kilo. 5 AGENT OSTROW: I know, but -- 6 AGENT RONSMAN: I know you gave Alfredo a 7 quote, though. 8 ROBERT ALLEGRA: No, not to fly, not to fly 9 drugs. 10 AGENT RONSMAN: What did you think you were 11 doing today then? 12 ROBERT ALLEGRA: I thought I was bringing 13 money. 14 AGENT RONSMAN: Back? So what was Jay paying 15 you \$180,000 for. 16 ROBERT ALLEGRA: That's what he was paying me 17 money for. 18 AGENT RONSMAN: Well, Bob, this is how it's 19 -- it's going to work. I have every intention. 20 I would like to work with you and cooperate and 21 I know you got your fingers in a lot of 22 different pots. 23 ROBERT ALLEGRA: I am a hard working guy. 24 You know, I mean...</p>	<p style="text-align: right;">Page 16</p> <p>1 money crossing the borders, absolutely. 2 ROBERT ALLEGRA: Well, I don't know it's 3 where it's going. 4 AGENT RONSMAN: (Inaudible) picked up and 5 bring them back. 6 ROBERT ALLEGRA: Yeah, I would pick up a 7 bunch of guys and bring them back, you know. 8 But I didn't ask. I kept my mouth shut because 9 -- can I get some water? 10 AGENT OSTROW: Sure. 11 AGENT RONSMAN: I'll step outside. 12 AGENT OSTROW: Sure. 13 AGENT RONSMAN: We can't move forward without 14 the truth. 15 ROBERT ALLEGRA: I will I give you a hundred 16 percent truth. 17 AGENT RONSMAN: All right. What were you 18 doing today? You were not flying money. 19 ROBERT ALLEGRA: Jay said to give me 180 20 grand to come out and pick some -- some girls up 21 along with some suitcases. I didn't ask. I 22 don't want to know. 23 AGENT RONSMAN: Well, you did know. You did 24 talk about it.</p>



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Page 17	<p>1 AGENT OSTROW: And we know you didn't fly Jay 2 Monday. 3 ROBERT ALLEGRA: Yeah, I did. I flew some 4 guy by the name of Jay that -- 5 AGENT RONSMAN: (Inaudible). 6 ROBERT ALLEGRA: His name -- he said his name 7 was Jay, short, baldheaded guy. 8 AGENT RONSMAN: That was somebody else 9 working for us. 10 ROBERT ALLEGRA: Okay. I don't know what his 11 name was. 12 AGENT RONSMAN: So we can't move forward 13 again without -- 14 ROBERT ALLEGRA: What do you want me to do? 15 AGENT RONSMAN: You can tell the truth. 16 ROBERT ALLEGRA: Okay. 17 AGENT RONSMAN: And if we think that's the 18 truth, then -- 19 ROBERT ALLEGRA: Tell me what -- what did 20 I -- what am I doing here to be able to tell the 21 truth and to be able to do everything you need 22 me to do? 23 AGENT RONSMAN: Tell us what you know. Tell 24 the truth, being honest about your involvement</p>	Page 19	<p>1 attorney and say Bob is going to work with us, 2 let's hold off on your charges, we need -- we 3 need for you to at least be honest with us 4 concerning this deal because we got other phone 5 calls and texts. That number you gave, the 630 6 number, that's -- everything is recorded. I 7 know you are telling Jay about the beeps. I 8 don't know what you are hearing. That's not -- 9 ROBERT ALLEGRA: No, they were beeping. 10 AGENT RONSMAN: That's not how it works 11 anymore. We know the arrangements with several 12 meetings, negotiated a price at first. You said 13 you wanted \$250,000 and that would include 14 flying the drug proceeds back. 15 So you damn well knew it was dope 16 coming from LA to Chicago and money coming from 17 Chicago to LA. That's not a question. I know 18 you know that's what it is. 19 ROBERT ALLEGRA: Well, yeah, I had no problem 20 flying the money. I didn't. 21 AGENT OSTROW: It's not the money, but what 22 about the dope? 23 ROBERT ALLEGRA: The dope, I didn't know dope 24 was coming.</p>
Page 18	<p>1 in this. Once we get beyond that, we can get 2 the conversation, you can cooperate and work 3 with us, different -- different things you can 4 do for us in order to receive consideration for 5 these charges that may be filed, if that makes 6 sense. 7 ROBERT ALLEGRA: Well, it does and it 8 doesn't. I mean -- I mean, I would like to 9 cooperate with you, I'm willing to cooperate 10 with you. As you probably know, you know my 11 background. 12 AGENT RONSMAN: Uh-huh. 13 ROBERT ALLEGRA: You know, it's not that I'm 14 friends with anybody. I'm not here to -- I am 15 not -- I don't like to think of myself as a 16 criminal and go from there. 17 You tell me what you need. Do I need 18 an attorney? Do I not need an attorney? 19 AGENT RONSMAN: That's all up to you. 20 ROBERT ALLEGRA: Do you want me to work with 21 an attorney. 22 AGENT RONSMAN: We can't give legal advice. 23 That's up to you. That's -- but right now, the 24 first step, in order for me to call the U.S.</p>	Page 20	<p>1 AGENT RONSMAN: So -- 2 ROBERT ALLEGRA: Tell me what you guys want 3 to do for me so I know what -- where do you -- 4 what do you want to hear? 5 AGENT OSTROW: If you are not honest, then 6 your cooperation is over. You would be charged 7 today and be arrested. And you can -- you know 8 that's up to you. But if you want to cooperate, 9 we know you know a lot people. We know you have 10 been flying different things. I'm sure you have 11 a lot of information we can use. 12 You cooperate enough, who knows what 13 happens to this case. But we can only start 14 doing that if you are honest about what happened 15 here. And we know, you know, your BS story 16 about, oh, just met Jay once or twice, all that. 17 ROBERT ALLEGRA: I don't think I have ever 18 socially been out with Jay. What is his name 19 Jason? 20 AGENT OSTROW: Jason, yeah. 21 AGENT RONSMAN: Well, you are telling a story 22 that doesn't -- it doesn't make sense for you to 23 -- so you are flying money from LA to Chicago 24 and money back from Chicago to LA, no. It's --</p>

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<p style="text-align: right;">Page 21</p> <p>1 it's horse shit, man. 2 ROBERT ALLEGRA: That's all I've ever known 3 that I've flown. We were down to Texas with 4 supposedly money. 5 AGENT RONSMAN: Yes, which you did. But we 6 are talking about this trip. You weren't 7 arrested for those trips. You are arrested for 8 this trip. 9 ROBERT ALLEGRA: Well -- 10 AGENT RONSMAN: So if you can't get past -- 11 ROBERT ALLEGRA: You tell me. I think, first 12 of all, we need to have something written down 13 on what you are going to provide for me and what 14 I'm going to provide for you so then we can -- 15 AGENT RONSMAN: It's not going to happen. 16 Here -- here is how much power you have. You 17 can tell -- you can talk to us and tell the 18 truth. Or you can tell us to pound sand us. I 19 will respect your decision either way. 20 You are not getting anything in 21 writing. That's not just the way it works. If 22 but provide truthful answers to and you 23 cooperate, we relay that information to the U.S. 24 attorney. You know, they make those decisions.</p>	<p style="text-align: right;">Page 23</p> <p>1 going to pay me because I was bringing cash 2 back. 3 AGENT RONSMAN: Well, you want to do 4 something for a little cooperation, we need that 5 money back. That's a first step. 6 ROBERT ALLEGRA: Not a problem. 7 AGENT RONSMAN: Is it at your house still? 8 ROBERT ALLEGRA: No. 9 AGENT RONSMAN: Where is it at? 10 ROBERT ALLEGRA: I have spent it already 11 probably. I have got some of it. 12 AGENT RONSMAN: No. You drove it straight 13 home after the meeting. 14 ROBERT ALLEGRA: Yeah, but I still -- I spent 15 some of it. I mean, I will go and get you 16 \$30,000 (inaudible). And then you guys could 17 come to Chicago with me. I assume you are going 18 to probably want a ride to Chicago. 19 AGENT RONSMAN: Not with you. Not the way 20 the interview is going so far. We are going to 21 be taking very different forms of 22 transportation. 23 If you are not truthful with us now, 24 I'm calling the AUSA. You are going to be</p>
<p style="text-align: right;">Page 22</p> <p>1 But you are -- even with them, you are not 2 getting anything in writing that if you do A, B 3 is going to happen. It's just, you know, you 4 are cooperating voluntarily and you will receive 5 consideration for any charges that might be 6 filed. 7 AGENT OSTROW: It's not like a -- 8 AGENT RONSMAN: Negotiation. 9 AGENT OSTROW: -- negotiation. We -- but 10 right now, if you are not being honest with me, 11 I'm just tempted to say, "You know what, it's a 12 nice day outside, screw it. We can lock you up 13 and go to the beach and figure it out later." 14 ROBERT ALLEGRA: I mean, I probably should 15 have counsel then, because I don't know what you 16 want me to tell you other than I got a check -- 17 you tell me that's your check and not -- 18 AGENT RONSMAN: Yes. 19 ROBERT ALLEGRA: -- not whoever hired me, 20 Jason's check? 21 AGENT OSTROW: What about the 30 grand that 22 you got last week, what was that for? 23 ROBERT ALLEGRA: I got 30 grand last week. 24 That was for the additional money that they were</p>	<p style="text-align: right;">Page 24</p> <p>1 charged. You are going to be put in jail right 2 now. Maybe in a day or two you will have a 3 hearing, maybe the judge will release you on 4 bond to travel back to Chicago to face the 5 charges. But given -- given your wealth and 6 travel history, it's more than likely that she 7 will say, ah, he is a risk of flight, we will 8 have the marshals bring you back in con air. 9 Now we are talking week and a half, two 10 weeks being bounced around the country being 11 locked up in federal penitentiaries before you 12 have your hearing in Chicago. 13 ROBERT ALLEGRA: I have never been in there, 14 so I would be a new experience. 15 AGENT RONSMAN: It would be a new experience, 16 probably not a pleasant one. That's up to you. 17 If you are not willing to get past the -- 18 ROBERT ALLEGRA: Well, I need to talk to 19 somebody about this because I don't know what 20 I'm looking at right now. So can you provide me 21 with an attorney? 22 AGENT RONSMAN: You are asking (inaudible). 23 ROBERT ALLEGRA: So we can have one. 24 AGENT RONSMAN: That's your right if you want</p>

6 (Pages 21 to 24)

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<p>1 to talk to an attorney. That's absolutely fine. 2 We respect that. 3 But what happens now is, basically, 4 it's done. You get your attorney and then we 5 will convene back at Chicago. 6 But right now you will be -- you will 7 be charged and you will be locked up today. But 8 you want to speak to an attorney, that's fine. 9 I respect that decision. 10 ROBERT ALLEGRA: I mean -- 11 AGENT OSTROW: Like we said, you want to 12 speak to an attorney, go ahead. But in order 13 for you to help us, it would be better if you 14 were out and you get more consideration if 15 people didn't know you were arrested and you can 16 go home and -- 17 ROBERT ALLEGRA: But you guys aren't telling 18 me what you want me to do. 19 AGENT RONSMAN: The truth. It's not worth 20 getting into anything else besides the truth. 21 ROBERT ALLEGRA: For me providing you what I 22 know, what do you want me to do from there? 23 That's just -- I'm asking a straight up 24 question.</p>	<p>1 with some big heavy airplane that the guy 2 supposedly had the military cover them. But you 3 probably already knew that. 4 AGENT RONSMAN: Yes, we did. Jay was not 5 cooperating with us at that time, but we 6 certainly knew about it. 7 Your trips bringing Miguel up and his 8 buddies. And Miguel is probably the biggest 9 weed distributor in the entire Midwest. 10 ROBERT ALLEGRA: Okay. I never asked him 11 what did. 12 AGENT RONSMAN: Now I know that's not -- I 13 know that's not true. 14 ROBERT ALLEGRA: That -- that -- see, that's 15 where you and I have a problem. Because if I 16 tell you -- if you ask me for the truth, I'm 17 going to tell you I don't know. Do I assume he 18 did drugs, absolutely. I can hundred percent 19 make that assumption. I know he did drugs. 20 AGENT RONSMAN: Because last week in your 21 office when Jay was describing what a fricking 22 kilo looks like, and (inaudible) said, "Oh, so 23 you can put 20 in each suitcase." 24 ROBERT ALLEGRA: And if you were listening to</p>
Page 26	Page 28
<p>1 AGENT OSTROW: If you are truthful with us, 2 we can get into other things that we think you 3 are involved in or get some more... 4 (End of file.) 5 AGENT OSTROW: We will explore those avenues. 6 ROBERT ALLEGRA: My total involvement is 7 knowing a guy that I know as Jay or Jason. 8 That's my total involvement. Jason has gotten 9 me some flights to Texas. This is the first one 10 to Van Nuys. 11 So, you know, have I met people that I 12 have flown on the airplane? I have talked to 13 them less than I've talked to you. 14 AGENT RONSMAN: What about your trip to 15 Mexico that you took (inaudible)? 16 ROBERT ALLEGRA: I did take a trip to Mexico. 17 AGENT RONSMAN: And what was that to discuss? 18 ROBERT ALLEGRA: Those guys were to far -- 19 they wanted me -- to be straight up, they wanted 20 me to bring drugs from Mexico to the U.S. and I 21 said no. They wanted -- and I can't even tell 22 you the name of the strip because I don't 23 remember -- some government strip down there to 24 be able to bring up some stupid amount of drugs</p>	<p>1 the conversation, I said, "I don't want to know 2 nothing about nothing." Did you or did you not 3 hear that? 4 AGENT RONSMAN: We realize that's not the way 5 it works. 6 ROBERT ALLEGRA: But I'm just saying. 7 AGENT OSTROW: Your whole plan about holding 8 the checks so you can show the G when they come 9 and grab you to create a paper trial. 10 AGENT RONSMAN: If we do this once a month 11 and I get a check every time the G comes to my 12 office, I say, "Yeah I have flown, this is..." 13 ROBERT ALLEGRA: What do you guys want me to 14 do? Tell me what do you want me to do. 15 AGENT OSTROW: We can't say it enough. You 16 got to tell the truth about today and we can 17 start expanding on other stuff. We can go home. 18 I mean, we know the story. 19 AGENT RONSMAN: We know the whole story about 20 the checks. There is not much you can tell us 21 besides, yeah, I agree to fly cocaine for Jay 22 for \$180,000. 23 ROBERT ALLEGRA: So you are telling me -- you 24 got two -- two witnesses against my witness.</p>

