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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

UNITED STATES OF AMERICA, - Docket No. 5:18-cr-298-FL-2  
-  
Plaintiff, - New Bern, North Carolina  
- February 7, 2019  
v. - Sentencing  
-  
DENSLO ALLEN PAIGE, -  
-  
Defendant. -  
-----

TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE LOUISE WOOD FLANAGAN  
UNITED STATES DISTRICT JUDGE.

APPEARANCES:

For the Plaintiffs: United States Attorneys' Office  
By: Sebastian Kielmanovich  
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For the Defendant: Federal Public Defender  
By: James E. Todd, Jr.  
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Court Reporter: Tracy L. McGurk, RMR, CRR  
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New Bern, NC 28560  
(419) 392-6626

Proceedings recorded by mechanical stenography,  
transcript produced by notereading.

1 (Commenced at 2:28 p.m.)

2 THE COURT: We'll take up Ms. Paige.

00:00:25 3 Are you Denslo Paige?

00:00:30 4 THE DEFENDANT: Not the pronunciation, but  
00:00:31 5 yes.

00:00:31 6 THE COURT: How do you pronounce your name?

00:00:36 7 THE DEFENDANT: Denslo. Denslo is my first  
00:00:37 8 name.

00:00:38 9 THE COURT: You're here because you aided  
00:00:39 10 and abetted voting by an alien.

00:00:42 11 THE DEFENDANT: Uh-huh.

00:00:43 12 THE COURT: This is the time I've set aside  
00:00:45 13 to sentence you.

00:00:46 14 THE DEFENDANT: Okay.

00:00:47 15 THE COURT: The offense conduct recites that  
00:00:58 16 there was someone named Espinosa-Pena who was determined  
00:01:02 17 to be a citizen and national of Mexico residing in this  
00:01:06 18 country as a legal permanent resident, and she applied  
00:01:11 19 for naturalization in 2008, but the application was  
00:01:17 20 declined --

00:01:19 21 THE DEFENDANT: Yes.

00:01:19 22 THE COURT: -- not once, but twice.

00:01:21 23 And in 2016 she dated and signed a North  
00:01:25 24 Carolina voter registration application form -- it's  
00:01:28 25 actually, I believe, a man.

00:01:29 1 The question, "Are you a citizen of the  
00:01:31 2 United States?" was left blank.

00:01:38 3 And then it goes on that he is interviewed  
00:01:43 4 by law enforcement at his residence in 2017, and you are  
00:01:48 5 present.

00:01:51 6 THE DEFENDANT: Yes.

00:01:52 7 THE COURT: And he said he completed the  
00:01:54 8 voter registration with your advice and aid and voted  
00:01:58 9 for the first time in the general election of 2016.

00:02:03 10 You made an unprotected statement that you  
00:02:07 11 were previously a volunteer seasonal poll worker who was  
00:02:11 12 paid a stipend and that you advised him: If you want  
00:02:15 13 your voice to be heard, you need to vote; and that you  
00:02:20 14 knew he was not a United States citizen, and you  
00:02:24 15 assisted him in completing the registration.

00:02:29 16 This is not your first contact with the  
00:02:31 17 criminal justice system. However, you find yourself in  
00:02:36 18 that favorable category of a I.

00:02:38 19 Your family background is given to me, your  
00:02:40 20 health, education, your employment history. I've  
00:02:44 21 reviewed all of this.

00:02:47 22 And the total offense level is a 4.

00:02:51 23 The advice I receive is a sentence of  
00:02:53 24 between zero to six months. You face up to a year in  
00:02:56 25 prison. Your behavior can be supervised for three

00:02:59 1 years. The fine could be as much as \$100,000, though  
00:03:02 2 the guidelines suggest a range of between \$500 and  
00:03:09 3 \$9,500. And there's a \$25 special assessment.

00:03:13 4 Mr. Kielmanovich, talk to me about your  
00:03:15 5 views of this case.

00:03:17 6 MR. KIELMANOVICH: Yes, Your Honor. First  
00:03:18 7 of all, we did file a motion for downward departure, 5K,  
00:03:23 8 based on the defendant's substantial assistance pursuant  
00:03:26 9 to the terms of the plea agreement. She was debriefed.  
00:03:28 10 We had a meeting in which she explained the inner  
00:03:31 11 workings of the Board of Elections from her perspective  
00:03:35 12 based on her work. And she helped us to learn about how  
00:03:42 13 the registration process works. It's really as simple  
00:03:46 14 as in a polling station they have a help desk where  
00:03:50 15 there is a person who processes the voter registrations.  
00:03:55 16 And that in this particular case she admitted that she  
00:04:00 17 brought her boyfriend, Espinosa, she knew that he was  
00:04:06 18 not a U.S. citizen, and they left the box to the  
00:04:10 19 question, "Are you a U.S. citizen?" blank. So it was  
00:04:15 20 blank as to "Yes;" it was blank as to "No." And she  
00:04:18 21 stated that they even had a green card for Mr. Espinosa  
00:04:23 22 present. And my understanding was that the help desk  
00:04:27 23 person saw that; and nonetheless, the form was taken,  
00:04:33 24 processed, and Mr. Espinosa was registered to vote. And  
00:04:38 25 he, in fact, voted. Which is shocking that it would

00:04:41 1 happen when question number one, the most important  
00:04:45 2 question on the form, the question that says, "If you  
00:04:47 3 say no, do not continue completing the form," was left  
00:04:50 4 blank, and it was processed.

00:04:53 5 But yet when the form was retrieved by  
00:04:58 6 Homeland Security, the box of "Yes" had been checked,  
00:05:01 7 which it appeared that it was checked by somebody after  
00:05:06 8 the form was submitted, and the only option is somebody  
00:05:09 9 that was employed or working or volunteering for the  
00:05:16 10 Board.

00:05:18 11 THE COURT: All right. She's working for  
00:05:20 12 the Board, right, at the time?