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<p style="text-align: right;">Page 29</p> <p>1 You are telling me if I give you hundred percent</p> <p>2 of the truth, you are letting me walk out the</p> <p>3 door and I continue to go fly home, pick up my</p> <p>4 family, go down to Florida, pick up coach Ditka,</p> <p>5 go to Washington DC tonight or tomorrow night,</p> <p>6 go back to down to Naples, finish out my</p> <p>7 vacation and go back up to Chicago on Wednesday?</p> <p>8 AGENT RONSMAN: No. We are not telling you</p> <p>9 that. I'm telling you that's the starting</p> <p>10 point. You know, it's a great risk for us. I</p> <p>11 want to be able to let you do that, to be</p> <p>12 honest. But my concern is -- this is a serious</p> <p>13 charge, mandatory minimum ten years you are</p> <p>14 looking at to this charge.</p> <p>15 So in order for -- to feel comfortable</p> <p>16 for you to do that, I don't want you going over</p> <p>17 the Rockies and taking a nose dive and then the</p> <p>18 story is, you know.</p> <p>19 ROBERT ALLEGRA: Trust me I love my son and</p> <p>20 family too much.</p> <p>21 AGENT RONSMAN: Oh, yes. And I realize that.</p> <p>22 And I know you say being the father is the best</p> <p>23 -- best thing in the world, which is good. We</p> <p>24 like to hear that. We want you to, you know, be</p>	<p style="text-align: right;">Page 31</p> <p>1 be filed at any point.</p> <p>2 AGENT OSTROW: We are not saying they go --</p> <p>3 ROBERT ALLEGRA: You are looking for me to be</p> <p>4 an informant?</p> <p>5 AGENT OSTROW: Yes.</p> <p>6 AGENT RONSMAN: Yes.</p> <p>7 ROBERT ALLEGRA: All right. What, if any,</p> <p>8 protection do I get for that?</p> <p>9 AGENT RONSMAN: Protection as in what, like</p> <p>10 physical security or protection against charges</p> <p>11 or --</p> <p>12 ROBERT ALLEGRA: No. More physically.</p> <p>13 Physical. I mean, I'm assuming you are going to</p> <p>14 probably want me to try to get the cartel.</p> <p>15 AGENT RONSMAN: Probably not. You know a lot</p> <p>16 of interesting people in Chicago around in</p> <p>17 different social circles. I'm sure you hear --</p> <p>18 you hear different things. We are not alleged</p> <p>19 you are involved in anything illegal other</p> <p>20 than -- well, why you are sitting here today.</p> <p>21 But...</p> <p>22 ROBERT ALLEGRA: Jason is an equally bad guy</p> <p>23 that -- well, Jason is the only drug bad guy</p> <p>24 that I obviously must know. So...</p>
<p style="text-align: right;">Page 30</p> <p>1 there for your kid.</p> <p>2 ROBERT ALLEGRA: So you tell me what allows</p> <p>3 me to walk out this door today?</p> <p>4 AGENT RONSMAN: Being truthful about your</p> <p>5 dealings with Jay and then discussing different</p> <p>6 things you know of or can get yourself into. I</p> <p>7 know you have your fingers in a lot of different</p> <p>8 pots.</p> <p>9 ROBERT ALLEGRA: Nothing illegal.</p> <p>10 AGENT RONSMAN: Nothing illegal?</p> <p>11 ROBERT ALLEGRA: Tell me what I'm doing</p> <p>12 that's illegal. Okay, forgetting Jay. What are</p> <p>13 you referring to? And I'm being serious.</p> <p>14 AGENT OSTROW: Get back to how you --</p> <p>15 ROBERT ALLEGRA: No, no, no, no.</p> <p>16 AGENT OSTROW: Your walking out of here, you</p> <p>17 have to -- if you are honest about this and we</p> <p>18 are comfortable that you are completely on board</p> <p>19 and we get to talk about everything that went on</p> <p>20 in your life, then, yeah, I see you walking out</p> <p>21 of here, okay.</p> <p>22 ROBERT ALLEGRA: With no charges today?</p> <p>23 AGENT OSTROW: Yes, but that --</p> <p>24 AGENT RONSMAN: That and the (inaudible) can</p>	<p style="text-align: right;">Page 32</p> <p>1 AGENT RONSMAN: Alfredo and Miguel and the</p> <p>2 different people that you flew.</p> <p>3 ROBERT ALLEGRA: I met through Jason. If I'm</p> <p>4 hundred percent honest, I'm asking both you guys</p> <p>5 this question right now -- I'm going to take off</p> <p>6 my jacket. If I'm hundred percent honest and</p> <p>7 you believe that I'm a hundred percent honest,</p> <p>8 you will let me walk out the door today?</p> <p>9 AGENT RONSMAN: After we consult with the</p> <p>10 U.S. attorney, we will give them our opinion</p> <p>11 that Bob is being hundred percent honest and I</p> <p>12 think we can trust him moving forward. And our</p> <p>13 word pulls a lot of weight with him. So I'm</p> <p>14 sure that will be a yes.</p> <p>15 ROBERT ALLEGRA: All right. What do you want</p> <p>16 to know?</p> <p>17 AGENT RONSMAN: You got to start with the</p> <p>18 truth.</p> <p>19 ROBERT ALLEGRA: I asked you what you want to</p> <p>20 know.</p> <p>21 AGENT RONSMAN: The truth.</p> <p>22 AGENT OSTROW: Tell the truth about this</p> <p>23 deal.</p> <p>24 ROBERT ALLEGRA: Jason asked me to fly</p>

8 (Pages 29 to 32)

<p style="text-align: right;">Page 33</p> <p>1 cocaine back from Florida -- or back from Van  2 Nuys or whatever. And I really didn't want to  3 do it. My wife begged me not to have any  4 relationship with Jason. I told my wife and  5 everybody else that I have ever me, Jason, that  6 he is an informant and then I knew Jason --  7 AGENT OSTROW: Why don't you have a seat.  8 You told everybody that Jason was an informant?  9 ROBERT ALLEGRA: You can smell that he is --  10 you can smell that he is -- he is too -- he is  11 too loose.  12 AGENT RONSMAN: Well, that's -- that's --  13 that's Jason. He was the same way before and  14 after.  15 ROBERT ALLEGRA: I met -- I met Jason through  16 Frank Saco. They called me in and asked if I  17 would fly money. And I said, "To me that  18 doesn't sound like a crime, I will fly money."  19 AGENT RONSMAN: How many trips did you do?  20 ROBERT ALLEGRA: Every single trip is  21 documented. I would have to guess -- and I'm  22 guessing now -- six.  23 AGENT RONSMAN: It was all -- probably there  24 was a few more, but...</p>	<p style="text-align: right;">Page 35</p> <p>1 secretary.  2 AGENT RONSMAN: Okay.  3 ROBERT ALLEGRA: I have got a phone number  4 for Miguel that probably doesn't work any more.  5 AGENT RONSMAN: Old numbers are good.  6 ROBERT ALLEGRA: 312-981-9689. I don't know  7 why I have an E-mail on him.  8 AGENT OSTROW: That's even better.  9 ROBERT ALLEGRA: DISTARTLAB@Gmail. I have  10 got a Texas address for Mission, Texas. You  11 should have all this information if Jason is  12 working for you guys.  13 AGENT OSTROW: It's good to have you  14 cooperate.  15 ROBERT ALLEGRA: 1611 Jonathan Drive,  16 Mission, Texas 78572. Home address that I was  17 given of Miguel, 4044 West 26th Street. Those  18 girls were cute, by the way.  19 AGENT OSTROW: Is that -- is that Chicago?  20 ROBERT ALLEGRA: Yes. 60623. I have another  21 phone number on Vicky, 818-397-0734.  22 AGENT OSTROW: Let's start back just to hash  23 this out. So how much are you being paid to fly  24 the cocaine from Chicago (inaudible).</p>
<p style="text-align: right;">Page 34</p> <p>1 ROBERT ALLEGRA: All of them went to McAllen,  2 Texas, and provided transportation to some house  3 that I got the address in the house. I tried to  4 keep records.  5 AGENT RONSMAN: Do you have a contact name  6 for Miguel? Do you know -- do you know his  7 name?  8 ROBERT ALLEGRA: His girlfriend or  9 secretary -- all right, I had got Alfredo under  10 Miguel. And, obviously, if you are saying these  11 guys are informants -- 630-728-6054.  12 AGENT RONSMAN: That's Miguel's number?  13 ROBERT ALLEGRA: That is probably Alfredo's  14 number.  15 AGENT RONSMAN: Okay. You say as far as you  16 keeping records, though, when you flew Miguel,  17 did you ever get a full name for him or sort of  18 identification?  19 ROBERT ALLEGRA: Well, I have got Vicky  20 Mendosis, Mendosa, his secretary.  21 AGENT OSTROW: Okay.  22 ROBERT ALLEGRA: 312-259-9163.  23 AGENT RONSMAN: It's Vicky Mendosa.  24 ROBERT ALLEGRA: That's supposedly Miguel's</p>	<p style="text-align: right;">Page 36</p> <p>1 ROBERT ALLEGRA: 180,000.  2 AGENT OSTROW: And that 30 grand you got last  3 week, that was a down payment?  4 ROBERT ALLEGRA: Yes. You could have gotten  5 a little bit more.  6 AGENT RONSMAN: It's the government  7 (inaudible). I had to pull teeth.  8 ROBERT ALLEGRA: That's why I knew it was a  9 bogus deal to begin with because nobody works  10 for free.  11 AGENT RONSMAN: You were getting paid  12 180,000.  13 ROBERT ALLEGRA: Yeah, but then -- nobody  14 gives me a paid first up front. That's why I  15 knew this whole thing was a bad deal.  16 AGENT RONSMAN: Yet you still went for it.  17 ROBERT ALLEGRA: You know, I knew for hundred  18 percent it was bad when Jason's number went bad  19 today.  20 AGENT RONSMAN: He was flying too Miami for  21 something else.  22 ROBERT ALLEGRA: Oh, is he?  23 AGENT RONSMAN: Yeah.  24 ROBERT ALLEGRA: I got another phone number</p>



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Page 37	<p>1 for Miguel/Alfredo, but it may be the same</p> <p>2 number, 312-774-0774.</p> <p>3 AGENT RONSMAN: That's Alfredo's old number.</p> <p>4 Disregard that.</p> <p>5 ROBERT ALLEGRA: And that's it.</p> <p>6 AGENT OSTROW: So you are saying (inaudible).</p> <p>7 ROBERT ALLEGRA: So you knew last -- last</p> <p>8 month I flew the police chief?</p> <p>9 AGENT RONSMAN: No.</p> <p>10 ROBERT ALLEGRA: Were you guys watching me?</p> <p>11 I flew the police chief.</p> <p>12 AGENT RONSMAN: (Inaudible).</p> <p>13 ROBERT ALLEGRA: And his under guy and I</p> <p>14 flew -- I went down for the inaugural of the</p> <p>15 state police commissioner.</p> <p>16 AGENT RONSMAN: They probably wouldn't be</p> <p>17 happy to hear what you are caught up in.</p> <p>18 ROBERT ALLEGRA: No.</p> <p>19 AGENT RONSMAN: That's why --</p> <p>20 ROBERT ALLEGRA: No, nor am I happy about it.</p> <p>21 AGENT RONSMAN: So that 30,000, is it sitting</p> <p>22 in your house?</p> <p>23 ROBERT ALLEGRA: I will get you the money</p> <p>24 back. If I don't have --</p>	Page 39	<p>1 realize showing to pick that up made that</p> <p>2 seizable, right? All the different vehicles you</p> <p>3 use, Bentley, Range Rover, Porsche? I know it's</p> <p>4 not yours, that you are holding as collateral</p> <p>5 for somebody.</p> <p>6 But if you are on board with us, I'm</p> <p>7 not going to -- I know you don't have a shit</p> <p>8 load of equity in any of those things. So I'm</p> <p>9 not going to mess with that.</p> <p>10 We are not going to fuck you either.</p> <p>11 If you work with us going forward, I will make</p> <p>12 it a promise I will be honest with you.</p> <p>13 ROBERT ALLEGRA: You make a promise and look</p> <p>14 me in the eyes and tell me you are not going to</p> <p>15 fuck me, I won't (inaudible).</p> <p>16 AGENT RONSMAN: Well, you are facing federal</p> <p>17 charges. I'm probably...</p> <p>18 ROBERT ALLEGRA: If you can't extend your</p> <p>19 hand, then we are not on the same page.</p> <p>20 AGENT RONSMAN: I will shake your hand. But</p> <p>21 I want you to know this handshake doesn't</p> <p>22 entail, hey, you know, everything is good and</p> <p>23 life is back to normal. Life is definitely not</p> <p>24 back to normal for you. You got a huge cloud</p>
Page 38	<p>1 AGENT OSTROW: How much did you spend?</p> <p>2 ROBERT ALLEGRA: I don't know. I mean, I</p> <p>3 have a guy that I owed a couple thousand bucks</p> <p>4 to that is doing some construction for me.</p> <p>5 Frank Ward -- I don't know if you ever heard the</p> <p>6 name -- you guys are all based out of Chicago?</p> <p>7 AGENT RONSMAN: Uh-huh.</p> <p>8 ROBERT ALLEGRA: Guy by the name of Frank</p> <p>9 Ward just passed away. He had a couple of</p> <p>10 motorcycles. So I gave him 6,000 bucks for the</p> <p>11 bike.</p> <p>12 (End of file.)</p> <p>13 ROBERT ALLEGRA: ...meet you in Chicago.</p> <p>14 However you want it done. I got -- you know</p> <p>15 what --</p> <p>16 AGENT OSTROW: This is -- this is a good</p> <p>17 start.</p> <p>18 ROBERT ALLEGRA: If you know who I am, you</p> <p>19 know I am a straight shooter and you know I'm</p> <p>20 not going to fuck you.</p> <p>21 AGENT RONSMAN: So we shouldn't take your</p> <p>22 Bentley either?</p> <p>23 ROBERT ALLEGRA: (Inaudible).</p> <p>24 AGENT RONSMAN: You realize showing up -- you</p>	Page 40	<p>1 hanging over your head. We are willing to let</p> <p>2 you work that off and do as much as you can.</p> <p>3 But --</p> <p>4 ROBERT ALLEGRA: Is it like a release, I</p> <p>5 still get paid?</p> <p>6 AGENT RONSMAN: You got a lot to work off</p> <p>7 before that.</p> <p>8 AGENT OSTROW: Eventually maybe. But</p> <p>9 (inaudible).</p> <p>10 AGENT RONSMAN: I will shake you hand and</p> <p>11 tell you I will always be honest in our dealings</p> <p>12 with you. But I --</p> <p>13 AGENT OSTROW: But we don't want to lie to</p> <p>14 you and say it's going away.</p> <p>15 AGENT RONSMAN: But I'm not making any</p> <p>16 promises as part of --</p> <p>17 ROBERT ALLEGRA: I will be honest if you are</p> <p>18 honest. That's all I'm asking.</p> <p>19 AGENT OSTROW: Yeah.</p> <p>20 AGENT RONSMAN: Who owns the plane? Who is</p> <p>21 John Bays?</p> <p>22 ROBERT ALLEGRA: John Bays is a guy that I</p> <p>23 met when I was in my early 20s. John Bays owns</p> <p>24 a real estate company. He was in the car</p>

10 (Pages 37 to 40)

<p style="text-align: right;">Page 41</p> <p>1 business. And John Bays I think has a very 2 sketchy past. 3 AGENT RONSMAN: Yes, he does. 4 ROBERT ALLEGRA: He used to have a guy 5 working for him and I want to say like Van Dyke 6 or some crazy name like that. And I think John 7 Bays has (inaudible). But that's only a guess. 8 AGENT RONSMAN: How does that work with him 9 being the registered owner of the plane? I know 10 that's -- 11 ROBERT ALLEGRA: I lease -- I lease -- I sold 12 him the airplane. 13 AGENT RONSMAN: Okay. 14 ROBERT ALLEGRA: I lease it back from him for 15 a thousand dollar. So this trip here, I will 16 make over \$8,000 and I pay the expenses. 17 AGENT RONSMAN: And there is still a super 18 high lean on that thing too, right? 19 ROBERT ALLEGRA: Yes. 20 AGENT RONSMAN: So it's probably not worth us 21 taking. 22 ROBERT ALLEGRA: Well, the engines are high 23 time and everything else, so, you know. 24 AGENT RONSMAN: Well, it's a -- we are not</p>	<p style="text-align: right;">Page 43</p> <p>1 living the life of a rock star. 2 ROBERT ALLEGRA: He lives like a rock star. 3 AGENT RONSMAN: He does. But that's because 4 he is -- I feel comfort enough with him that he 5 is not going to flee, that he is not going to do 6 something stupid. 7 So we allow him to have flexibility, 8 which we can do with you as well. And Jay is 9 trying to work it all off. Maybe he goes -- 10 maybe he to jail in the future; maybe he 11 doesn't. Or he can make the whole thing 12 disappear with enough work, which you could as 13 well. 14 ROBERT ALLEGRA: I understand what you are 15 saying. I just don't want my son to have to 16 grow up thinking that his father did this. 17 AGENT RONSMAN: If you give me a second, I'm 18 going to step out and call the U.S. attorneys so 19 I can call off the dogs. Because we got a whole 20 team ready to execute a search warrant on your 21 house if necessary to seize all this stuff. 22 So I'm going to call them off and tell 23 them they can get on with their day. 24 ROBERT ALLEGRA: Thank you.</p>
<p style="text-align: right;">Page 42</p> <p>1 going to -- you are working with us, we are not 2 going to throw you under the bus like that and 3 have to explain that. 4 AGENT OSTROW: We actually met the -- 5 with some people and we were talking what could 6 happen to you, listed all the crap we are going 7 to have to seize. We may not have to get to 8 that. 9 AGENT RONSMAN: Which is the plane, cars. 10 AGENT OSTROW: Yeah. You have a 11 seven-year-old son. 12 ROBERT ALLEGRA: In May. 13 AGENT OSTROW: You are not -- you are not a 14 -- you are not a violent dude. It's not like a 15 kidnapping or rape or something like that. You 16 did it for the money. It's illegal. It's a 17 minimum ten years you are looking at. 18 But, again, it's not a violent crime. 19 If you are willing to work with us; we will work 20 with us. 21 AGENT RONSMAN: I will be honest with you, 22 Jay and Alfredo, we popped them off in 2013. 23 Jay is still running his paving business. He -- 24 he flies to the Bahamas for vacation. He is</p>	<p style="text-align: right;">Page 44</p> <p>1 AGENT OSTROW: You would be surprised how 2 many guys with kids don't give a fuck about it. 3 You know, but... 4 ROBERT ALLEGRA: My life is my son. 5 AGENT OSTROW: Yeah, we all have -- you know, 6 we all have kids. We have known (inaudible). 7 ROBERT ALLEGRA: But, you know, I was 50 8 before I got married. And we went through years 9 of trying to get pregnant with the in vitro and 10 everything. And the doctors told my wife she 11 would never get pregnant. And so this child 12 became a miracle baby. And she almost died. 13 AGENT OSTROW: Wow. 14 ROBERT ALLEGRA: She -- he was six-week 15 premature and she is a diabetic. 16 AGENT OSTROW: Okay. 17 ROBERT ALLEGRA: So we did a C-Section after 18 about 40 hours of labor. And then they took her 19 back up to the room and then she started 20 bleeding internally. And then they opened up 21 the C-Section again, packed it with gauze and 22 sent her home with a vacuum pump with a hole on 23 her side that big. I got pictures. You would 24 never believe it.</p>

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<p>1 The hole was that big, that deep. And</p> <p>2 everyday a nurse would come in. She would have</p> <p>3 -- because it created this (inaudible) so what</p> <p>4 they would do is they would gauze her up, plus a</p> <p>5 plastic -- put a tube in there and put a pump on</p> <p>6 her leg and it would suck all the fluids. And</p> <p>7 after about six to eight weeks -- they never</p> <p>8 thought it would heal that quick -- the thing</p> <p>9 closed up and that was just ugly.</p> <p>10 AGENT OSTROW: My God. Wow.</p> <p>11 ROBERT ALLEGRA: Northwestern.</p> <p>12 AGENT OSTROW: Geez. But getting back to</p> <p>13 what you said, you are honest. That was -- that</p> <p>14 was our starting point. Be honest with all the</p> <p>15 people you know.</p> <p>16 ROBERT ALLEGRA: You don't want everything?</p> <p>17 AGENT OSTROW: (Inaudible), you know you run</p> <p>18 in a lot of different circles.</p> <p>19 ROBERT ALLEGRA: (Inaudible) nobody. I'm</p> <p>20 flying McCarthy last week.</p> <p>21 AGENT OSTROW: Yeah.</p> <p>22 ROBERT ALLEGRA: Okay.</p> <p>23 AGENT OSTROW: Now, who pays for that.</p> <p>24 ROBERT ALLEGRA: A guy by the name of John</p>	<p>1 How come they weren't consecutive</p> <p>2 dollars -- numbers.</p> <p>3 AGENT OSTROW: They weren't? No, we never do</p> <p>4 that. Huh. Like I said, I'm sure your heart</p> <p>5 was racing, it still is, unless you --</p> <p>6 ROBERT ALLEGRA: No, I got to tell you. I</p> <p>7 smelled the rat from the very beginning.</p> <p>8 AGENT OSTROW: When we first come down, it's</p> <p>9 got to be like a punch in the gut.</p> <p>10 ROBERT ALLEGRA: I smelled the rat. But you</p> <p>11 know what, I guess somewhere in my life I always</p> <p>12 said it would be nice to work with you guys</p> <p>13 if -- I mean, I don't have any problem.</p> <p>14 AGENT OSTROW: So do you have -- you wouldn't</p> <p>15 believe how many people we got caught and work</p> <p>16 for us. But we try to keep your name, you know,</p> <p>17 out of shit because that would hurt us if it got</p> <p>18 out.</p> <p>19 ROBERT ALLEGRA: Well, I am not going to tell</p> <p>20 my wife.</p> <p>21 AGENT OSTROW: No, I wouldn't either.</p> <p>22 It's don't tell anybody. Tell who you want,</p> <p>23 but...</p> <p>24 ROBERT ALLEGRA: What about Jason, will he</p>
Page 46	Page 48
<p>1 Kelly, democratic party. Do you know John?</p> <p>2 AGENT OSTROW: I know that name.</p> <p>3 ROBERT ALLEGRA: Maybe my lottery ticket will</p> <p>4 come in today. I mean, I'm not throwing cards.</p> <p>5 I'm not throwing shit around. I'm sure you know</p> <p>6 these guys better than I do.</p> <p>7 AGENT OSTROW: Sure. I don't know them. But</p> <p>8 I know their names. You know them better --</p> <p>9 ROBERT ALLEGRA: Can you get -- I'm in the</p> <p>10 governor's office the other day.</p> <p>11 AGENT OSTROW: Okay.</p> <p>12 ROBERT ALLEGRA: Okay.</p> <p>13 AGENT OSTROW: Like I said, you got a lot to</p> <p>14 lose. You got your reputation and being away</p> <p>15 from your family.</p> <p>16 ROBERT ALLEGRA: I work with Ditka three days</p> <p>17 a week. I mean, you didn't know I flew dicta?</p> <p>18 AGENT OSTROW: We did. We know your system.</p> <p>19 You go back today and fly him, right?</p> <p>20 ROBERT ALLEGRA: Yeah. I'm taking my</p> <p>21 neighbor and their kids and my wife and going</p> <p>22 down to (inaudible). And then tomorrow morning</p> <p>23 at 6:30, 7:00, go to Washington. There is a</p> <p>24 couple of your bucks.</p>	<p>1 know?</p> <p>2 AGENT OSTROW: You know, that's a good</p> <p>3 question.</p> <p>4 ROBERT ALLEGRA: I mean Jason --</p> <p>5 AGENT OSTROW: He runs Jason.</p> <p>6 ROBERT ALLEGRA: Jason set me up so Jason</p> <p>7 knows what's going to happen.</p> <p>8 AGENT OSTROW: Yeah. I don't -- I don't</p> <p>9 know -- we don't even tell -- no. We definitely</p> <p>10 won't tell Jason you are cooperating with us.</p> <p>11 It will just be that's none of his business.</p> <p>12 But, yeah, I don't think you are going</p> <p>13 to get any more calls from Jason, put it that</p> <p>14 way. That's handled one way or the other.</p> <p>15 Yeah.</p> <p>16 ROBERT ALLEGRA: Those girls were beautiful.</p> <p>17 AGENT OSTROW: Yeah, they are arrested too.</p> <p>18 ROBERT ALLEGRA: They were reals.</p> <p>19 AGENT OSTROW: Yeah.</p> <p>20 ROBERT ALLEGRA: They didn't look Spanish.</p> <p>21 AGENT OSTROW: Well, I think you requested</p> <p>22 that they not be Mexican or something, right?</p> <p>23 Didn't you want white?</p> <p>24 ROBERT ALLEGRA: I mean that would be great</p>

12 (Pages 45 to 48)

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<p>1 if they were.</p> <p>2 AGENT OSTROW: You know, but that's what we</p> <p>3 heard were telling Jason.</p> <p>4 ROBERT ALLEGRA: Are you guys all nervous</p> <p>5 about John Bays? Is that --</p> <p>6 AGENT OSTROW: He has done -- like I said,</p> <p>7 this is his case. I'm helping him. But, you</p> <p>8 know, he has done all the research on it.</p> <p>9 ROBERT ALLEGRA: When did you guys come out?</p> <p>10 AGENT OSTROW: We came out yesterday.</p> <p>11 ROBERT ALLEGRA: So you didn't follow me</p> <p>12 around and everything?</p> <p>13 AGENT OSTROW: I take that back. Some guys</p> <p>14 out here did a bit in setting up for today. But</p> <p>15 I don't -- no one was on you like 24/7. Did you</p> <p>16 stay at that Airtel? Okay.</p> <p>17 And you were at the beach house in</p> <p>18 Malibu?</p> <p>19 ROBERT ALLEGRA: Yeah, great house.</p> <p>20 AGENT OSTROW: How much would that be?</p> <p>21 ROBERT ALLEGRA: 25 a month.</p> <p>22 AGENT OSTROW: 25 grand you said.</p> <p>23 ROBERT ALLEGRA: Yeah. And that's a deal.</p> <p>24 In the summertime he says it goes for 50.</p>	<p>1 anybody anything.</p> <p>2 AGENT OSTROW: I know. He is going to ask</p> <p>3 what the fuck happened.</p> <p>4 ROBERT ALLEGRA: Yeah, I'm going to say,</p> <p>5 "Yeah, I got -- I got --" well, I can do one of</p> <p>6 two things. I can say that they thought it was</p> <p>7 drugs and it wasn't unless they came along and</p> <p>8 splashed it to everybody there was drugs.</p> <p>9 AGENT OSTROW: Yeah, yeah. I would probably</p> <p>10 go with --</p> <p>11 ROBERT ALLEGRA: How many pounds are actually</p> <p>12 in there?</p> <p>13 AGENT OSTROW: You know what, 200 pounds, I</p> <p>14 think maybe.</p> <p>15 ROBERT ALLEGRA: Because he looked at me and</p> <p>16 he says, "This fucking suitcase I can't even</p> <p>17 pickup."</p> <p>18 AGENT OSTROW: And -- but...</p> <p>19 (End of file.)</p> <p>20 ROBERT ALLEGRA: That's why I didn't want to</p> <p>21 touch anything, you know.</p> <p>22 AGENT OSTROW: Okay.</p> <p>23 ROBERT ALLEGRA: You didn't see me running</p> <p>24 suitcases.</p>
Page 50	Page 52
<p>1 AGENT OSTROW: Wow. Wow.</p> <p>2 ROBERT ALLEGRA: He is as flaky as a \$3 bill.</p> <p>3 That's him now. He hasn't worked in 18 years.</p> <p>4 And he doesn't -- it's just because he married a</p> <p>5 very wealthy girl. He is no criminal. Here, he</p> <p>6 is taking a walk on the beach there.</p> <p>7 AGENT OSTROW: Damn.</p> <p>8 ROBERT ALLEGRA: Look at that. We ran all</p> <p>9 around. It was beautiful.</p> <p>10 AGENT OSTROW: So you have been a pilot?</p> <p>11 ROBERT ALLEGRA: Since I was 17 years old.</p> <p>12 AGENT OSTROW: Okay. Wow. Where do you know</p> <p>13 the -- your copilot from?</p> <p>14 ROBERT ALLEGRA: He started -- he started</p> <p>15 flying with me years ago when I bought a Hawker</p> <p>16 700 and --</p> <p>17 AGENT OSTROW: He -- he is not involved.</p> <p>18 ROBERT ALLEGRA: No.</p> <p>19 AGENT OSTROW: He knew nothing.</p> <p>20 ROBERT ALLEGRA: No.</p> <p>21 AGENT OSTROW: We didn't think so. And he is</p> <p>22 not going to get jammed up or anything. You</p> <p>23 know, tell him whatever the fuck you want.</p> <p>24 ROBERT ALLEGRA: No, I'm not going to tell</p>	<p>1 AGENT OSTROW: Yeah, yeah. It -- what was I</p> <p>2 going to say? You can just tell him anything</p> <p>3 now. "Those fuckers, you know, those girls got</p> <p>4 arrested, but they let me go, you know."</p> <p>5 ROBERT ALLEGRA: I don't know who was</p> <p>6 arrested. I don't know the girls got arrested.</p> <p>7 AGENT OSTROW: You can say, "I think those</p> <p>8 girls got arrest because they know shit."</p> <p>9 Because I think does know, he might have seen</p> <p>10 Dave pull his out. So you do what you want.</p> <p>11 ROBERT ALLEGRA: Honest, straightest guy.</p> <p>12 AGENT OSTROW: Yeah, it seemed like that.</p> <p>13 ROBERT ALLEGRA: Nicest ever. He was the</p> <p>14 original top gun pilot.</p> <p>15 AGENT OSTROW: Well, he said he flew in</p> <p>16 Vietnam.</p> <p>17 ROBERT ALLEGRA: Off the carriers. He was</p> <p>18 the top -- he was one of -- he was one of two</p> <p>19 top gun pilots.</p> <p>20 AGENT OSTROW: Really? My God. That's</p> <p>21 amazing. What was his name?</p> <p>22 ROBERT ALLEGRA: Tom Schilbert.</p> <p>23 AGENT OSTROW: Schilbert?</p> <p>24 ROBERT ALLEGRA: They started the school.</p>

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<p style="text-align: right;">Page 53</p> <p>1 AGENT OSTROW: Okay. My God. 2 But, yeah, so he is -- we got his bag 3 and he got to leave. We didn't (inaudible). 4 ROBERT ALLEGRA: What do you mean he got to 5 leave? 6 AGENT OSTROW: He left. 7 ROBERT ALLEGRA: Can I call him and tell him 8 to hang tight? That's all I'll say is "hang 9 tight." Hopefully I'm leaving here. 10 AGENT OSTROW: Hopefully. I think you are 11 leaving. I just hope you can still fly the 12 plane back. 13 ROBERT ALLEGRA: I mean, you guys can track 14 me. I mean, it's -- I'm not killing myself, 15 trust me. 16 AGENT OSTROW: Weirder things have happened. 17 But -- 18 ROBERT ALLEGRA: I would strangle myself or 19 (inaudible). 20 AGENT OSTROW: But with this -- with our 21 deal, you see light at the end of the tunnel 22 now. You know what I mean? There is no reason 23 to. 24 ROBERT ALLEGRA: Would you do me a favor and</p>	<p style="text-align: right;">Page 55</p> <p>1 TOM: Okay. Are we going alone or those 2 girls going too? 3 ROBERT ALLEGRA: No, I don't think the girls 4 are coming. I don't know where they -- I don't 5 know anything about that. I'm by myself now. 6 TOM: Okay. You know, I'm so glad to hear 7 that. Oh, my gosh. So (inaudible) your flight 8 back to (inaudible) and I can't get back today. 9 ROBERT ALLEGRA: No, no, I got to get Ditka 10 picked up. That's going to kill me. Thanks, 11 Tom. 12 TOM: (Inaudible). All right. I will wait 13 to hear from you. 14 ROBERT ALLEGRA: Thanks, bye. 15 TOM: Okay, thanks. 16 (End of phone call.) 17 AGENT RONSMAN: Do you have your flight log 18 in any one of these bags showing (inaudible)? 19 ROBERT ALLEGRA: The flight log would be in 20 the airplane. 21 AGENT RONSMAN: I think we can certainly grab 22 it out of there. But he might not have known 23 what you meant by flight log. 24 ROBERT ALLEGRA: That's a big black book.</p>
<p style="text-align: right;">Page 54</p> <p>1 call my -- or can I call my boy Schilbert and 2 I'll tell him to hang tight? 3 AGENT RONSMAN: Yeah, absolutely. If you 4 want to give him a call and say, "Hey, there 5 seems to be a misunderstanding" or whatever 6 (inaudible) want to tell him. 7 THE COURT: Obviously. What's your first 8 name? 9 AGENT OSTROW: Uh, Patrick. 10 ROBERT ALLEGRA: I was -- I was just telling 11 him that I'm not telling anybody, even my wife. 12 AGENT OSTROW: That's the smart move. 13 AGENT RONSMAN: You say you will tell your 14 wife or no? 15 ROBERT ALLEGRA: No, no. 16 (Following proceedings were 17 phone call:) 18 TOM: What's up? 19 ROBERT ALLEGRA: Hey, buddy, how are you? 20 TOM: Are you okay? 21 ROBERT ALLEGRA: Yeah, I'm fine. I guess 22 there was a major understanding. But hang tight 23 and I'm -- maybe we will be out of here in a 24 little while.</p>	<p style="text-align: right;">Page 56</p> <p>1 AGENT RONSMAN: That has all your movement. 2 ROBERT ALLEGRA: Yes. 3 AGENT OSTROW: So you have (inaudible). 4 ROBERT ALLEGRA: That's the -- those are 5 flight plans. Flight logs are on the airplane 6 and we can go on the airplane and you can make 7 copies of them. 8 AGENT RONSMAN: Okay. 9 ROBERT ALLEGRA: And you know what, I only 10 keep the current ones in there. The rest are at 11 my office. 12 AGENT RONSMAN: Okay. It's very important we 13 get those. It goes towards showing the U.S. 14 attorney that you are cooperating. Now that we 15 know they exist, something could happen to them 16 (inaudible). 17 ROBERT ALLEGRA: I gave -- I gave you my 18 hand, I looked in your eyes. I won't fuck you. 19 Don't fuck me. That's all I ask. 20 AGENT RONSMAN: Besides arresting you and 21 threatening you with jail. 22 (Following proceedings were 23 phone call:) 24 ROBERT ALLEGRA: Hey, Tom.</p>