00:05:22 13 MR. KIELMANOVICH: She is.

00:05:22 14 THE COURT: What about using her position  
00:05:24 15 and abusing it and the trust that's placed in someone  
00:05:27 16 who has that position?

00:05:30 17 MR. KIELMANOVICH: Well, the factual  
00:05:31 18 scenario as we know it is that on that date in which all  
00:05:40 19 of this is happening, she's acting as a private citizen,  
00:05:44 20 not using any authority or access to anything that a  
00:05:54 21 normal private person would.

00:05:56 22 THE COURT: But should she be charged with a  
00:05:58 23 higher duty because of her involvement?

00:06:02 24 MR. KIELMANOVICH: We asked her, based on  
00:06:05 25 her prior experience with the Board, if -- how come she

00:06:11 1 thought that by bringing the form without checking the  
00:06:14 2 box would be appropriate?

00:06:17 3 THE COURT: And telling him if he wants his  
00:06:19 4 vote heard, if he wants to be heard, he must vote.

00:06:23 5 MR. KIELMANOVICH: Right.

00:06:26 6 THE COURT: And she knows it's illegal?

00:06:29 7 MR. KIELMANOVICH: Yes, she knows. And we  
00:06:31 8 asked her. And her answer was: I wanted to know what  
00:06:36 9 would happen.

00:06:38 10 THE COURT: Okay. Well, this is what  
00:06:40 11 happens.

00:06:43 12 MR. KIELMANOVICH: So in some respects when  
00:06:45 13 I was looking at the statements that she made in her  
00:06:48 14 cooperation, that was a concern about -- I mean, there  
00:06:52 15 was a conflict in my mind about why would she, with that  
00:07:03 16 knowledge, do that?

00:07:04 17 In the end, I believe that information was  
00:07:06 18 helpful to us because we now have an opportunity to kind  
00:07:12 19 of learn about how this particular transaction happened  
00:07:15 20 and how it was processed. But her conduct at the time  
00:07:22 21 was not honest, to put it generously, because she should  
00:07:26 22 have known better. And they were just trying to get  
00:07:29 23 away with it and see what would happen. And it did work  
00:07:34 24 because it was registered.

00:07:36 25 And again, the form was checked "Yes," but

00:07:39 1 after the fact. And I believe the statement she made is  
00:07:44 2 true that it was left blank, but somebody later checked  
00:07:47 3 it. So it's not just the defendant and Mr. Espinosa;  
00:07:53 4 there's yet a third person who had to have checked "Yes"  
00:07:56 5 after the fact; highly concerning, alarming, and the  
00:08:00 6 subject of our ongoing review.

00:08:04 7 THE COURT: Mr. Todd?

00:08:05 8 MR. TODD: Your Honor, I think, once again,  
00:08:07 9 there's an assumption that a volunteer poll worker --

00:08:13 10 THE COURT: She's paid.

00:08:14 11 MR. TODD: Yes. Well, it's a stipend. It's  
00:08:17 12 a seasonal thing.

00:08:21 13 There's an assumption that they're aware  
00:08:23 14 that someone that presents a legal permanent resident  
00:08:26 15 card cannot vote. There's an assumption that they know  
00:08:30 16 that it is not legal for that person to vote. And I  
00:08:33 17 think there we have a failure in training.

00:08:37 18 I've got the "General Election Day Manual"  
00:08:41 19 that's sent out to the volunteer poll workers. I gave a  
00:08:44 20 copy to Mr. Kielmanovich. I found one mention of U.S.  
00:08:48 21 citizenship as a substantive matter, and it's only on  
00:08:53 22 the very end where it says "Reasons for a voter  
00:08:56 23 challenge." And there's 11 there in small print. One  
00:08:59 24 of those is "Not a citizen."

00:09:01 25 The point is, once again, once you get to

00:09:03 1 the polling place, the citizenship question is not a  
00:09:06 2 prime issue. In this case Ms. Paige was not certain  
00:09:13 3 whether Mr. Espinosa could vote or not.

00:09:16 4 They have what's called at these places help  
00:09:19 5 desks. The people at the help desks, I don't know if  
00:09:22 6 they're full-time employees, but they're the ones that  
00:09:25 7 you go to when you have questions. So that's what Ms.  
00:09:28 8 Paige assumed would happen, that he would go to the help  
00:09:31 9 desk, and they would answer the question: Are you  
00:09:33 10 allowed to vote or not? And apparently that didn't  
00:09:37 11 happen.

00:09:38 12 Once again, Mr. Kielmanovich's own  
00:09:41 13 statement: Did the person who checked the box, did they  
00:09:45 14 think that a lawful permanent resident could vote? In  
00:09:48 15 which case, it's not intentional fraud; it's a mistake;  
00:09:52 16 a mistake based on failure to properly educate and train  
00:09:55 17 people that are processing these at the station.

00:10:01 18 And Ms. Paige was very forthcoming in terms  
00:10:04 19 of what her responsibilities were as a poll worker and  
00:10:07 20 what they weren't. She was not assigned to the help  
00:10:11 21 desk.

00:10:12 22 This manual basically handles logistics of  
00:10:15 23 the day: where to put the chairs, where to put the  
00:10:17 24 tables, how to deal with handicapped. It doesn't deal  
00:10:21 25 with the substantive issue, which should be the biggest,

00:10:24 1 boldest requirement hanging from all the billboards.  
00:10:27 2 It's not. But like I said, I think it's a failure in  
00:10:31 3 the system; in this case inadequate training and  
00:10:37 4 preparation of those people that are assigned to work at  
00:10:39 5 the polling places. So that would be my response to her  
00:10:43 6 actions in this case, Your Honor.

00:10:48 7 THE COURT: Do you want to be heard further  
00:10:50 8 on the sentence?

00:10:51 9 MR. TODD: I did want to also acknowledge  
00:10:53 10 that her daughter and two of her granddaughters are  
00:10:56 11 here.