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Page 57	<p>1 TOM: Hey, Bob. They've got your iPad too.</p> <p>2 The guys from the FBI came back. He has your</p> <p>3 iPad.</p> <p>4 ROBERT ALLEGRA: Okay. When I see them --</p> <p>5 when I see them, I will get it from them.</p> <p>6 UNIDENTIFIED SPEAKER: Okay. Good enough.</p> <p>7 (Inaudible).</p> <p>8 ROBERT ALLEGRA: Appreciate it.</p> <p>9 UNIDENTIFIED SPEAKER: Bye bye.</p> <p>10 (End of call.)</p> <p>11 ROBERT ALLEGRA: This guy originally was an</p> <p>12 original top gun fighter pilot. He started it.</p> <p>13 (Inaudible).</p> <p>14 AGENT RONSMAN: Does he do it for money</p> <p>15 or just loves flying?</p> <p>16 ROBERT ALLEGRA: Wouldn't even take a penny.</p> <p>17 AGENT RONSMAN: Well --</p> <p>18 ROBERT ALLEGRA: He is 73-ish. Lost his</p> <p>19 medical and was in flight school flying a Lear</p> <p>20 jet in Texas, lost his medical over a years ago</p> <p>21 and so he can't take money legally. But like I</p> <p>22 rent a hangar in Aurora.</p> <p>23 AGENT RONSMAN: Right.</p> <p>24 ROBERT ALLEGRA: So I put his airplane in</p>
Page 59	<p>1 August '14. And he hasn't paid me. So that's</p> <p>2 why I'm sitting with collateral of the Porsche,</p> <p>3 a white Maserati. And I'm holding title to an</p> <p>4 E550 that his wife went absolutely fucking ape</p> <p>5 shit last night when she found out that I have</p> <p>6 title to a car.</p> <p>7 AGENT RONSMAN: As far as your vehicles, you</p> <p>8 got the Bentley.</p> <p>9 ROBERT ALLEGRA: Bentley, the A8 that my wife</p> <p>10 drives. I just bought two motorcycles, two</p> <p>11 (inaudible), it was a 2000 and 2001.</p> <p>12 AGENT RONSMAN: Well, talking to the U.S.</p> <p>13 attorney, he is -- he is okay -- because --</p> <p>14 ROBERT ALLEGRA: That's my office.</p> <p>15 AGENT RONSMAN: -- with cutting you loose</p> <p>16 today. But he wants to show the seriousness of</p> <p>17 this and the gravity. He wants to take the</p> <p>18 Bentley. I know you don't have much money in it</p> <p>19 anyhow.</p> <p>20 ROBERT ALLEGRA: Give me a break.</p> <p>21 AGENT RONSMAN: I am with you walking out of</p> <p>22 here. But, ultimately, it's the U.S. attorney</p> <p>23 making the charges. So that's not somebody you</p> <p>24 want to piss off.</p>
Page 58	<p>1 there for free. His wife and he just went down</p> <p>2 to Florida, used my car, paid for the hotel and</p> <p>3 stuff, so you know.</p> <p>4 AGENT RONSMAN: Where is this new warehouse</p> <p>5 that you got built, set up and running?</p> <p>6 ROBERT ALLEGRA: It's really nice.</p> <p>7 AGENT RONSMAN: Where is it at?</p> <p>8 ROBERT ALLEGRA: Burr Ridge.</p> <p>9 AGENT RONSMAN: What are you keeping there?</p> <p>10 ROBERT ALLEGRA: I'm not keeping anything --</p> <p>11 no, I got a -- I got two motorcycles, a Vespa</p> <p>12 and then I rent out space. I rent out space in</p> <p>13 a hangar in Aurora. I got a Ferrari and Bentley</p> <p>14 and get paid \$200 a month per car.</p> <p>15 I got -- I rent a hangar for 500 a</p> <p>16 month. I have a guy that pays me 500 a month.</p> <p>17 And he keeps two or three trailers in there, jet</p> <p>18 skis. Jet skis.</p> <p>19 AGENT RONSMAN: How many different vehicles</p> <p>20 do you own? You buy and sell a lot of them.</p> <p>21 ROBERT ALLEGRA: Yeah. See, I was working</p> <p>22 with this guy Mike Simon, who is a fucking piece</p> <p>23 of shit. And that's where I went last night. I</p> <p>24 loaned him a quarter of a million dollars in</p>
Page 60	<p>1 So that's going to be part of the deal</p> <p>2 going forward. You have got bigger problems</p> <p>3 than \$30,000 equity and a Bentley.</p> <p>4 ROBERT ALLEGRA: Yeah, so you got to pick up</p> <p>5 the debt on that car.</p> <p>6 AGENT RONSMAN: Yeah.</p> <p>7 ROBERT ALLEGRA: Do I get the car back when I</p> <p>8 give him his 30 grand back?</p> <p>9 AGENT RONSMAN: No. He wants the 30 grand</p> <p>10 put back plus the Bentley. I said it's not</p> <p>11 really a negotiation.</p> <p>12 ROBERT ALLEGRA: Are you Italian?</p> <p>13 AGENT RONSMAN: No.</p> <p>14 ROBERT ALLEGRA: What is this like the mob?</p> <p>15 AGENT RONSMAN: So I think -- I think it's --</p> <p>16 he says it's important and I agree with him.</p> <p>17 Like I said before, you are going to walk out of</p> <p>18 here and life isn't normal. It's a brand-new</p> <p>19 life for you going forward. And I think that</p> <p>20 helps -- helps you kind of put that in</p> <p>21 perspective.</p> <p>22 ROBERT ALLEGRA: What does he want the</p> <p>23 Bentley for? Do I have a potential of getting</p> <p>24 the car back?</p>

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<p style="text-align: right;">Page 61</p> <p>1 AGENT RONSMAN: Probably not. You can buy it 2 back at auction. Jay's done that. I took all 3 his cars. He gotten them back. It's not like 4 you got \$200,000 for your car. 5 ROBERT ALLEGRA: (Inaudible) I (inaudible). 6 AGENT RONSMAN: (Inaudible). 7 ROBERT ALLEGRA: It's the principal. 8 AGENT RONSMAN: Well, the principal is you 9 used it to pick up \$30,000 that would be used to 10 transport drugs, making your car seizable. 11 That's the principal of it. You don't get to do 12 stuff like that and not pay the price, that's 13 the principal. 14 The FBI outlaid \$30,000 to get you, 15 flew us out, putting us up in hotels. You saw a 16 whole team of federal agents out there today. 17 All that stuff costs money. Anyway they can -- 18 ROBERT ALLEGRA: I know that's got to be 19 real. It's got to be worth a lot of money. 20 AGENT RONSMAN: Unfortunately (inaudible). 21 ROBERT ALLEGRA: What's that stuff worth? 22 AGENT RONSMAN: In Chicago \$34,000 a kilo. 23 ROBERT ALLEGRA: \$34,000 a kilo. And how 24 many kilos are there?</p>	<p style="text-align: right;">Page 63</p> <p>1 ROBERT ALLEGRA: You know, I would have -- 2 you know, I didn't keep a log of anybody's 3 names, obviously. I would have to say Alfredo 4 was on an airplane two, three times at least. 5 AGENT RONSMAN: Accompanying money or just 6 taking him places? 7 ROBERT ALLEGRA: I think -- I think that when 8 we took money down, I don't think Alfredo was on 9 the airplane. 10 AGENT RONSMAN: Anybody else besides, you 11 know, Jason and Alfredo and Miguel and some of 12 these guys, anybody else you are flying money 13 for? 14 ROBERT ALLEGRA: No. 15 AGENT RONSMAN: You said you have. 16 ROBERT ALLEGRA: No, no, no -- 17 AGENT RONSMAN: I don't know if you were 18 blowing smoke -- 19 ROBERT ALLEGRA: No, no, just for whatever 20 Jason -- my Jason -- Jason is the only contact 21 that I have had through this and Jason's contact 22 was through Frank Saco and (inaudible) Shaw. 23 AGENT OSTROW: You said you flew money, 24 but...</p>
<p style="text-align: right;">Page 62</p> <p>1 AGENT RONSMAN: A hundred. 2 ROBERT ALLEGRA: A hundred even. 3 AGENT RONSMAN: We haven't counted, but 4 that's what it was supposed to be. So -- but 5 it's not likely the old CIA in the '70s. We 6 can't sell this stuff. You got to destroy it. 7 ROBERT ALLEGRA: You guys really destroy it? 8 You don't use it for buys on the street and 9 stuff like that? 10 AGENT RONSMAN: We can't -- we can't put 11 actual drugs on the street. You know, some kid 12 ODs or something, you know, it's upon us. 13 AGENT OSTROW: It's normal to furnace it like 14 U.S. Steel dust. 15 AGENT RONSMAN: All right. So going forward, 16 we talked about, you know, you did like six 17 jaunts for Jason and -- 18 ROBERT ALLEGRA: You said eight or whatever 19 it was. They will be on the flight logs. 20 Whenever -- whenever I went to McAllen. 21 AGENT RONSMAN: Have you ever flown Alfredo 22 before? 23 ROBERT ALLEGRA: Yes. 24 AGENT RONSMAN: How many times?</p>	<p style="text-align: right;">Page 64</p> <p>1 ROBERT ALLEGRA: For Jason. 2 AGENT OSTROW: Oh, before. 3 ROBERT ALLEGRA: Yeah. 4 AGENT RONSMAN: Okay. 5 ROBERT ALLEGRA: I mean this has been going 6 on for under two years. 7 AGENT RONSMAN: All right. So going forward, 8 obviously, there may be some things we can -- 9 you may hate Jason, but I mean if you can get 10 over that -- 11 ROBERT ALLEGRA: You got to -- you got to 12 understand. I knew Jason was wetted. I knew a 13 hundred percent. 14 AGENT RONSMAN: That just makes you 15 incredibly stupid. 16 ROBERT ALLEGRA: And I kept saying to 17 myself... 18 (End of file.) 19 ROBERT ALLEGRA: ...white pickup truck. I 20 said that's the dumbest thing you drive picking 21 up 100 grand and driving 100 grand. And then 22 when he didn't want to drop the money off, I 23 knew this was -- I knew I was going to get 24 nabbed. I just knew it. But it's my own</p>

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<p style="text-align: right;">Page 65</p> <p>1 stupidity.</p> <p>2 AGENT RONSMAN: You really planned it out</p> <p>3 with the check and the paper trail, which only</p> <p>4 works if you are not on the wires with anybody.</p> <p>5 You can create a paper trail. I know you said</p> <p>6 that.</p> <p>7 Like I said, it's -- you are paying the</p> <p>8 penalty now. You got a lot to work off.</p> <p>9 ROBERT ALLEGRA: I assume you will be seeing</p> <p>10 me a lot.</p> <p>11 AGENT RONSMAN: The way this works -- yes, we</p> <p>12 keep extremely close tabs on you.</p> <p>13 ROBERT ALLEGRA: I can make it easy for you.</p> <p>14 AGENT RONSMAN: At least right now, you can't</p> <p>15 do anything international.</p> <p>16 ROBERT ALLEGRA: That's fine.</p> <p>17 AGENT RONSMAN: Pat is going to -- the U.S.</p> <p>18 attorney is going to want to hold onto your</p> <p>19 passport for the time being. He is going to</p> <p>20 have to -- you know, as long as we are</p> <p>21 comfortable that you are being honest and you</p> <p>22 are trying to do things for us, we will be okay.</p> <p>23 But this isn't one of the -- you need to be</p> <p>24 proactive in cooperation, which is where we need</p>	<p style="text-align: right;">Page 67</p> <p>1 know.</p> <p>2 AGENT RONSMAN: Yes.</p> <p>3 ROBERT ALLEGRA: I wish I had the</p> <p>4 availability to saying I was an ex-Navy seal.</p> <p>5 But there ain't too many guys in the world that</p> <p>6 can do what I do.</p> <p>7 AGENT RONSMAN: Well, that's a good -- good</p> <p>8 position for you to be in, being a cooperator,</p> <p>9 because there is some value you can add to the</p> <p>10 government and help work off the charges.</p> <p>11 AGENT OSTROW: You said Jim Kelly was the</p> <p>12 democrat --</p> <p>13 ROBERT ALLEGRA: John Kelly.</p> <p>14 AGENT OSTROW: John Kelly, sorry. Do you</p> <p>15 back far with him?</p> <p>16 ROBERT ALLEGRA: John Kelly I would have to</p> <p>17 think is pretty straight. John Kelly I would</p> <p>18 probably would go back four, five, six years.</p> <p>19 AGENT OSTROW: (Inaudible).</p> <p>20 THE COURT: Gino Carpino, John Kelly, these</p> <p>21 guys are all lobbyists.</p> <p>22 AGENT OSTROW: Yeah.</p> <p>23 ROBERT ALLEGRA: And --</p> <p>24 AGENT OSTROW: I have no idea anything about</p>
<p style="text-align: right;">Page 66</p> <p>1 you to discuss different things you might have</p> <p>2 heard. Like before you told us, you said, "Hey,</p> <p>3 I don't want to know nothing." That attitude</p> <p>4 has got to change.</p> <p>5 ROBERT ALLEGRA: Okay.</p> <p>6 AGENT RONSMAN: I know you run in some pretty</p> <p>7 high circles. You probably hear some things.</p> <p>8 We may ask you to get -- get involved in those</p> <p>9 things or introducing people. And we are</p> <p>10 very -- we are very good. It's like not, hey,</p> <p>11 if you do something we are grabbing the guy</p> <p>12 right away and your name is coming out.</p> <p>13 If you are valuable to us, we will keep</p> <p>14 you protected. I threw Jay -- Jay under the bus</p> <p>15 today thinking it was the only way you would</p> <p>16 cooperate if I told you, basically, that Jay set</p> <p>17 the whole thing up and knew about it.</p> <p>18 But typically when we do an operation,</p> <p>19 we don't -- whoever is --</p> <p>20 ROBERT ALLEGRA: I can assume you are going</p> <p>21 to have Jay and I working together. That's what</p> <p>22 my assumption would be because how many guys do</p> <p>23 you know, if you done my background, that can</p> <p>24 fly anything. I can run any kind of boat, you</p>	<p style="text-align: right;">Page 68</p> <p>1 John Kelly. I just remember that he is the one</p> <p>2 that arranged the flight for McCarthy.</p> <p>3 AGENT RONSMAN: Right. I want you to start</p> <p>4 thinking of is there anybody right off the bat</p> <p>5 to show in good faith, hey, I think this guy is</p> <p>6 involved in...</p> <p>7 ROBERT ALLEGRA: Well, for years supposedly</p> <p>8 John Bays was.</p> <p>9 AGENT RONSMAN: Is that something you can get</p> <p>10 in there and poke around a bit?</p> <p>11 ROBERT ALLEGRA: We are talking about 25, 30</p> <p>12 years ago, you know. We are talking about I</p> <p>13 sold him his first airplane when I was</p> <p>14 20-something-years old. He bought a 404 Titan</p> <p>15 from somebody. I didn't sell him that airplane.</p> <p>16 And the rumor on the street was always that his</p> <p>17 pilot Dick Van Dyke, Dick something or another,</p> <p>18 was going down to the Bahamas and bringing back</p> <p>19 drugs, you know. And I finally got into John</p> <p>20 and sold him his last three, four airplanes.</p> <p>21 AGENT RONSMAN: Is he still worth hundreds of</p> <p>22 millions or --</p> <p>23 ROBERT ALLEGRA: John -- John is a crazy guy.</p> <p>24 John is worth a ton of money on paper, but he</p>

17 (Pages 65 to 68)