00:10:56 12 Ms. Paige is working part-time at Wal-Mart.  
00:11:04 13 And she thankfully has worked hard her whole life at  
00:11:07 14 secretarial jobs and administrative jobs, now with  
00:11:12 15 Wal-Mart. She was able to purchase a home. And she  
00:11:16 16 just wants to be able to continue doing that, Your  
00:11:21 17 Honor.

00:11:21 18 Obviously we've had a lot of time together.  
00:11:25 19 We had a very extensive debriefing with Mr. Kielmanovich  
00:11:28 20 and the agents in which she explained her actions and  
00:11:31 21 her experience as a volunteer poll worker. And  
00:11:35 22 obviously it's a mistake that she made that will never  
00:11:39 23 happen again.

00:11:40 24 So we would ask for a similar sentence to  
00:11:44 25 Mr. Soifils. Her economic situation is a little better

00:11:48 1 than his. So if Your Honor were to consider a fine, I  
00:11:50 2 think that may be appropriate and may address what Your  
00:11:55 3 Honor sees as a distinction between the clients who are  
00:12:00 4 green card holders who mistakenly vote and Ms. Paige,  
00:12:05 5 who maybe should have known better, but I don't think  
00:12:08 6 you can say that she did know and she knowingly did  
00:12:10 7 something illegal. Should she have? Perhaps. That is  
00:12:16 8 conceded. And I think a fine will be able to take care  
00:12:20 9 of that additional measure of culpability.

00:12:23 10 Thank you, Your Honor.

00:12:23 11 THE COURT: Does your client wish to be  
00:12:25 12 heard?

00:12:27 13 THE DEFENDANT: Well, I am sorry that this  
00:12:30 14 happened. The reason it happened is because there was  
00:12:34 15 no training about whether or not legal aliens could  
00:12:38 16 vote -- never -- all of the elections I've ever worked.  
00:12:41 17 And I truly didn't know, being a U.S. citizen myself.  
00:12:46 18 And I said to him -- I wasn't saying: Go down there and  
00:12:49 19 see if you can vote. I wanted to find out if he could.  
00:12:52 20 I didn't know.

00:12:53 21 And the help desk responsibility, anything  
00:12:56 22 they don't know, they're supposed to call the help line.  
00:12:59 23 And none of that was ever done. Nothing went right that  
00:13:02 24 day.

00:13:03 25 And I thought because I went to the Board of

00:13:06 1 Elections headquarters that I would definitely find out,  
00:13:10 2 you know.

00:13:14 3 But it's a mistake on my part. I'm sorry  
00:13:19 4 for it. It will never happen again. That's all I can  
00:13:24 5 tell you. I know now.

00:13:28 6 THE COURT: Well, the Government's motion is  
00:13:29 7 allowed.

00:13:31 8 I think you could have gotten insight from  
00:13:34 9 many of the volunteers, not just from this individual,  
00:13:36 10 as you're looking for information, not simply unique to  
00:13:42 11 this case, but information of patterns and practices  
00:13:47 12 that many people could speak of.

00:13:49 13 But I recognize she has been helpful to you,  
00:13:54 14 and you seem to have a lot of reliance on her  
00:13:57 15 credibility to believe that the form was not checked.  
00:14:05 16 So I'll grant your motion.

00:14:08 17 Is there anything further?

00:14:09 18 MR. KIELMANOVICH: Just -- I know it's zero  
00:14:12 19 to six. We would recommend 25 percent. But zero is the  
00:14:16 20 bottom. I just wanted to put it on the record.

00:14:21 21 That's all, Your Honor.

00:14:22 22 THE COURT: Okay. Did your client want to  
00:14:24 23 continue? Did I interrupt her?

00:14:31 24 MR. TODD: No. Thank you, Your Honor.

00:14:33 25 THE COURT: I've considered the advice of

00:14:35 1 the guidelines specifically and generally and the  
00:14:37 2 factors set forth in 18, United States Code, Section  
00:14:39 3 3553. I am cognizant of the Government's suggestion  
00:14:46 4 that 25 percent be taken off. I think that's an  
00:14:50 5 appropriate amount. I start in the middle of the  
00:14:52 6 guideline range, and I come to a sentence of two months  
00:14:55 7 imprisonment. That's a sentence that's sufficient but  
00:14:57 8 not greater than necessary to discourage this type of  
00:15:00 9 conduct, to promote respect for the law, to protect the  
00:15:03 10 integrity of our voting processes.

00:15:07 11 I'm going to impose a fine of \$250 in this  
00:15:10 12 case. The fine is due immediately. I'm not going to  
00:15:14 13 put interest on the fine.

00:15:15 14 There's a \$25 special assessment.

00:15:17 15 Your client can't break any law, possess a  
00:15:19 16 weapon or drugs illegally. If she does, she'll be in  
00:15:23 17 violation of the Court's judgment.

00:15:32 18 Anything further?

00:15:33 19 MR. TODD: Well, we would ask you to  
00:15:35 20 consider certainly that she self-report, Your Honor.

00:15:39 21 THE COURT: I think she's a good candidate  
00:15:41 22 for that. Sixty days' time.

00:15:43 23 MR. TODD: And also would you consider if  
00:15:44 24 that could be served by going weekends or something like  
00:15:47 25 that rather than the straight two months?

00:15:50 1 THE COURT: Straight two months.

00:15:51 2 MR. TODD: We would ask for the 60-day  
00:15:53 3 self-surrender.

00:15:54 4 THE COURT: All right. Sixty days allowed.  
00:15:56 5 Anything further from the probation office?

00:15:59 6 THE PROBATION OFFICER: No, Your Honor.

00:15:59 7 THE COURT: All right. Mr. Todd, if you  
00:16:02 8 would come forward and collect the order of surrender.

00:16:08 9 And any conditions your client is under  
00:16:10 10 right now in terms of her supervision will be  
00:16:13 11 maintained.

00:16:22 12 THE PROBATION OFFICER: Did you impose  
00:16:23 13 supervised release?

00:16:37 14 THE COURT: I need to make sure it's  
00:16:38 15 understood she's on supervised release for one year.

00:16:49 16 MR. TODD: May I approach, Your Honor?

00:16:51 17 THE COURT: Certainly.

00:16:52 18 You can appeal if you believe there's  
00:16:53 19 something really wrong with your conviction or the  
00:16:55 20 sentence, but you do need to move quickly. A defendant  
00:16:58 21 usually only has 14 days from the date that the judgment  
00:17:01 22 goes on the docket. If you cannot afford the cost of an  
00:17:04 23 appeal, you can apply for permission to appeal for free.  
00:17:06 24 And if you request, the clerk will fill out the appeal  
00:17:10 25 paperwork for you.

00:17:11 1 Any questions?  
00:17:12 2 THE DEFENDANT: No.  
00:17:13 3 THE COURT: Good luck. Thank you.  
4 (Concluded at 2:45 p.m.)

5 - - -

6 **C E R T I F I C A T E**

7  
8 I certify that the foregoing is a correct transcript  
9 from the record of proceedings in the above-entitled  
10 matter.

11  
12 /s/ Tracy L. McGurk\_\_\_\_\_

\_\_\_\_\_ 2/8/2019 \_\_\_\_\_

13 Tracy L. McGurk, RMR, CRR

Date

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<b>\$</b>	<b>7</b>	<b>assistance</b> [1] - 4:8 <b>assisted</b> [1] - 3:15 <b>assumed</b> [1] - 8:8 <b>assumption</b> [3] - 7:9, 7:13, 7:15 <b>Attorneys'</b> [1] - 1:12 <b>authority</b> [1] - 5:20 <b>Avenue</b> [1] - 1:13 <b>aware</b> [1] - 7:13	<b>clerk</b> [1] - 13:24 <b>client</b> [4] - 10:11, 11:22, 12:15, 13:9 <b>clients</b> [1] - 10:3 <b>Code</b> [1] - 12:2 <b>cognizant</b> [1] - 12:3 <b>collect</b> [1] - 13:8 <b>Commenced</b> [1] - 2:1 <b>completed</b> [1] - 3:7 <b>completing</b> [2] - 3:15, 5:3 <b>conceded</b> [1] - 10:8 <b>concern</b> [1] - 6:14 <b>concerning</b> [1] - 7:5 <b>Concluded</b> [1] - 14:4 <b>conditions</b> [1] - 13:9 <b>conduct</b> [3] - 2:15, 6:20, 12:9 <b>conflict</b> [1] - 6:15 <b>consider</b> [3] - 10:1, 12:20, 12:23 <b>considered</b> [1] - 11:25 <b>contact</b> [1] - 3:16 <b>continue</b> [3] - 5:3, 9:16, 11:23 <b>conviction</b> [1] - 13:19 <b>cooperation</b> [1] - 6:14 <b>copy</b> [1] - 7:20 <b>correct</b> [1] - 14:8 <b>cost</b> [1] - 13:22 <b>country</b> [1] - 2:18 <b>COURT</b> [28] - 1:1, 2:2, 2:6, 2:9, 2:12, 2:15, 2:22, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:7, 13:14, 13:17, 14:3 <b>Court</b> [1] - 1:18 <b>Court's</b> [1] - 12:17 <b>credibility</b> [1] - 11:15 <b>criminal</b> [1] - 3:17 <b>CRR</b> [2] - 1:18, 14:13 <b>culpability</b> [1] - 10:9
<b>\$100,000</b> [1] - 4:1 <b>\$25</b> [2] - 4:3, 12:14 <b>\$250</b> [1] - 12:11 <b>\$500</b> [1] - 4:2 <b>\$9,500</b> [1] - 4:3	<b>7</b> [1] - 1:5	<b>background</b> [1] - 3:19 <b>based</b> [4] - 4:8, 4:12, 5:24, 8:16 <b>BEFORE</b> [1] - 1:10 <b>behavior</b> [1] - 3:25 <b>Bern</b> [3] - 1:5, 1:13, 1:19 <b>better</b> [3] - 6:22, 9:25, 10:5 <b>between</b> [3] - 3:24, 4:2, 10:3 <b>biggest</b> [1] - 8:25 <b>billboards</b> [1] - 9:1 <b>blank</b> [6] - 3:2, 4:19, 4:20, 5:4, 7:2 <b>Board</b> [5] - 4:11, 5:10, 5:12, 5:25, 10:25 <b>boldest</b> [1] - 9:1 <b>bottom</b> [1] - 11:20 <b>box</b> [4] - 4:18, 5:6, 6:2, 8:13 <b>boyfriend</b> [1] - 4:17 <b>break</b> [1] - 12:15 <b>bringing</b> [1] - 6:1 <b>brought</b> [1] - 4:17	<b>clerk</b> [1] - 13:24 <b>client</b> [4] - 10:11, 11:22, 12:15, 13:9 <b>clients</b> [1] - 10:3 <b>Code</b> [1] - 12:2 <b>cognizant</b> [1] - 12:3 <b>collect</b> [1] - 13:8 <b>Commenced</b> [1] - 2:1 <b>completed</b> [1] - 3:7 <b>completing</b> [2] - 3:15, 5:3 <b>conceded</b> [1] - 10:8 <b>concern</b> [1] - 