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<p>1 also has a tremendous amount of debt. 2 Everything he has is financed. 3 He is going through a divorce. His 4 wife wants 7 million, so she can finally walk. 5 They are no longer living together. 6 He is the cheapest, cheapest person I 7 ever met. 8 AGENT RONSMAN: Yeah. 9 ROBERT ALLEGRA: I flew him down to Florida 10 for the first time. He has flown in his 11 airplane a total of two or three times in two 12 years that he owned that airplane. 13 So I sent him a bill the other day and 14 I charged him for \$500 a bucks for pilot 15 services. And he questioned when I had to 16 charge him for Saturday when we weren't flying. 17 I mean, that's how cheap he is. 18 AGENT RONSMAN: Ballpark, because the U.S. 19 attorney is going to want to know, what is your 20 financial situation? What are you -- are we 21 talking millions? 22 ROBERT ALLEGRA: No, no. I have got a nice 23 house in Hinsdale that's where most of my equity 24 is in.</p>	<p>1 too much more of your time. 2 But so it's -- you're flying back, you 3 are touching down -- 4 ROBERT ALLEGRA: Touching down. Put gas in 5 the airplane, going to go home, change, pack 6 suitcases. And five o'clock head to Naples. 7 Tom is going to stay in the Marriott hotel 8 tonight. My family and I are staying at the 9 Edgewater. 10 AGENT RONSMAN: All right. 11 ROBERT ALLEGRA: We will be there until 12 Sunday. I will be back on Friday with Ditka. 13 He is teeing off at eleven o'clock tomorrow in 14 Washington. 15 AGENT RONSMAN: All right. So of -- of that 16 30 grand cash, you still have some of it in 17 cash? All right. What I want to do once you 18 fly back, me and Pat got some other business 19 there. 20 ROBERT ALLEGRA: Do you want to fly back with 21 us? 22 AGENT RONSMAN: No. 23 ROBERT ALLEGRA: I promise not to kill you. 24 AGENT RONSMAN: I believe you. But I believe</p>
Page 70	Page 72
<p>1 AGENT RONSMAN: How much equity do you have 2 there. 3 ROBERT ALLEGRA: Probably a million dollars. 4 And I had a Bentley. I got a couple 5 motorcycles. 6 AGENT RONSMAN: Well, we are not taking 7 everything. We will leave -- we will leave you 8 a car. 9 ROBERT ALLEGRA: I have got a building that I 10 just bought in Burr Ridge that I'm making so I 11 can store. I ordered a 25-foot leisure van that 12 I want to take my son camping and fishing with. 13 We pick that up in May. 14 AGENT RONSMAN: As far as like liquid 15 investments, you have got hundreds of thousands 16 sitting anywhere. 17 ROBERT ALLEGRA: Yeah, probably 100 something 18 thousand with UBS. I mean, I'm not destitute, 19 but... 20 AGENT RONSMAN: But you like the finer things 21 in life. 22 All right. I know you got the schedule 23 to keep and part of -- you know, you got to keep 24 up appearances. So we are not going to take up</p>	<p>1 our wives would not be happy we are taking that 2 risk. 3 ROBERT ALLEGRA: You are the only one with 4 the gun onboard. 5 AGENT RONSMAN: I'm going to put you in touch 6 with -- with an agent to meet up with him. I'm 7 showing you good faith going forward. 8 You turn over whatever cash you have 9 from that. As you said, you make up -- you make 10 up the difference. 11 ROBERT ALLEGRA: I will make up the 12 difference. 13 AGENT RONSMAN: And the Bentley. 14 ROBERT ALLEGRA: You are going me with the 15 Bentley. 16 AGENT RONSMAN: You don't have that much 17 money in it. 18 ROBERT ALLEGRA: It doesn't matter. It's 19 60G. But I understand. I'm getting bitch 20 slapped. I understand. 21 AGENT RONSMAN: You are not getting bitch 22 slapped. You have the full weight of the 23 federal government laying on top of you like an 24 elephant on your chest.</p>

18 (Pages 69 to 72)

<p style="text-align: right;">Page 73</p> <p>1 I just want to make sure you understand</p> <p>2 the gravity of the situation. It's not</p> <p>3 hopeless. You can certainly -- the mere fact of</p> <p>4 whether you walk out of here, you know, you can</p> <p>5 work your way out of it. But it is going to be</p> <p>6 a lot of work.</p> <p>7 It can't be just one of those "Hey, I'm</p> <p>8 waiting around for Dave and Pat to tell me my</p> <p>9 next assignment."</p> <p>10 We want you to -- just like Jay, you</p> <p>11 have the -- the gift of gab. You know how to</p> <p>12 talk to people and approach people. And you can</p> <p>13 get into circles that Jason certainly can't.</p> <p>14 ROBERT ALLEGRA: Are you telling me I'm a</p> <p>15 little different than Jason?</p> <p>16 AGENT RONSMAN: Yeah.</p> <p>17 ROBERT ALLEGRA: Who's this -- who is the</p> <p>18 moron that was around me for the longest time?</p> <p>19 God, I should remember his name because I'd like</p> <p>20 to strangle him. Guy Saconi.</p> <p>21 AGENT RONSMAN: I don't know.</p> <p>22 ROBERT ALLEGRA: Look the guy up. Guy is a</p> <p>23 fucking moron.</p> <p>24 AGENT RONSMAN: How do you spell his last</p>	<p style="text-align: right;">Page 75</p> <p>1 this guy is dead, but I'm going to (inaudible).</p> <p>2 there was a guy by the name of Mike Guinan. Did</p> <p>3 you ever hear that name?</p> <p>4 AGENT RONSMAN: No.</p> <p>5 ROBERT ALLEGRA: And Mike was like one of the</p> <p>6 first guys for Graylord, I guess.</p> <p>7 AGENT RONSMAN: Okay.</p> <p>8 ROBERT ALLEGRA: So back when I was in my</p> <p>9 20s, I thought it would be really cool, he goes,</p> <p>10 "Hey, I will give you my title to my boat." I</p> <p>11 mean that's great, you know, I am 20 years and I</p> <p>12 have great collateral. You know, I was going</p> <p>13 through a divorce.</p> <p>14 Well, when his wife came up missing,</p> <p>15 they thought I had something to do with it,</p> <p>16 which one hundred percent had no involvement. I</p> <p>17 didn't like the broad, but that's besides the</p> <p>18 point.</p> <p>19 You might want to look up on Bays,</p> <p>20 there is a guy by the name of Bobby Tezak.</p> <p>21 Bobby Tezak as Bays's best, best friend.</p> <p>22 AGENT RONSMAN: He was charged.</p> <p>23 ROBERT ALLEGRA: He was charged, went away.</p> <p>24 Went away for arson. But I know John a couple</p>
<p style="text-align: right;">Page 74</p> <p>1 name? What's his deal?</p> <p>2 ROBERT ALLEGRA: Melrose Park guy. He was</p> <p>3 a -- here is the -- that guy, that house I was</p> <p>4 staying at, he sent me another picture.</p> <p>5 AGENT OSTROW: Is that his house.</p> <p>6 ROBERT ALLEGRA: No. He is leasing it. He</p> <p>7 is out for a walk on the beach.</p> <p>8 AGENT RONSMAN: Is it really next door to</p> <p>9 Halle Berry.</p> <p>10 ROBERT ALLEGRA: Four houses down.</p> <p>11 AGENT RONSMAN: We were going to swing out</p> <p>12 there last night.</p> <p>13 ROBERT ALLEGRA: She is supposedly not there.</p> <p>14 She is at her other house.</p> <p>15 Guitano, but they call him Guy because</p> <p>16 no other American person can pronounce Guitano.</p> <p>17 AGENT RONSMAN: What's he involved in?</p> <p>18 ROBERT ALLEGRA: Some guy said that he used</p> <p>19 to be involved in drugs out of Melrose and stuff</p> <p>20 like that. A short little fat fuck, body</p> <p>21 builder.</p> <p>22 I mean, you guys could always look</p> <p>23 up -- I mean, I'm sure you have done my whole</p> <p>24 background. Back in the early '80s or '70s --</p>	<p style="text-align: right;">Page 76</p> <p>1 years ago gave (inaudible).</p> <p>2 The reason I'm mentioning that is rumor</p> <p>3 was years ago -- John Bays had like a little</p> <p>4 (inaudible) on his own house property. And</p> <p>5 years ago rumor was -- and I don't have any</p> <p>6 substantiation that there was a girl (inaudible)</p> <p>7 disappearing.</p> <p>8 AGENT RONSMAN: Yeah.</p> <p>9 ROBERT ALLEGRA: So there may be some kind of</p> <p>10 case you are getting.</p> <p>11 UNIDENTIFIED SPEAKER: Can I borrow you?</p> <p>12 ROBERT ALLEGRA: Where is the bathroom at?</p> <p>13 UNIDENTIFIED SPEAKER: Where is the rest room</p> <p>14 where he can go? The rest room? It will be</p> <p>15 right to your right (inaudible)</p> <p>16 (End of file.)</p> <p>17 AGENT OSTROW: Sorry, we get you guys out</p> <p>18 quick.</p> <p>19 ROBERT ALLEGRA: (Inaudible).</p> <p>20 AGENT OSTROW: End of the day. I'm in the</p> <p>21 same squad he is in Chicago.</p> <p>22 ROBERT ALLEGRA: So out of the Dirksen</p> <p>23 building?</p> <p>24 AGENT OSTROW: No. We are at a separate</p>

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Interview with Robert Allegra

Page 77	<p>1 site, off site.</p> <p>2 ROBERT ALLEGRA: On Jackson?</p> <p>3 AGENT OSTROW: No. It's just a -- we don't</p> <p>4 want anyone to know where we are at. We are a</p> <p>5 strike force, a drug strike force. It's a task</p> <p>6 force in Chicago.</p> <p>7 Do you have the thing on your</p> <p>8 (inaudible)?</p> <p>9 ROBERT ALLEGRA: Just this trip. I can ask</p> <p>10 Maria to fax them right now.</p> <p>11 AGENT OSTROW: You can wait until you get</p> <p>12 back. So you guys leave --</p> <p>13 ROBERT ALLEGRA: You guys need to deduct the</p> <p>14 \$70. Can I take it out of the 30? When you</p> <p>15 talk to the state's attorney (inaudible).</p> <p>16 AGENT OSTROW: The Bentley is not stacked</p> <p>17 (inaudible). You have the Audi.</p> <p>18 ROBERT ALLEGRA: It's my wife's car.</p> <p>19 AGENT OSTROW: Buy a new one. So you got a</p> <p>20 \$2 million house.</p> <p>21 ROBERT ALLEGRA: Which I worked very hard</p> <p>22 for. And I lost a ton of money when I went down</p> <p>23 to Florida.</p> <p>24 AGENT OSTROW: (Inaudible) to Jay and Jay</p>	Page 79	<p>1 And also take down my number.</p> <p>2 ROBERT ALLEGRA: Do you have a card.</p> <p>3 AGENT RONSMAN: It will take a while to --</p> <p>4 ROBERT ALLEGRA: It goes in my pockets.</p> <p>5 AGENT RONSMAN: That's my cellphone. Don't</p> <p>6 -- don't call that office number. That's the</p> <p>7 main number. But my cellphone is where you can</p> <p>8 reach me. (Inaudible). I assume when you get</p> <p>9 to Chicago, give Bill a call. Let him know that</p> <p>10 you've landed and then he will make plans when</p> <p>11 you grab the cash at the house, however you want</p> <p>12 to --</p> <p>13 ROBERT ALLEGRA: Do you want me to go to the</p> <p>14 bank and get whatever I'm short?</p> <p>15 AGENT RONSMAN: That would probably be best.</p> <p>16 ROBERT ALLEGRA: Can you trust me for a week?</p> <p>17 AGENT RONSMAN: How much how short, couple</p> <p>18 thousand? About like ten --</p> <p>19 ROBERT ALLEGRA: No, I'd be short probably</p> <p>20 close to eight or ten.</p> <p>21 AGENT RONSMAN: Just whatever is left right</p> <p>22 now is fine. We will get the rest whenever you</p> <p>23 are get back and make plans to give him the</p> <p>24 Bentley.</p>
Page 78	<p>1 pulled it out somehow and he bought back 11, 11</p> <p>2 cars (inaudible).</p> <p>3 ROBERT ALLEGRA: I told you could I at least</p> <p>4 drive it? Tell him I will rent it from him.</p> <p>5 AGENT RONSMAN: Put a number -- put a number</p> <p>6 in your phone. It's going to be an agent when</p> <p>7 you contact (inaudible).</p> <p>8 ROBERT ALLEGRA: That you are calling? My</p> <p>9 office.</p> <p>10 Hey, Maria. Yeah, go ahead. We are</p> <p>11 going to take off in probably a half hour. And</p> <p>12 figure four hours and I will be in the office</p> <p>13 five hours from now at best.</p> <p>14 I don't know if I have that</p> <p>15 (inaudible). I will try to give as much time to</p> <p>16 you as I can. Thank you. All right. Sounds</p> <p>17 good. I will call you as soon as I (inaudible).</p> <p>18 Thanks.</p> <p>19 AGENT RONSMAN: Guy's name is Bill.</p> <p>20 ROBERT ALLEGRA: Phone number?</p> <p>21 AGENT RONSMAN: 312-907-7364.</p> <p>22 ROBERT ALLEGRA: 7364. Any last name that I</p> <p>23 can associate it by?</p> <p>24 AGENT RONSMAN: Whatever you want to put.</p>	Page 80	<p>1 In the scheme of it, you are looking</p> <p>2 at -- please understand, the Bentley is</p> <p>3 inconsequential.</p> <p>4 ROBERT ALLEGRA: I understand. It's part of</p> <p>5 -- it's part of the protocol. I understand.</p> <p>6 AGENT RONSMAN: Is the camera off</p> <p>7 (inaudible)?</p> <p>8 ROBERT ALLEGRA: I wish I didn't meet you.</p> <p>9 AGENT RONSMAN: The way you've been going, it</p> <p>10 was just a matter of time.</p> <p>11 ROBERT ALLEGRA: What was really funny, Saco,</p> <p>12 (inaudible)? Is he involved (inaudible).</p> <p>13 AGENT RONSMAN: (Inaudible).</p> <p>14 ROBERT ALLEGRA: Money laundering</p> <p>15 (inaudible).</p> <p>16 AGENT RONSMAN: Well, it's all things that --</p> <p>17 yeah. That's what we are talking about, yeah.</p> <p>18 We are willing to -- we will have you come in</p> <p>19 and do a more thorough debrief and sit down with</p> <p>20 different possibilities we can work in the</p> <p>21 future.</p> <p>22 So when are you going to be back for</p> <p>23 like a day or two?</p> <p>24 ROBERT ALLEGRA: Wednesday (inaudible).</p>

20 (Pages 77 to 80)

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1 AGENT RONSMAN: All right.

2 ROBERT ALLEGRA: Just so you know my  
3 schedule. It's dragged out. I leave here, go  
4 pick up the family, head back down to Florida.

5 AGENT RONSMAN: When you get time, put  
6 together your schedule and text it to me so I  
7 have record where you are going so I can let the  
8 bosses know.

9 (End of transcription.)

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1 STATE OF ILLINOIS )

) SS:

2 COUNTY OF LAKE )

3 I, Cheryl L. Sandeck, a Notary Public  
4 within and for the County of Lake and State of  
5 Illinois, and a Certified Shorthand Reporter of  
6 the State of Illinois, do hereby certify that I  
7 reported in shorthand the proceedings had at the  
8 taking of said audio recording and that the  
9 foregoing is a true, complete, and correct  
10 transcript of my shorthand notes so taken as  
11 aforesaid, and contains all the proceedings  
12 given at said audio recording.

13   
14 Cheryl Sandeck  
Notary Public, Lake County, Illinois  
C.S.R. License No. 084-03710

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 15 CR 243
	)	
ROBERT ALLEGRA,	)	
	)	
Defendant.	)	

MEMORANDUM OPINION AND ORDER

Defendant Robert Allegra ("Allegra") has moved to suppress all statements he made during a post-arrest interview on March 25, 2015 after allegedly invoking his right to counsel. See *Miranda v. Arizona*, 384 U.S. 436, 469-73 (1966). The Government counters that Allegra did not unambiguously invoke his right to counsel in a way that required its agents to stop questioning him. I grant Allegra's motion to suppress for the reasons stated below.

I.

Allegra is a licensed pilot who owns an aviation business, Royal Palm Aviation, Inc., based in Westmont, Illinois. In or around December 2013, the Federal Bureau of Investigation ("FBI") and Drug Enforcement Agency ("DEA") launched a joint investigation into whether Allegra was using his private planes to engage in drug trafficking. The FBI/DEA investigation

culminated in Allegra's arrest at the Van Nuys Airport near Los Angeles, California on March 25, 2015.

At the time of Allegra's arrest, the Government believed he was about to fly two drug couriers carrying one hundred pounds of cocaine from Los Angeles to Chicago in exchange for \$205,000 in total compensation. Allegra allegedly received a down payment of \$30,000 in cash five days earlier from a Government informant and a check for \$25,000 from the two drug couriers moments before he was arrested.

After his arrest, Allegra was taken to the Los Angeles Airport police station and interviewed by DEA Special Agent Patrick Brosnan ("Agent Brosnan") and FBI Special Agent David Ostrow ("Agent Ostrow") (collectively, "the Agents"). The parties have not raised any factual disputes about what occurred during the interview, which was videotaped and later transcribed.