6:14 <b>concerning</b> [1] - 7:5 <b>Concluded</b> [1] - 14:4 <b>conditions</b> [1] - 13:9 <b>conduct</b> [3] - 2:15, 6:20, 12:9 <b>conflict</b> [1] - 6:15 <b>consider</b> [3] - 10:1, 12:20, 12:23 <b>considered</b> [1] - 11:25 <b>contact</b> [1] - 3:16 <b>continue</b> [3] - 5:3, 9:16, 11:23 <b>conviction</b> [1] - 13:19 <b>cooperation</b> [1] - 6:14 <b>copy</b> [1] - 7:20 <b>correct</b> [1] - 14:8 <b>cost</b> [1] - 13:22 <b>country</b> [1] - 2:18 <b>COURT</b> [28] - 1:1, 2:2, 2:6, 2:9, 2:12, 2:15, 2:22, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:7, 13:14, 13:17, 14:3 <b>Court</b> [1] - 1:18 <b>Court's</b> [1] - 12:17 <b>credibility</b> [1] - 11:15 <b>criminal</b> [1] - 3:17 <b>CRR</b> [2] - 1:18, 14:13 <b>culpability</b> [1] - 10:9
<b>/</b>	<b>8</b>	<b>candidate</b> [1] - 12:21 <b>cannot</b> [2] - 7:15, 13:22 <b>card</b> [3] - 4:21, 7:15, 10:4 <b>care</b> [1] - 10:8 <b>CAROLINA</b> [1] - 1:1 <b>Carolina</b> [2] - 1:5, 2:24 <b>case</b> [8] - 4:5, 4:16, 8:2, 8:15, 9:3, 9:6, 11:11, 12:12 <b>category</b> [1] - 3:18 <b>certain</b> [1] - 8:2 <b>certainly</b> [2] - 12:20, 13:17 <b>certify</b> [1] - 14:8 <b>chairs</b> [1] - 8:23 <b>challenge</b> [1] - 7:23 <b>charged</b> [1] - 5:22 <b>checked</b> [7] - 5:6, 5:7, 6:25, 7:2, 7:4, 8:13, 11:15 <b>checking</b> [1] - 6:1 <b>citizen</b> [8] - 2:17, 3:1, 3:14, 4:18, 4:19, 5:19, 7:24, 10:17 <b>citizenship</b> [2] - 7:21, 8:1	<b>clerk</b> [1] - 13:24 <b>client</b> [4] - 10:11, 11:22, 12:15, 13:9 <b>clients</b> [1] - 10:3 <b>Code</b> [1] - 12:2 <b>cognizant</b> [1] - 12:3 <b>collect</b> [1] - 13:8 <b>Commenced</b> [1] - 2:1 <b>completed</b> [1] - 3:7 <b>completing</b> [2] - 3:15, 5:3 <b>conceded</b> [1] - 10:8 <b>concern</b> [1] - 6:14 <b>concerning</b> [1] - 7:5 <b>Concluded</b> [1] - 14:4 <b>conditions</b> [1] - 13:9 <b>conduct</b> [3] - 2:15, 6:20, 12:9 <b>conflict</b> [1] - 6:15 <b>consider</b> [3] - 10:1, 12:20, 12:23 <b>considered</b> [1] - 11:25 <b>contact</b> [1] - 3:16 <b>continue</b> [3] - 5:3, 9:16, 11:23 <b>conviction</b> [1] - 13:19 <b>cooperation</b> [1] - 6:14 <b>copy</b> [1] - 7:20 <b>correct</b> [1] - 14:8 <b>cost</b> [1] - 13:22 <b>country</b> [1] - 2:18 <b>COURT</b> [28] - 1:1, 2:2, 2:6, 2:9, 2:12, 2:15, 2:22, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:7, 13:14, 13:17, 14:3 <b>Court</b> [1] - 1:18 <b>Court's</b> [1] - 12:17 <b>credibility</b> [1] - 11:15 <b>criminal</b> [1] - 3:17 <b>CRR</b> [2] - 1:18, 14:13 <b>culpability</b> [1] - 10:9
<b>/s</b> [1] - 14:12	<b>9</b>	<b>cannot</b> [2] - 7:15, 13:22 <b>card</b> [3] - 4:21, 7:15, 10:4 <b>care</b> [1] - 10:8 <b>CAROLINA</b> [1] - 1:1 <b>Carolina</b> [2] - 1:5, 2:24 <b>case</b> [8] - 4:5, 4:16, 8:2, 8:15, 9:3, 9:6, 11:11, 12:12 <b>category</b> [1] - 3:18 <b>certain</b> [1] - 8:2 <b>certainly</b> [2] - 12:20, 13:17 <b>certify</b> [1] - 14:8 <b>chairs</b> [1] - 8:23 <b>challenge</b> [1] - 7:23 <b>charged</b> [1] - 5:22 <b>checked</b> [7] - 5:6, 5:7, 6:25, 7:2, 7:4, 8:13, 11:15 <b>checking</b> [1] - 6:1 <b>citizen</b> [8] - 2:17, 3:1, 3:14, 4:18, 4:19, 5:19, 7:24, 10:17 <b>citizenship</b> [2] - 7:21, 8:1	<b>clerk</b> [1] - 13:24 <b>client</b> [4] - 10:11, 11:22, 12:15, 13:9 <b>clients</b> [1] - 10:3 <b>Code</b> [1] - 12:2 <b>cognizant</b> [1] - 12:3 <b>collect</b> [1] - 13:8 <b>Commenced</b> [1] - 2:1 <b>completed</b> [1] - 3:7 <b>completing</b> [2] - 3:15, 5:3 <b>conceded</b> [1] - 10:8 <b>concern</b> [1] - 6:14 <b>concerning</b> [1] - 7:5 <b>Concluded</b> [1] - 14:4 <b>conditions</b> [1] - 13:9 <b>conduct</b> [3] - 2:15, 6:20, 12:9 <b>conflict</b> [1] - 6:15 <b>consider</b> [3] - 10:1, 12:20, 