At the beginning of the interview, Agent Ostrow advised Allegra of his *Miranda* rights and presented him with the FBI's standard waiver form. See Dkt. No. 27-1. Allegra signed the form immediately below the following language: "I have read this statement of my rights and I understand what my rights are. At this time, I am willing to answer questions without a lawyer present." *Id.*

Allegra mentioned a lawyer three times during his interview. Although Allegra argues that only his third reference to counsel amounted to an invocation of his *Miranda* rights, I will describe all three references because determining whether a suspect invoked the right to counsel requires consideration of the full context preceding the alleged invocation. See *U.S. v. Hampton*, 708 F.3d 938, 945 (7th Cir. 2013) (courts should consider prior, but not subsequent context when deciding whether a suspect invoked right to counsel).

After expressing his willingness to cooperate, Allegra said, "You tell me what you need. Do I need an attorney? Do I not need an attorney?" Tr. At 12.<sup>1</sup> Agent Brosnan responded, "That's all up to you." *Id.* Allegra repeated his question: "Do you want me to work with an attorney?" *Id.* Once again, Agent Brosnan demurred: "We can't give legal advice. That's up to you." *Id.*

Allegra's second reference to counsel occurred during an exchange in which he asked Agents Brosnan and Ostrow to clarify what benefits he would receive for cooperating. After the Agents rejected Allegra's attempt to negotiate the terms of his cooperation, he said, "I mean, I probably should have counsel

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<sup>1</sup> All "Tr." citations refer to the transcript of Allegra's post-arrest interview that the Government submitted to chambers on August 28, 2015. There are no material difference between that transcript and the "updated" transcript that Allegra submitted to chambers on November 6, 2015.

then, because I don't know what you want me to tell you other than I got a check--you tell me that's your check and not...not whoever hired me, Jason's check?" Tr. at 14. Without any further discussion of counsel, the conversation then turned to the \$30,000 in cash that Allegra received five days before his arrest. *Id.* at 14-15.

Allegra's third and final reference to counsel occurred immediately after Agent Brosnan explained that Allegra would be charged and put in jail pending a bond hearing if he refused to cooperate. *Id.* at 15. That threat led to the following exchange:

Allegra: Well, I need to talk to somebody because I don't know what I'm looking at right now. So can you provide me with an attorney?

Agent Ostrow: You want to speak to an attorney that's...

Allegra: So we can have one.

Agent Ostrow: That's your right if you want to talk to an attorney. That's absolutely fine and we respect that.

But what happens now is, basically, it's done. You get your attorney and then we will convene back in Chicago.

But right now you will be...you will be charged and you will be locked up today. But you want to speak to an attorney, that's fine. I respect that decision.

Allegra: I mean...

Agent Brosnan: I mean, it hurts you a little...I mean, like he said, it's up to you, you want to speak to an attorney, go ahead. But for you to help us, it would be better if you were out and you get more consideration if people didn't know you were arrested and you can go home and--

Allegra: But you guys aren't telling me what you want me to do.

Agent Ostrow: The truth. It's not worth getting into anything else besides the truth.

Allegra: For me providing you what I know, what do you want me to do from there? That's just...I'm asking a straight up question.

Agent Brosnan: If you are truthful with us, we can get into other things that we think you are involved in and get some more...

*Id.* at 16.

The conversation then turned to how Allegra knew someone named Jason or "Jay" who had hired him to make several flights. *Id.* at 16-17. Allegra eventually admitted that he agreed to fly cocaine from Los Angeles to Chicago for one of the Government's informants. *Id.* at 21, 23. He was later indicted for attempted possession of five or more kilograms of cocaine with intent to distribute in violation of 21 U.S.C. § 846.

## II.

Allegra has moved to suppress all statements he made after his third reference to counsel--"So can you provide me with an attorney?"--during his post-arrest interview. It is the

Government's burden to show that Allegra "voluntarily, knowingly and intelligently" waived his right to counsel. *Miranda*, 384 U.S. at 444; see also *J.D.B. v. North Carolina*, 131 S. Ct. 2394, 2401 (2011).

A.

*Miranda* held that "[i]f the individual [in custody] states that he wants an attorney, the interrogation must cease until an attorney is present." 384 U.S. at 474. "If the interrogation continues without the presence of an attorney and a statement is taken, a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel." *Id.* at 475.

In *Edwards v. Arizona*, 451 U.S. 477 (1981), the Court clarified that "when an accused has invoked his right to have counsel present during custodial interrogation, a valid waiver of that right cannot be established by showing only that he responded to further police-initiated custodial interrogation even if he has been advised of his rights." *Id.* at 484; see also *Smith v. Illinois*, 469 U.S. 91, 100 (1984) (per curiam) ("[A]n accused's *post-request* responses to further interrogation may not be used to cast retrospective doubt on the clarity of the initial request itself."). "[H]aving expressed his desire to deal with the police only through counsel, [the suspect] is

not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication, exchanges, or conversations with the police.” *Edwards*, 451 U.S. at 484-85.

“If the police do subsequently initiate an encounter in the absence of counsel (assuming there has been no break in custody), the suspect's statements are presumed involuntary and therefore inadmissible as substantive evidence at trial, even where the suspect executes a waiver and his statements would be considered voluntary under traditional standards.” *McNeil v. Wisconsin*, 501 U.S. 171, 176-77 (1991) (describing *Edwards* as a “second-layer of prophylaxis for the *Miranda* right to counsel”).

B.

The Supreme Court's leading case on how to determine whether a suspect has invoked the right to counsel during a custodial interrogation is *Davis v. U.S.*, 512 U.S. 452 (1994). *Davis* holds that “the suspect must unambiguously request counsel,” measured in objective terms. *Id.* at 459. “Although a suspect need not speak with the discrimination of an Oxford don, he must articulate his desire to have counsel present sufficiently clearly that a reasonable police officer in the circumstances would understand the statement to be a request for an attorney.” *Id.* (internal quotation and citation omitted).



In contrast, "if a suspect makes a reference to an attorney that is ambiguous or equivocal in that a reasonable officer in light of the circumstances would have understood only that the suspect *might* be invoking the right to counsel, [the Court's] precedents do not require the cessation of questioning." *Id.* (emphasis in original). The Court also declined to require officers to ask clarifying questions when a suspect's reference to counsel is ambiguous or equivocal. *Id.* at 461.

C.

The Supreme Court and the Seventh Circuit have held that a variety of verbal formulations are sufficient to invoke the *Miranda* right to counsel. See, e.g., *Smith*, 469 U.S. at 96-97 ("Uh, yeah, I'd like to do that," in response to inquiry about whether suspect wanted an attorney present during questioning); *Edwards*, 451 U.S. at 479 ("I want an attorney before making a deal."); *U.S. v. Hunter*, 708 F.3d 938, 943-44 (7th Cir. 2013) ("Can you call my attorney?"); *U.S. v. Wysinger*, 683 F.3d 784, 790-91 (7th Cir. 2012) ("I mean, but can I call one [an attorney] now?"); *U.S. v. Martin*, 664 F.3d 684, 688-89 (7th Cir. 2011) ("I'd rather talk to an attorney first before I do that," in reference to providing a written statement); *Aleman v. Village of Hanover Park*, 662 F.3d 897, 905 (7th Cir. 2011) ("I gotta call my guy," referring to the suspect's lawyer); *U.S. v. Lee*, 413 F.3d 622, 626 (7th Cir. 2005) ("Can I have a lawyer?");

see also *Lord v. Duckworth*, 29 F.3d 1216, 1221 (7th Cir. 1994) ("I think I should call my lawyer"; "I have to get me a good lawyer, man. Can I make a phone call?"; "Can I talk to a lawyer? At this point, I think maybe you're looking at me as a suspect, and I should talk to a lawyer. Are you looking at me as a suspect?" (quoting cases from other circuits with approval)). These cases show that "there is no exact formula or magic words for an accused to invoke his right [to counsel]." *Lee*, 413 F.3d at 625.

In contrast, the following statements have been deemed too ambiguous or equivocal to invoke the *Miranda* right to counsel. See, e.g., *Davis*, 512 U.S. at 455 ("Maybe I should talk to a lawyer."); *U.S. v. Thousand*, 558 F. App'x 666, 671-72 (7th Cir. 2014) ("I think I need a lawyer, I don't know, but I want to cooperate and talk."); *U.S. v. Hampton*, 675 F.3d 720, 727-28 (7th Cir. 2012) ("Yeah, I do, but you..."); *U.S. v. Shabaz*, 579 F.3d 815, 818 (7th Cir. 2009) ("[A]m I going to be able to get an attorney?"); *U.S. v. Peters*, 435 F.3d 746, 752 (7th Cir. 2006) ("I'd like to get to that part now," in reference to pretrial services, where suspect's financial eligibility for appointed counsel would be determined) *U.S. v. Walker*, 272 F.3d 407, 413-14 (7th Cir. 2001) (suspect said he "wasn't sure whether he should talk to [agent] because he was afraid it would piss his lawyer off" and later told agent to "go ahead" with

interrogation in response to clarifying question about whether suspect wanted counsel); *U.S. v. Muhammad*, 120 F.3d 688, 698 (7th Cir. 1997) (suspect made "cryptic reference to 'an attorney,'" declined opportunity to call one, and then executed waiver); *U.S. v. Buckley*, 4 F.3d 552, 558-59 (7th Cir. 1993) ("I don't know if I need an attorney."); *Lord*, 29 F.3d at 1220-21 ("I can't afford a lawyer, but is there any way I can get one?" after giving eighty minute recorded statement in which suspect made incriminating admissions). "A common point among the statements that have been deemed insufficient is that they do not clearly imply 'a present desire to consult with counsel...'" *Shabaz*, 579 F.3d at 819 (quoting *Lord*, 29 F.3d at 1221).

D.

Under these precedents, Allegra's question to the Agents-- "So can you provide me with an attorney?--was sufficient to invoke his right to counsel and should have ended the interrogation. His words are indistinguishable from the suspect's question in *Lee* that was deemed sufficient to invoke the right to counsel. See 413 F.3d at 626 ("Can I have a lawyer?"); see also *Wysinger*, 683 F.3d at 795 ("I mean, but can I call one [an attorney] now?"). "Instead of using a [hedge] word like 'should' or 'might,' which would suggest that [Allegra was] still undecided about whether [he] wanted a lawyer...[he] used the word 'can.'" *Hunter*, 708 F.3d at 943-44. The Seventh

Circuit has described "can" as a "decisive word" that signals the suspect is "inquiring into [his] present ability to be 'able to' obtain a lawyer or to 'have the opportunity or possibility to' obtain a lawyer." *Id.* (quoting dictionary definition).

The Agents' responses to Allegra's question provide additional support for the conclusion that he successfully invoked his right to counsel.<sup>2</sup> If a reasonable officer in the Agents' position would have understood Allegra's question as a request for counsel, they were required to stop the interview. See *Davis*, 512 U.S. at 459. After explaining the consequences of invoking the right to counsel, Agent Ostrow said, "But you want to speak to an attorney, that's fine. I respect that decision." Tr. at 16. Agent Brosnan added, "[Y]ou want to speak to an attorney, go ahead," before encouraging Allegra to reconsider his choice. *Id.* These responses show that the Agents subjectively understood that Allegra was asking for a lawyer. Absent a showing that the Agents' subjective understanding of Allegra's request was objectively unreasonable--an argument the Government has wisely declined to make--their verbal responses are additional evidence that

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<sup>2</sup> While courts may not consider a suspect's statements after invoking the right to counsel for purposes of "cast[ing] retrospective doubt on the clarity of the initial request," *Smith*, 469 U.S. at 100, *Davis* directs courts to evaluate how a "reasonable police officer" would have understood the request, 512 U.S. at 459.

Allegra successfully invoked his right to counsel. See *U.S. v. Martin*, 664 F.3d at 693 (Wood, J., dissenting) (characterizing officer's reaction to suspect's reference to counsel as "instructive" on whether *Miranda* right was successfully invoked).

E.

The Government attempts to equate Allegra with the suspect in *Hampton* who engaged in a "pattern of equivocation" about whether he wanted counsel present during his interrogation. 675 F.3d at 727. The suspect in *Hampton* initially waived his *Miranda* rights, started giving a statement, and then invoked his right to counsel. *Id.* at 724. As officers were preparing to return the suspect to his jail cell, he changed his mind and asked to speak with the officers without an attorney present. *Id.* When asked if wanted a lawyer, the suspect said, "Yeah, I do, but you...", followed by five seconds of silence. *Id.* The suspect's next words were "But see, I'm askin' you is this gonna effect what's goin' on?" *Id.* The officers made repeated efforts to clarify whether the suspect wanted counsel, deflected his attempts to negotiate, and cautioned him about venturing into the facts of the case before making that decision. *Id.* at 724-25. At one point, the suspect said, "I think, I, I felt like it should have been an attorney here cause that's what I asked for. You know what I'm saying? Before we talked..." *Id.*

at 725. Moments later, the suspect said, "No, I don't want no attorney for right now," and then made incriminating statements. *Id.*

The Seventh Circuit held that neither of Hampton's references to an attorney after his initial invocation of the right to counsel--which the officers respected--was sufficiently clear to reinvoke the right. The first alleged reinvocation--"Yeah, I do, but...", in answer to whether he wanted an attorney--included a "hedge word." *Id.* at 727-78. The second alleged reinvocation--"I think, I, I felt like it should have been an attorney here cause that's what I asked for"--came only after the suspect "had twice mentioned an attorney only to change his mind and reinitiate the conversation with the officers" *Id.* at 728. In light of that context, "a reasonable officer would have understood that Hampton might want a lawyer, but also might want to proceed without one." *Id.*

Hampton's pattern of equivocation is nothing like Allegra's straightforward request: "So can you provide me with an attorney?" *Tr.* at 24. To be sure, Allegra made two equivocal references to an attorney before making the request quoted above. Allegra's temporary vacillation over whether he wanted counsel, however, is a far cry from Hampton's prolonged back-and-forth with officers. Moreover, whereas Hampton used a hedge word ("but") and the past tense ("should have been") in his

purported invocations of the right to counsel, Allegra's request suffers from neither defect. To equate Allegra with Hampton is to ignore the facts of their respective post-arrest interviews.

The other case to which the Government analogizes, *Lord v. Duckworth*, 29 F.3d 1216 (7th Cir. 1994), is also distinguishable. The suspect in *Lord* said, "I can't afford a lawyer but is there any way I can get one?" after he had "confessed in a lengthy [eighty minute] tape-recorded statement...and agreed to assist the police in searching for the murder weapon." *Id.* at 1221. In light of that context, the Seventh Circuit held that Charles Lord ("Lord") was "most likely...asking for a clarification of his right to counsel at trial." *Id.*

Unlike Charles Lord, Allegra asked for counsel during the early stages of his post-arrest interview while he was trying to negotiate the terms of his possible cooperation. Moreover, Allegra did not make any incriminating admissions before asking for counsel that could support an inference (similar to the one made in *Lord*) that he was asking for an attorney only for purposes of future court proceedings. Allegra denied knowing that the suitcases aboard his plane contained cocaine and said he thought he was transporting money. Tr. at 3, 6, 8-9, 12-13. Allegra admitted that he had flown cash to or from Texas, but denied knowing the source of the money. *Id.* at 10, 12-13. That

limited admission is far different from Lord's murder confession and promise to help agents find the weapon he used.

In sum, although Allegra and Lord used similar words--"So can you provide me with an attorney?" (Allegra) and "I can't afford a lawyer but it there any way I can get one?" (Lord)--the circumstances in which they uttered those words were quite different. Allegra's request came during the early stages of his post-arrest interview rather than after an eighty minute recorded statement in which he admitted to the crime under investigation. Therefore, Allegra's words did not carry the same meaning as the belated and legally ineffective reference to counsel in *Lord*.

F.

Where, as here, "the accused invoked his right to counsel, courts may admit his responses to further questioning only on finding that he (a) initiated further discussions with the police, and (b) knowingly and intelligently waived the right he had invoked." *Smith*, 469 U.S. at 95. "A suspect initiates conversation if he makes a statement that 'evinces a willingness and a desire for a generalized discussion about the investigation.'" *U.S. v. Robinson*, 586 F.3d 540, 545 (7th Cir.



2009) (quoting *Oregon v. Bradshaw*, 462 U.S. 1039, 1046 (1983)).<sup>3</sup> "By itself, a suspect's initiation of conversation does not necessarily constitute a waiver of his right to counsel; the suspect's waiver must also be knowing and voluntary, under the totality of the circumstances, before law enforcement agents engage in any interrogation." *Id.* Ultimately, "the burden remains upon the prosecution to show that subsequent events indicated a waiver of the Fifth Amendment right to have counsel present during the interrogation." *Bradshaw*, 462 U.S. at 1044.