12:23 <b>considered</b> [1] - 11:25 <b>contact</b> [1] - 3:16 <b>continue</b> [3] - 5:3, 9:16, 11:23 <b>conviction</b> [1] - 13:19 <b>cooperation</b> [1] - 6:14 <b>copy</b> [1] - 7:20 <b>correct</b> [1] - 14:8 <b>cost</b> [1] - 13:22 <b>country</b> [1] - 2:18 <b>COURT</b> [28] - 1:1, 2:2, 2:6, 2:9, 2:12, 2:15, 2:22, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:7, 13:14, 13:17, 14:3 <b>Court</b> [1] - 1:18 <b>Court's</b> [1] - 12:17 <b>credibility</b> [1] - 11:15 <b>criminal</b> [1] - 3:17 <b>CRR</b> [2] - 1:18, 14:13 <b>culpability</b> [1] - 10:9
<b>1</b>	<b>A</b>	<b>aid</b> [1] - 3:8 <b>aided</b> [1] - 2:9 <b>alarming</b> [1] - 7:5 <b>alien</b> [1] - 2:10 <b>aliens</b> [1] - 10:15 <b>ALLEN</b> [1] - 1:7 <b>allowed</b> [3] - 8:10, 11:7, 13:4 <b>AMERICA</b> [1] - 1:4 <b>amount</b> [1] - 12:5 <b>answer</b> [2] - 6:8, 8:9 <b>appeal</b> [4] - 13:18, 13:23, 13:24 <b>APPEARANCES</b> [1] - 1:11 <b>appeared</b> [1] - 5:7 <b>application</b> [2] - 2:19, 2:24 <b>applied</b> [1] - 2:18 <b>apply</b> [1] - 13:23 <b>approach</b> [1] - 13:16 <b>appropriate</b> [3] - 6:2, 10:2, 12:5 <b>aside</b> [1] - 2:12 <b>assessment</b> [2] - 4:3, 12:14 <b>assigned</b> [2] - 8:20, 9:4	<b>clerk</b> [1] - 13:24 <b>client</b> [4] - 10:11, 11:22, 12:15, 13:9 <b>clients</b> [1] - 10:3 <b>Code</b> [1] - 12:2 <b>cognizant</b> [1] - 12:3 <b>collect</b> [1] - 13:8 <b>Commenced</b> [1] - 2:1 <b>completed</b> [1] - 3:7 <b>completing</b> [2] - 3:15, 5:3 <b>conceded</b> [1] - 10:8 <b>concern</b> [1] - 6:14 <b>concerning</b> [1] - 7:5 <b>Concluded</b> [1] - 14:4 <b>conditions</b> [1] - 13:9 <b>conduct</b> [3] - 2:15, 6:20, 12:9 <b>conflict</b> [1] - 6:15 <b>consider</b> [3] - 10:1, 12:20, 12:23 <b>considered</b> [1] - 11:25 <b>contact</b> [1] - 3:16 <b>continue</b> [3] - 5:3, 9:16, 11:23 <b>conviction</b> [1] - 13:19 <b>cooperation</b> [1] - 6:14 <b>copy</b> [1] - 7:20 <b>correct</b> [1] - 14:8 <b>cost</b> [1] - 13:22 <b>country</b> [1] - 2:18 <b>COURT</b> [28] - 1:1, 2:2, 2:6, 2:9, 2:12, 2:15, 2:22, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:7, 13:14, 13:17, 14:3 <b>Court</b> [1] - 1:18 <b>Court's</b> [1] - 12:17 <b>credibility</b> [1] - 11:15 <b>criminal</b> [1] - 3:17 <b>CRR</b> [2] - 1:18, 14:13 <b>culpability</b> [1] - 10:9
<b>11</b> [1] - 7:23 <b>14</b> [1] - 13:21 <b>150</b> [1] - 1:16 <b>18</b> [1] - 12:2	<b>919</b> [2] - 1:14, 1:17	<b>aid</b> [1] - 3:8 <b>aided</b> [1] - 2:9 <b>alarming</b> [1] - 7:5 <b>alien</b> [1] - 2:10 <b>aliens</b> [1] - 10:15 <b>ALLEN</b> [1] - 1:7 <b>allowed</b> [3] - 8:10, 11:7, 13:4 <b>AMERICA</b> [1] - 1:4 <b>amount</b> [1] - 12:5 <b>answer</b> [2] - 6:8, 8:9 <b>appeal</b> [4] - 13:18, 13:23, 13:24 <b>APPEARANCES</b> [1] - 1:11 <b>appeared</b> [1] - 5:7 <b>application</b> [2] - 2:19, 2:24 <b>applied</b> [1] - 2:18 <b>apply</b> [1] - 13:23 <b>approach</b> [1] - 13:16 <b>appropriate</b> [3] - 6:2, 10:2, 12:5 <b>aside</b> [1] - 2:12 <b>assessment</b> [2] - 4:3, 12:14 <b>assigned</b> [2] - 8:20, 9:4	<b>clerk</b> [1] - 13:24 <b>client</b> [4] - 10:11, 11:22, 12:15, 13:9 <b>clients</b> [1] - 10:3 <b>Code</b> [1] - 12:2 <b>cognizant</b> [1] - 12:3 <b>collect</b> [1] - 13:8 <b>Commenced</b> [1] - 2:1 <b>completed</b> [1] - 3:7 <b>completing</b> [2] - 3:15, 5:3 <b>conceded</b> [1] - 10:8 <b>concern</b> [1] - 6:14 <b>concerning</b> [1] - 7:5 <b>Concluded</b> [1] - 14:4 <b>conditions</b> [1] - 13:9 <b>conduct</b> [3] - 2:15, 6:20, 12:9 <b>conflict</b> [1] - 6:15 <b>consider</b> [3] - 10:1, 12:20, 12:23 <b>considered</b> [1] - 11:25 <b>contact</b> [1] - 3:16 <b>continue</b> [3] - 5:3, 9:16, 11:23 <b>conviction</b> [1] - 13:19 <b>cooperation</b> [1] - 6:14 <b>copy</b> [1] - 7:20 <b>correct</b> [1] - 14:8 <b>cost</b> [1] - 13:22 <b>country</b> [1] - 2:18 <b>COURT</b> [28] - 1:1, 2:2, 2:6, 2:9, 2:12, 2:15, 2:22, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:7, 13:14, 13:17, 14:3 <b>Court</b> [1] - 1:18 <b>Court's</b> [1] - 12:17 <b>credibility</b> [1] - 11:15 <b>criminal</b> [1] - 3:17 <b>CRR</b> [2] - 1:18, 14:13 <b>culpability</b> [1] - 10:9