The Agents' responses to Allegra's request for counsel were similar to the law enforcement response in *Lee* that was "a matter of some concern" to the Seventh Circuit. 413 F.3d at 627. After Kenneth Lee asked, "Can I have a lawyer?" one of the officers opined that "a lawyer would tell him not to say anything." 413 F.3d at 624. The officer further advised that "Lee could help himself by talking, and that if he wanted to take responsibility, he should talk to [the two officers]. Lee responded that he did want to help himself out and talk." *Id.* On those facts, the Seventh Circuit observed that the officer's response was "apparently designed to persuade" Lee not to speak with a lawyer, but the court declined to decide whether that

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<sup>3</sup> Consistent with the Supreme Court's admonition, courts have been loath to "build a superstructure of legal refinements" around what it means for a suspect to "initiate" further discussion with the police after initially invoking the right to counsel. See *Bradshaw*, 462 U.S. at 1045.

form of persuasion violated *Miranda* and *Edwards* because the admission of Lee's subsequent confession was harmless error. *Id.* at 627.

The Agents' responses to Allegra's request for counsel were even more coercive than the tactics used in *Lee*. Agent Ostrow told Allegra that he would be charged and "locked up" if he persisted in his request for counsel. Tr. at 16. Agent Brosnan added that it would "hurt" Allegra to request counsel whereas he would "get more consideration" if he cooperated with the FBI and DEA now rather than later. *Id.* At a minimum, Agent Brosnan's attempt to persuade Allegra to waive his previously invoked right to counsel casts doubts on whether Allegra initiated further discussion with the Agents (such that the *Edwards* presumption of involuntariness would no longer apply to his subsequent statements) or simply succumbed to badgering (which *Edwards* prohibits). See *Michigan v. Harvey*, 494 U.S. 344, 350 (1990) (explaining that *Edwards* "prevent[s] police from badgering a defendant into waiving his previously asserted *Miranda* rights").

*Robinson* points the way towards resolution of whether Allegra initiated a discussion with the Agents or succumbed to badgering. In *Robinson*, the Seventh Circuit held that the suspect's "unprompted question, 'What do you want?' was sufficient under *Edwards* to initiate a conversation." 586 F.3d

at 545 n.6; see also *Hampton*, 675 F.3d 720 (assuming suspect invoked right to counsel, suspect reinitiated discussion by asking officers "how the presence of an attorney would affect his situation").

At first glance, Allegra's first statement after invoking the right to counsel--"But you guys aren't telling me what you want me to do," Tr. at 16--appears similar to the facts in *Robinson*. The Seventh Circuit was quick to note, however, that a suspect's words cannot be divorced from context: "[I]f the officers' conduct prior to the point when [the suspect] initiated further conversation amounted to interrogation, such interrogation would have violated *Edwards* and rendered the subsequent initiation and waiver invalid." *Robinson*, 586 F.3d at 545. The hypothetical scenario posited in *Robinson* is precisely what happened to Allegra. In other words, Agent Brosnan's response to Allegra's invocation of the right to counsel constituted prohibited interrogation because the Agent "should have known that the practices [he] employed were 'reasonably likely to elicit an incriminating response' from [Allegra]." *Id.* at 546 (quoting *Rhode Island v. Innis*, 446 U.S. 291, 301 (1980)).<sup>4</sup> Indeed, the entire point of Agent Brosnan's

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<sup>4</sup> An "incriminating response" means "any response--whether inculpatory or exculpatory--that the prosecution may seek to introduce at trial." *Innis*, 446 U.S. at 301 n.5 (emphasis from original removed).

comment was to persuade Allegra to change his mind about invoking his right to counsel so that the interview could continue. It is axiomatic that a "police practice...designed to elicit an incriminating response from the accused" after he has invoked the right to counsel is a prohibited interrogation. See *Innis*, 446 U.S. at 301 n.7.

In sum, Allegra's statements after invoking his right to counsel are presumptively involuntary--and therefore inadmissible--under *Edwards* because they were made in response to prohibited interrogation.

III.

Allegra's motion to suppress is GRANTED for the reasons stated above.

**ENTER ORDER:**



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**Elaine E. Bucklo**

United States District Judge

Dated: November 19, 2015



FEDERAL RULES OF CRIMINAL PROCEDURE - 32(e)(2)-WHENEVER A PRESENTENCE INVESTIGATION REPORT IS PREPARED, A COPY OF THE REPORT WILL BE PROVIDED TO THE DEFENDANT, THE ATTORNEY FOR THE DEFENDANT, AND THE ATTORNEY FOR THE GOVERNMENT. PARTIES ARE PROHIBITED PURSUANT TO LOCAL RULE 32.1(j) FROM DISCLOSING THIS REPORT OR ITS CONTENTS TO ANY PERSON OR AGENCY WITHOUT THE WRITTEN PERMISSION OF THE SENTENCING JUDGE.

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

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>V.</b>	)	<b>PRESENTENCE INVESTIGATION REPORT</b>
	)	
	)	<b>Docket No.: 0752 1:15CR00243-1</b>
<b>Robert Allegra</b>	)	
	)	

**Prepared for:** The Honorable Elaine E. Bucklo  
Senior District Judge

**Prepared by:** Laura O'Connor  
Probation Officer  
230 S. Dearborn Street – Suite 3400  
Chicago, IL 60604  
312-435-5867  
laura\_oconnor@ilnp.uscourts.gov

**Assistant U.S. Attorney**  
Patrick Mark Otlewski  
219 South Dearborn  
Fifth Floor  
Chicago, IL 60604  
312-469-6045  
Patrick.Otlewski@usdoj.gov

**Defense Counsel**  
Vadim A. Glozman  
53 W. Jackson Blvd, Suite 1420  
Chicago, IL 60604  
(312) 726-9015  
vglozman2@gmail.com

Nicole M. Kim  
219 S. Dearborn Street  
Fifth Floor  
Chicago, IL 60604  
312-886-7635  
nicole.kim@usdoj.gov

**Sentence Date:** December 9, 2016 at 10:00 AM

**Date Report Prepared:** November 3, 2016

**Date Report Revised:**

**Allegra, Robert**  
**0752 1:15CR00243-1**

**Offense:**            **Count 1:**  
                         Attempt to Possess With Intent to Distribute Cocaine  
                         21 U.S.C. §846, 21 U.S.C. §841(b)(1)(C)  
                         0 years to 20 years imprisonment/\$1,000,000 fine  
                         (Class C Felony)

**Release Status:**    On May 7, 2015, the defendant was released on a \$250,000 secured bond.

**Detainers:**           None.

**Codefendants:**        None.

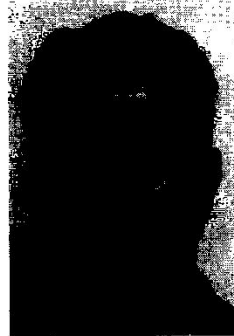
**Related Cases:**     Alfredo Aurelio - 0752 15 CR 385-1

**Allegra, Robert**  
**0752 1:15CR00243-1**

**Identifying Data:**

**Date of Birth:** August 30, 1954  
**Age:** 62  
**Race:** White  
**Hispanic Origin:** Non-Hispanic origin  
**Sex:** Male

**SSN#:** 320-52-0128  
**FBI#:** 105210R2  
**USM#:** None  
**State ID#:** IL 18015690  
**DL#:** A42677854310  
**PACTS#:** 1508541



**Education:** Bachelor's Degree  
**Dependents:** 1  
**Citizenship:** U.S. Citizen  
**Country of Birth:** United States  
**Place of Birth:** Chicago, IL

**Legal Address:** 431 East 9th Street  
Hinsdale, IL 60521

**Residence Address:** 431 East 9th Street  
Hinsdale, IL 60521

**Alias(es):** Also Known As: Bob  
True Name: Allegra, Robert Vincent

**Alternate IDs:** Alias Driver's License Number: FL A42677854310

***Restrictions on Use and Redisclosure of Presentence Investigation Report.*** Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorist activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the federal judiciary and the Department of Justice that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.



**PART A. THE OFFENSE****Charge(s) and Conviction(s)**

1. On April 19, 2015, the Special September 2014 Grand Jury returned one-count Indictment No. 15 CR 243, which charged that beginning on or about March 20, 2015, and continuing until on or about March 25, 2015, Robert Allegra, the 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, in violation of 21, U.S.C. §846. The indictment also contains a forfeiture allegation, which alleges that the defendant shall forfeit all property obtained directly or indirectly as a result of his violation of 21 U.S.C. §846. The interests of the defendant subject to forfeiture include \$30,000 in United States currency and, a black Bentley Continental convertible vehicle, pursuant to 21 U.S.C. §853(a).
2. On May 7, 2015, the defendant self-surrendered and appeared for arraignment before the Honorable Geraldine Soat Brown, at which time the defendant entered a plea of not guilty to the charge contained in the indictment. The defendant was released on a \$250,000 secured bond with reporting instructions to pretrial services.
3. On July 1, 2016, the defendant appeared before the Honorable Elaine E. Bucklo, and pursuant to a non-binding, written plea agreement, pled guilty to Count One of the indictment. The Court agreed to the motion to strike the quantity allegations from Count One of the indictment. Each party is free to recommend whatever sentence it deems appropriate. In addition, the defendant has agreed to waive any right, title and interest he has in the property indicated in the plea agreement.
4. Pretrial services records indicate the defendant has complied with all Court ordered conditions of release.

**The Offense Conduct**

5. The following information was obtained from the indictment, the attached plea agreement, and the attached government's version, which was submitted by Assistant United States Attorney Patrick M. Otlewski on July 15, 2016. In addition, on September 20, 2016, this officer interviewed Special Agent David Ostrow, of the Federal Bureau of Investigation (FBI), who corroborated the factual account of the offense as described below. Upon the advice of counsel, the defendant declined to discuss the details of this case and to date, a written defendant's version has not been received.
6. According to Special Agent Ostrow, this investigation initially began in 2013, as part of a long-term investigation into a Mexican drug cartel, and specifically centered upon several traffickers who were responsible for distributing heroin and cocaine. Upon being arrested, one of these individuals, Alfredo Aurelio (who has been charged in case number 15 CR 385), and a confidential informant (CI), agreed to cooperate with law enforcement and they provided law enforcement with information regarding the defendant's involvement in the instant offense.

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7. According to Special Agent Ostrow, the defendant, who is a licensed pilot and owns his own aviation company, delivered bulk narcotics proceeds for Aurelio and the CI. The defendant's conduct occurred prior to Aurelio and the CI being caught by law enforcement, and during that time, the defendant purportedly conducted between five and eight flights in which he transported narcotics proceeds from Chicago to McAllen, Texas. On several occasions, he also flew drug traffickers from Texas to Chicago. Special Agent Ostrow reported that sometime in 2013, the defendant flew with Aurelio and the CI to Mexico to meet with high-level cartel members, to discuss additional drug trafficking activities. According to the grand jury testimony of the CI, the defendant bragged that he used to fly for the cartel in the past. In return for his services, the defendant charged Aurelio a flat fee to cover operating expenses, and an additional 6-7% of the drug proceeds that were to be transported.
8. On March 25, 2015, following a series of meetings and negotiations with the CI, who unbeknownst to him was cooperating with law enforcement, the defendant agreed to fly from Illinois to California to pick up approximately 45 kilograms of cocaine, in exchange for an upfront payment of \$30,000 and additional fees due after the delivery of the cocaine. Agents posing as narcotics traffickers, loaded his airplane with weighted suitcases which the defendant believed to be cocaine.
9. Agent Ostrow reported that during the investigation, the defendant was recorded making statements indicating that if law enforcement ever arrested him, he would simply "play dumb" and act as though he did not know anything. The defendant attempted to use this tactic until agents explained that they were aware of his deception. The defendant proffered with the government in August 2016, and he admitted his conduct in the instant offense but did not provide any other significant information useful to this investigation.

**Victim Impact**

10. This is a Title 21 offense and there is no identifiable victim; however Assistant United States Attorney Patrick M. Otlewski submitted a statement concerning the victim impact, which is contained in the government's version.

**Adjustment for Obstruction of Justice**

11. The probation officer has no information indicating the defendant impeded or obstructed justice.

**Adjustment for Acceptance of Responsibility**

12. As of the date of this report, the defendant has not provided a written statement to the probation office. However, the defendant entered a plea of guilty to Count 1 of the indictment, wherein he acknowledged his guilt in this case. The defendant also timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. It is noted that in the plea agreement, the government reserved the right to take whatever position it deemed appropriate with respect to the defendant's acceptance of responsibility.

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13. In August 2016, the defendant participated in a safety valve interview with the government, at which time he admitted his conduct in the instant offense and he was cooperative with the undersigned during the presentence interview.
14. It is noted that throughout the investigation the undersigned had numerous telephone conversations with the defendant and during said conversations, the defendant repeatedly asked the undersigned if his offense were a “probational offense” as “his attorney had told him this” and the “government was making him out to be a monster.”

**Offense Level Computation**

15. The 2015 Guidelines Manual, incorporating all guideline amendments, was used to determine the defendant's offense level. USSG §1B1.11.

**Count 1: Attempt to Possess With Intent to Distribute Cocaine**

16. **Base Offense Level:** The guideline for a violation of 21 U.S.C. §846 is found in USSG §2D1.1. The defendant is accountable for attempting to distribute 45 kilograms of cocaine, which is at least 15 kilograms but less than 50 kilograms; resulting in a base offense level of 32. USSG §2D1.1(a)(5) and (c)(4). **32**
17. **Specific Offense Characteristics:** If the defendant unlawfully imported or exported a controlled substance under circumstances in which (A) an aircraft other than a regularly scheduled commercial air carrier was used to import or export a controlled substance or (C) the defendant acted as a pilot aboard any craft or vessel carrying a controlled substance, increase by two levels. USSG §2D1.1(b)(3). **+2**
18. **Specific Offense Characteristics:** The defendant appears to meets the criteria set forth in subdivisions (1)-(5) of §5C1.2(a); therefore, a two-level reduction is applicable. USSG §§2D1.1(b)(17) and 2C1.2(a). **-2**
19. **Victim Related Adjustment:** None. **0**
20. **Adjustment for Role in the Offense:** None. **0**
21. **Adjustment for Obstruction of Justice:** None. **0**
22. **Adjusted Offense Level (Subtotal):** **32**
23. **Chapter Four Enhancement:** None. **0**
24. **Acceptance of Responsibility:** The defendant has clearly demonstrated acceptance of responsibility for the offense. Accordingly, the offense level is decreased by two levels. USSG §3E1.1(a). **-2**
25. **Acceptance of Responsibility:** The defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely

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notifying authorities of the intention to enter a plea of guilty. Accordingly, the offense level is decreased by one additional level. USSG §3E1.1(b).

-1

26. **Total Offense Level:**

29

**Offense Behavior Not Part of Relevant Conduct:**

27. None.

**Information Covered by USSG §1B1.8**

28. None.

**PART B. THE DEFENDANT'S CRIMINAL HISTORY**

29. Pursuant to cost containment measures implemented by the Clerk of the Circuit Court of Cook County, the United States Probation Office is unable to obtain copies of criminal court documents (such as copies of charging documents and disposition orders) from Cook County clerk's offices. As a result, unless otherwise noted, Cook County conviction and disposition information listed below was obtained from the clerk's office computer printout and corroborated by information presented on the defendant's Chicago, Illinois, Police Department and/or Illinois State Police rap sheets. Court documentation was obtained for all non-Cook County convictions, unless otherwise specified. Per advice of legal counsel, the defendant declined to discuss his/her criminal history with the undersigned officer.

30. Attorney representation is unknown for some of the below-reflected Illinois cases. However, it is noted that, since 1970, Illinois state law allows the court the authority to appoint an attorney for all defendants who are unable to retain counsel, or who do not have counsel. This applies to both felony and misdemeanor cases.

**Juvenile Adjudication(s)**

31. None.

**Adult Criminal Conviction(s)**

	<b><u>Date of Arrest</u></b>	<b><u>Conviction/Court</u></b>	<b><u>Date Sentence Imposed/Disposition</u></b>	<b><u>Guideline</u></b>	<b><u>Pts</u></b>
32.	05/21/2015 (Age 60)	Speeding Over Statutory Limit/ Hinsdale Police Department, Hinsdale, IL (Case No.	06/03/2015: Supervision	4A1.2(c)(1)	0

2015TR046857)

Attorney representation is unknown. Upon being pulled over for speeding, the defendant identified himself as a Glades County, Florida, Sheriff's Deputy, and produced a badge and identification card. After finishing the traffic stop, the reporting officer returned to the station and telephoned the Glades County Sheriff's Department to further investigate this claim. The officer spoke with an on-duty sergeant who stated that the defendant was "kind of a Deputy." The reporting officer replied that he did not know what a "kind of Deputy" meant, and expressed concern regarding the defendant's claim, and whether or not he should initiate a call to the State's Attorney's office to explore criminal charges. The on-duty sergeant then stated that the defendant is a "Special Deputy" to which the officer responded that he was unfamiliar with the rank of "Special Deputy. The sergeant explained that the Sheriff has several friends that are wealthy businessmen who make financial contributions to the Sheriff's department and in return, the Sheriff gives them a badge and an identification card. He further stated that these individuals do not have arrest powers or authorization to carry a weapon. On September 8, 2015, the defendant's supervision was terminated satisfactorily.