<b>2</b>	<b>abetted</b> [1] - 2:10 <b>able</b> [3] - 9:15, 9:16, 10:8 <b>above-entitled</b> [1] - 14:9 <b>abusing</b> [1] - 5:15 <b>access</b> [1] - 5:20 <b>acknowledge</b> [1] - 9:9 <b>acting</b> [1] - 5:19 <b>actions</b> [2] - 9:6, 9:20 <b>additional</b> [1] - 10:9 <b>address</b> [1] - 10:2 <b>administrative</b> [1] - 9:14 <b>admitted</b> [1] - 4:16 <b>advice</b> [3] - 3:8, 3:23, 11:25 <b>advised</b> [1] - 3:12 <b>afford</b> [1] - 13:22 <b>agents</b> [1] - 9:20 <b>agreement</b> [1] - 4:9 <b>aid</b> [1] - 3:8 <b>aided</b> [1] - 2:9 <b>alarming</b> [1] - 7:5 <b>alien</b> [1] - 2:10 <b>aliens</b> [1] - 10:15 <b>ALLEN</b> [1] - 1:7 <b>allowed</b> [3] - 8:10, 11:7, 13:4 <b>AMERICA</b> [1] - 1:4 <b>amount</b> [1] - 12:5 <b>answer</b> [2] - 6:8, 8:9 <b>appeal</b> [4] - 13:18, 13:23, 13:24 <b>APPEARANCES</b> [1] - 1:11 <b>appeared</b> [1] - 5:7 <b>application</b> [2] - 2:19, 2:24 <b>applied</b> [1] - 2:18 <b>apply</b> [1] - 13:23 <b>approach</b> [1] - 13:16 <b>appropriate</b> [3] - 6:2, 10:2, 12:5 <b>aside</b> [1] - 2:12 <b>assessment</b> [2] - 4:3, 12:14 <b>assigned</b> [2] - 8:20, 9:4	<b>aid</b> [1] - 3:8 <b>aided</b> [1] - 2:9 <b>alarming</b> [1] - 7:5 <b>alien</b> [1] - 2:10 <b>aliens</b> [1] - 10:15 <b>ALLEN</b> [1] - 1:7 <b>allowed</b> [3] - 8:10, 11:7, 13:4 <b>AMERICA</b> [1] - 1:4 <b>amount</b> [1] - 12:5 <b>answer</b> [2] - 6:8, 8:9 <b>appeal</b> [4] - 13:18, 13:23, 13:24 <b>APPEARANCES</b> [1] - 1:11 <b>appeared</b> [1] - 5:7 <b>application</b> [2] - 2:19, 2:24 <b>applied</b> [1] - 2:18 <b>apply</b> [1] - 13:23 <b>approach</b> [1] - 13:16 <b>appropriate</b> [3] - 6:2, 10:2, 12:5 <b>aside</b> [1] - 2:12 <b>assessment</b> [2] - 4:3, 12:14 <b>assigned</b> [2] - 8:20, 9:4	<b>clerk</b> [1] - 13:24 <b>client</b> [4] - 10:11, 11:22, 12:15, 13:9 <b>clients</b> [1] - 10:3 <b>Code</b> [1] - 12:2 <b>cognizant</b> [1] - 12:3 <b>collect</b> [1] - 13:8 <b>Commenced</b> [1] - 2:1 <b>completed</b> [1] - 3:7 <b>completing</b> [2] - 3:15, 5:3 <b>conceded</b> [1] - 10:8 <b>concern</b> [1] - 6:14 <b>concerning</b> [1] - 7:5 <b>Concluded</b> [1] - 14:4 <b>conditions</b> [1] - 13:9 <b>conduct</b> [3] - 2:15, 6:20, 12:9 <b>conflict</b> [1] - 6:15 <b>consider</b> [3] - 10:1, 12:20, 12:23 <b>considered</b> [1] - 11:25 <b>contact</b> [1] - 3:16 <b>continue</b> [3] - 5:3, 9:16, 11:23 <b>conviction</b> [1] - 13:19 <b>cooperation</b> [1] - 6:14 <b>copy</b> [1] - 7:20 <b>correct</b> [1] - 14:8 <b>cost</b> [1] - 13:22 <b>country</b> [1] - 2:18 <b>COURT</b> [28] - 1:1, 2:2, 2:6, 2:9, 2:12, 2:15, 2:22, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:7, 13:14, 13:17, 14:3 <b>Court</b> [1] - 1:18 <b>Court's</b> [1] - 12:17 <b>credibility</b> [1] - 11:15 <b>criminal</b> [1] - 3:17 <b>CRR</b> [2] - 1:18, 14:13 <b>culpability</b> [1] - 10:9