**Criminal History Computation**

33. The criminal convictions above result in a subtotal criminal history score of zero.
34. The total criminal history score is zero. According to the sentencing table in USSG Chapter 5, Part A, a criminal history score of zero establishes a criminal history category of I.

**Other Criminal Conduct**

35. Special Agent Ostrow reported that in the late 1970s or 1980s, the defendant was in the position of an auxiliary Cook County Sheriff's deputy or a similar position, and during that time, he stole vehicles with the use of a tow truck, and then sold these vehicles for a profit.

The defendant confirmed to the undersigned that in the 1970s, he was employed with the Cook County Sheriff's department for approximately nine or ten years, and he was assigned to "holiday court." The defendant explained that he was on duty during holidays, weekends, or in disasters. He further noted that he was a sworn officer, and as such, he was issued a firearm and handcuffs and given arrest powers. This position ended when the "holiday court" program was dismantled. An employee from the Cook County Sheriff's Department verified that the holiday court program did formerly exist.

**Pending Charges**

36. None.

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**Other Arrests**

	<b><u>Date of Arrest</u></b>	<b><u>Charge</u></b>	<b><u>Agency</u></b>	<b><u>Disposition</u></b>
37.	09/28/1976 (Age 22)	Criminal Trespass to Vehicle (Unknown Docket Number)	Clarendon Hills Police Department, Clarendon Hills, IL	Unknown

According to the Clarendon Hills Police records department, due to the age of this case, records are not retained.

**PART C. OFFENDER CHARACTERISTICS**

38. On July 27, 2016, the undersigned conducted a personal interview with the defendant in the presence of his attorney, whereupon the following information was gathered. On September 16, 2016, the undersigned also conducted a telephonic interview with Lisa Allegra, the defendant's wife, who corroborated the information provided by the defendant.

**Personal and Family Data**

39. Robert Vincent Allegra (true name) was born on August 30, 1954 in Chicago, Illinois. The defendant is one of two children born to the marital union of Frank and Irene (nee Pipia) Allegra. The defendant's father passed away 25 years ago, at the age 69, from cancer that affected his bladder, colon, and prostate. He was formerly the owner of a car dealership. The defendant's mother is 92 years old and resides in an assisted living facility in Glenview, Illinois. She has a variety of health problems associated with old age, and "low grade lymphoma;" in her younger years, she was employed as an interior decorator, and later stopped working and became a homemaker. The defendant's sister, Angel Dzakovich, age 67, is unemployed and resides in Northbrook, Illinois. She suffers from high blood pressure, and as a result of this, she has some eye problems.
40. The defendant reported that he was raised in Oak Park, Illinois, and lived there into his 20s, aside from a brief period of time when he lived in Elmhurst, Illinois (from age 2 thru age 7) and Boca Raton, Florida, from approximately 2008 to 2012. The defendant stated that he had an "excellent" childhood, and his parents were loving and caring individuals who were "always there" for him. The defendant's father was a "tough" man who ruled his home with an "iron fist." The defendant recalled that as a child, he played baseball, and often times, his mother would pick him up from school and drop him off at his father's dealership, where his father worked 18 hours per day. In hindsight, the defendant acknowledged that he thought all kids worked alongside their parents, as this was customary among his family members. The defendant noted that his uncle, who was in partnership with his father, and his cousins also worked at the dealership. The defendant denied experiencing any type of physical, mental, or sexual abuse during his youth.

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41. The defendant reported an excellent relationship with his mother and sister, noting that he speaks to his mother on a regular basis and frequently assists her with obtaining medication and other routine activities.
42. The defendant is married to Lisa Allegra (nee Fitzgerald) who is 52 years old and a real estate agent with Coldwell Banker. They have been married since October 21, 2006, and they have one child together. Alessandro (Alec) Allegra is 8 years old and is an elementary school student. The defendant reported that his wife was diagnosed with diabetes when she was 12 years old, and she has been close to death approximately eight times since they have been married. As a result of her health issues, she had a difficult time conceiving their child. The defendant stated that he is very close to his son and they have a "very special relationship." The defendant stated that his wife's reaction to the instant offense was "not good" but "she loves me" and he believes she will stand by him and not seek a divorce.
43. Mrs. Allegra described the defendant as family-oriented, loyal, genuinely concerned with friends and family, supportive of her, and a dedicated and loving father to his son. She further stated that the defendant speaks to his mother daily and helps her with a variety of activities. Mrs. Allegra denied that the defendant has any mental health or substance abuse-related problems.
44. Mrs. Allegra reported that she does not know why the defendant became involved in the instant offense and was "unaware of any emotional turmoil" he may have been experiencing. She stated that this behavior is not demonstrative of the type of life that they have built together and he "veered outside of his moral structure" as they are both "good Christians."
45. The impact of the instant offense has taken a toll on Mrs. Allegra's health. She confirmed that she has Type I diabetes, and the stress of these events has impacted her health both emotionally and physically. She explained that she has been on an "emotional roller coaster" and she vacillates between fear and anger. This event has changed her "entire relationship" with the defendant. She is most upset that her son has become a victim of the defendant's actions; in particular, he has been shunned by classmates. Should the defendant receive a custody sentence, Mrs. Allegra would be impacted financially. She stated that she just recently began her business as a realtor within the last few years and she does not have a steady income. She opined that she would likely have to sell their home and relocate; however, she indicated that she comes from a big family whose members remain supportive of her.
46. On September 8, 2016, the undersigned conducted a home visit at the defendant's residence located at 431 East 9<sup>th</sup> Street, Hinsdale, Illinois. This residence is a four-level, four-bedroom home, located in a residential neighborhood. The defendant also owns a Wheaton Terrier dog. The defendant reported that he lived in Boca Raton, Florida from 2008 until 2012. The defendant further reported that he has purchased and sold approximately 20-30 different homes throughout his lifetime; he stated he lived in some of these homes while he rehabbed them, prior to selling them.

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47. A firearm owner's identification (FOID) search was conducted by the probation officer which search indicated that the defendant was issued a FOID card in Illinois, as well as concealed carry permits in Illinois and Florida; however, he surrendered all of these cards to U.S. Pretrial Services in May 2015. The defendant reported that he owned 15 to 20 firearms, which he relinquished to a friend, Thomas Shover. Records from pretrial services indicate that the defendant owns nine firearms which are currently in Mr. Shover's possession. The defendant did not report any history of street gang involvement and no record of such involvement was found by this officer.

**Physical Condition**

48. Pursuant to cost containment measures, the U.S Probation Office is not requesting medical records from medical care providers. The defendant was advised of this, and was instructed to provide the probation office with any medical records deemed necessary for summarization in the presentence investigation report. To date, no such records have been submitted to this officer.
49. The defendant is a 62-year old White male who stands 5'10" and weighs 220 pounds. The defendant has hazel eyes, brown, greying hair and he reported that he has no tattoos or scars; however, the defendant noted that he has a birthmark on his lower back. He reported that he was diagnosed with high blood pressure and high cholesterol over 15 years ago.
50. In 2013, the defendant was diagnosed with a bulging disc in his back (unverified). He reported that he does therapeutic exercises to relieve chronic pain associated with this condition. Approximately, 10 years ago, the defendant was diagnosed with sleep apnea (unverified). He reported that he must use a mouth guard while he sleeps, and he further stated that he sometimes vomits or chokes while asleep as a result of this condition. The defendant reported that he has pain in his right knee, and it makes a "clicking" sound. He reported that a doctor examined him and told him that he needs "a scope" (unverified).
51. In late July 2016, while practicing mixed martial arts, the defendant kicked another practitioner in the leg with his left ankle. Following this, the defendant developed a severe bruise on his ankle which further progressed into a staph infection.
52. In September 2016, during a medical check-up, doctors discovered that the defendant had blood in his urine. He was informed that he would have to undergo further testing, including an ultrasound of his kidneys. It is noted that the defendant's father had bladder cancer.
53. The defendant takes the following prescribed medications (verified):

Atorvastatin 20 milligrams once daily	High Cholesterol
Amlodipine/Benazepril 10-20 milligrams once daily	High Blood Pressure
Hydrochlorothiazide 25 milligrams once daily	High Blood Pressure
Clindamycin 300 milligrams every six hours	Bacterial Infection



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54. The defendant reported that he has no known allergies and he uses reading glasses for myopia.

**Mental and Emotional Health**

55. The defendant denied experiencing any past or present mental or emotional health problems. He further denied any suicidal ideations and reported that he has never been prescribed psychotropic medication nor has he been referred for mental health treatment.

**Substance Abuse**

56. The defendant reported that he first tried alcohol when he was in elementary school and he would “take sips” of alcohol at parties. He indicated that he drinks on occasion, and when he does, he will consume a glass of wine. He denied ever using any other illicit drugs or tobacco. The defendant reported that no one in his family, including himself, has a problem with alcohol or substance abuse and he has never been in or referred for treatment.
57. On May 7, 2016, the defendant provided a urinalysis specimen to the U.S. Pretrial Services Office, which was negative for the presence of illicit substances. On July 27, 2016, the defendant provided a urinalysis specimen to the U.S. Probation Office, which was also negative for the presence of illicit substances.

**Educational, Vocational and Special Skills**

58. From 1969 until 1973, the defendant attended and graduated from Oak Park River Forest High School, in Oak Park, Illinois (verified).
59. From 1973 until 1974, the defendant attended Carthage College in Kenosha, Wisconsin (verified). The defendant explained that after one year, he decided to drop out of this school because he did not like the commute home on the weekends (he reported that he came home on the weekends to work at his father’s auto dealership).
60. From 1974 until 1977, the defendant attended Elmhurst College in Elmhurst, Illinois, and graduated with a bachelor of science degree in marketing (verified). The defendant reported that he also earned a bachelor of arts degree in business administration from the same institution; however, his transcripts do not reflect this additional degree.
61. The defendant reported that he has been an airplane pilot since 1972, and a licensed pilot (verified) since 1974. He reported that he has attended over 30 aviation schools, and explained that each time one learns to fly a new aircraft, they must go to school beforehand. The defendant reported that he is able to operate the following aircraft: single-engine pilot; multi-engine pilot; helicopter; airline transport pilot; instrument-rated pilot. Additionally, the defendant reported that he is a flight instructor in each of those categories. He further reported that he must attend continuing education classes for his licenses.

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**Employment Record**

	<u>Start Date</u>	<u>End Date</u>	<u>Employer</u>	<u>Gross/Other Monthly Income</u>	<u>Hours/ Week</u>
62.	01/01/2012	Present	Allegra's Energy Burr Ridge, Illinois	\$8,333.33	40.00

The defendant reported that he is the sole owner of this company, and he brokers electricity and natural gas. The defendant stated that he targets business owners and in return for utilities purchased, he receives a commission from the supplier. This company is housed in the same location as his aviation business.

63.	01/01/2014	Present	Chicago's Energy Burr Ridge, Illinois	\$0.00	0.00
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The defendant reported that he is the sole owner of this company which also brokers electricity and natural gas. He files taxes under the name Allegra's Progressive Energy Group Inc. Currently this company is not generating a profit.

64.	01/01/2001	Present	D&B Investments	\$0.00	0.00
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The defendant reported that he established D&B Investments approximately 15 years ago. This company rehabbed real estate property but has not been active for the last three years.

65.	01/01/1983	Present	Royal Palm Aviation Burr Ridge, Illinois	\$45,833.33	60.00
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The defendant reported that he owns and operates Royal Palm Aviation. The defendant buys and sells airplanes, and provides pilot services. He further stated that his company was formerly named Allegra Unlimited, and he changed the name to Royal Palm Aviation in 2008. Based on tax returns, it appears that the defendant still operates a charter service that provides transportation under the name Allegra Unlimited, in addition to generating business income through Royal Palm Aviation.

**Financial Condition: Ability to Pay**

66. The defendant completed and signed a declaration of net worth and (cash flow statements) on September 21, 2016. He provided supporting documentation unless otherwise indicated below. The defendant is a successful businessman who is married and lives with his wife and young child. The defendant provided his own credit report which revealed that he is in good standing with creditors and does not have any debt in collection. He otherwise submitted supporting financial documentation unless otherwise noted below. According to the defendant's individually filed tax returns, his adjusted gross income was \$59,292 in 2013; \$485,348 in 2014; and, \$521,927 in 2015. The undersigned conducted a query of LexisNexis Accurint records to obtain information

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regarding the defendant's assets. Assets and debts marked with an asterisk (\*) are held jointly by the defendant and his wife.

**Assets (See Note A)**

Business	Chase Bank - Allegra's Energy	\$5,081.00
Business	Chase Bank - Chicago Energy Group, Inc.	\$2,000.00
Business	Chase Bank - Royal Palm Aviation, Inc.	\$141,976.00
Personal Checking Account	Chase Bank	\$6,091.00
Business	5/3 Bank - Allegra Inc.	\$20,260.00
Business	5/3 Bank - Allegra Unlimited	\$1,786.00
Business	5/3 Bank - Allegras Energy Inc.	\$4,134.00
Business	5/3 Bank - Chicago Energy Group Inc.	\$14,117.00
Business	5/3 Bank – D & B Investments	\$2,815.00
Business	5/3 Bank - Royal Palm Aviation	\$79,292.00
Personal Checking Account	5/3 Bank	\$9,620.00
Personal Savings Account	5/3 Bank	\$2,240.00
Wife's Consolidated Accounts	5/3 Bank (See Note B)	\$0.00
Business	Bank of America - Royal Palm Aviation	\$4,544.00
Personal Checking Account	Bank of America	\$3,590.00
Personal Savings Account	Bank of America	\$168.00
Personal Checking Account	Leaders Bank (No documentation)	\$1,600.00
Securities	Premier Holding Corporation	\$60,500.00
Securities	Goeken Group Private Offering	\$0.00
Securities	Chef Burger Bistro	\$2,500.00
Securities	Quartino Holding Company LLC	\$50,000.00
Escrow Account	Ralph Meczyk (See Note C)	\$10,000.00
Vehicle		\$4,000.00
Vehicle	1994 Mitsubishi	\$4,000.00

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Vehicle	2001 Harley Davidson	\$7,000.00
Vehicle	2005 GEM 825	\$3,500.00
Vehicle	2009 Vespa LX150	\$18,000.00
	2010 Mercedes Benz GLK-	
Vehicle	350	\$14,000.00
Vehicle	2010 Mercedes Benz C300	\$100,000.00
	2014 Bentley Continental	
Vehicle	GT V8	\$20,000
Vehicle	2014 Mercedes Benz E550	\$17,000.00
	2015 Harley Davidson	
Vehicle	FLHTKL	\$30,000.00
	2016 Harley Davidson	
Spouse's Vehicle	FLHXSE	\$0.00
Residence	Audi A8 (See Note D)	\$0.00
	431 East 9 <sup>th</sup> Street,	
Business Property	Hinsdale, IL (See Note D)	\$450,000.00
	7708 S. Grant Street, Burr	
Home Furnishings	Ridge, IL	\$20,000.00
Office Furnishings		\$2,500.00
Office Equipment		\$3,500.00
Not For Profit Charity	K-9s for Veteran Warriors	\$0.00
IRA	UBS	\$97,701.00
IRA	UBS	\$3,147.00
ReliaStar Life Insurance	(See Note E)	\$0.00
Policy		
The Lincoln National Life	(See Note E)	\$0.00
Insurance Company		\$5,000.00
Firearms (in care of friend)		
<b>Total Assets</b>		<b>\$1,221,662</b>

**Liabilities (Note F)**

Mortgage	Business Property	\$
Vehicle	2014 Bentley Continental	\$141,900.00
	GT V8	\$100,040.00
Vehicle	2015 Harley Davidson	\$10,915.00
	FLHTKL	
Vehicle	2016 Harley Davidson	\$10,624.00
<b>Total Liabilities</b>		<b>\$263,479</b>
<b>Total Net Worth</b>		<b>\$958,183</b>