<b>2/8/2019</b> [1] - 14:12 <b>2008</b> [1] - 2:19 <b>2016</b> [2] - 2:23, 3:9 <b>2017</b> [1] - 3:4 <b>2019</b> [1] - 1:5 <b>25</b> [2] - 11:19, 12:4 <b>27601</b> [1] - 1:14 <b>27611-5967</b> [1] - 1:17 <b>28560</b> [1] - 1:19 <b>2:28</b> [1] - 2:1 <b>2:45</b> [1] - 14:4	<b>abetted</b> [1] - 2:10 <b>able</b> [3] - 9:15, 9:16, 10:8 <b>above-entitled</b> [1] - 14:9 <b>abusing</b> [1] - 5:15 <b>access</b> [1] - 5:20 <b>acknowledge</b> [1] - 9:9 <b>acting</b> [1] - 5:19 <b>actions</b> [2] - 9:6, 9:20 <b>additional</b> [1] - 10:9 <b>address</b> [1] - 10:2 <b>administrative</b> [1] - 9:14 <b>admitted</b> [1] - 4:16 <b>advice</b> [3] - 3:8, 3:23, 11:25 <b>advised</b> [1] - 3:12 <b>afford</b> [1] - 13:22 <b>agents</b> [1] - 9:20 <b>agreement</b> [1] - 4:9 <b>aid</b> [1] - 3:8 <b>aided</b> [1] - 2:9 <b>alarming</b> [1] - 7:5 <b>alien</b> [1] - 2:10 <b>aliens</b> [1] - 10:15 <b>ALLEN</b> [1] - 1:7 <b>allowed</b> [3] - 8:10, 11:7, 13:4 <b>AMERICA</b> [1] - 1:4 <b>amount</b> [1] - 12:5 <b>answer</b> [2] - 6:8, 8:9 <b>appeal</b> [4] - 13:18, 13:23, 13:24 <b>APPEARANCES</b> [1] - 1:11 <b>appeared</b> [1] - 5:7 <b>application</b> [2] - 2:19, 2:24 <b>applied</b> [1] - 2:18 <b>apply</b> [1] - 13:23 <b>approach</b> [1] - 13:16 <b>appropriate</b> [3] - 6:2, 10:2, 12:5 <b>aside</b> [1] - 2:12 <b>assessment</b> [2] - 4:3, 12:14 <b>assigned</b> [2] - 8:20, 9:4	<b>aid</b> [1] - 3:8 <b>aided</b> [1] - 2:9 <b>alarming</b> [1] - 7:5 <b>alien</b> [1] - 2:10 <b>aliens</b> [1] - 10:15 <b>ALLEN</b> [1] - 1:7 <b>allowed</b> [3] - 8:10, 11:7, 13:4 <b>AMERICA</b> [1] - 1:4 <b>amount</b> [1] - 12:5 <b>answer</b> [2] - 6:8, 8:9 <b>appeal</b> [4] - 13:18, 13:23, 13:24 <b>APPEARANCES</b> [1] - 1:11 <b>appeared</b> [1] - 5:7 <b>application</b> [2] - 2:19, 2:24 <b>applied</b> [1] - 2:18 <b>apply</b> [1] - 13:23 <b>approach</b> [1] - 13:16 <b>appropriate</b> [3] - 6:2, 10:2, 12:5 <b>aside</b> [1] - 2:12 <b>assessment</b> [2] - 4:3, 12:14 <b>assigned</b> [2] - 8:20, 9:4	<b>clerk</b> [1] - 13:24 <b>client</b> [4] - 10:11, 11:22, 12:15, 13:9 <b>clients</b> [1] - 10:3 <b>Code</b> [1] - 12:2 <b>cognizant</b> [1] - 12:3 <b>collect</b> [1] - 13:8 <b>Commenced</b> [1] - 2:1 <b>completed</b> [1] - 3:7 <b>completing</b> [2] - 3:15, 5:3 <b>conceded</b> [1] - 10:8 <b>concern</b> [1] - 6:14 <b>concerning</b> [1] - 7:5 <b>Concluded</b> [1] - 14:4 <b>conditions</b> [1] - 13:9 <b>conduct</b> [3] - 2:15, 6:20, 12:9 <b>conflict</b> [1] - 6:15 <b>consider</b> [3] - 10:1, 12:20, 12:23 <b>considered</b> [1] - 11:25 <b>contact</b> [1] - 3:16 <b>continue</b> [3] - 5:3, 9:16, 11:23 <b>conviction</b> [1] - 13:19 <b>cooperation</b> [1] - 6:14 <b>copy</b> [1] - 7:20 <b>correct</b> [1] - 14:8 <b>cost</b> [1] - 13:22 <b>country</b> [1] - 2:18 <b>COURT</b> [28] - 1:1, 2:2, 2:6, 2:9, 2:12, 2:15, 2:22, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:7, 13:14, 13:17, 14:3 <b>Court</b> [1] - 1:18 <b>Court's</b> [1] - 12:17 <b>credibility</b> [1] - 11:15 <b>criminal</b> [1] - 3:17 <b>CRR</b> [2] - 1:18, 14:13 <b>culpability</b> [1] - 10:9
<b>3</b>	<b>aid</b> [1] - 3:8 <b>aided</b> [1] - 2:9 <b>alarming</b> [1] - 7:5 <b>alien</b> [1] - 2:10 <b>aliens</b> [1] - 10:15 <b>ALLEN</b> [1] - 1:7 <b>allowed</b> [3] - 8:10, 11:7, 13:4 <b>AMERICA</b> [1] - 1:4 <b>amount</b> [1] - 12:5 <b>answer</b> [2] - 6:8, 8:9 <b>appeal</b> [4] - 13:18, 13:23, 13:24 <b>APPEARANCES</b> [1] - 1:11 <b>appeared</b> [1] - 5:7 <b>application</b> [2] - 2:19, 2:24 <b>applied</b> [1] - 2:18 <b>apply</b> [1] - 13:23 <b>approach</b> [1] - 13:16 <b>appropriate</b> [3] - 6:2, 10:2, 12:5 <b>aside</b> [1] - 2:12 <b>assessment</b>		

<p>14:2  <b>Defendant</b> [2] - 1:8, 1:15  <b>defendant's</b> [1] - 4:8  <b>Defender</b> [1] - 1:15  <b>definitely</b> [1] - 11:1  <b>DENSLO</b> [1] - 1:7  <b>Denslo</b> [3] - 2:3, 2:7  <b>departure</b> [1] - 4:7  <b>desk</b> [5] - 4:14, 4:22, 8:9, 8:21, 10:21  <b>desks</b> [2] - 8:5  <b>determined</b> [1] - 2:16  <b>discourage</b> [1] - 12:8  <b>distinction</b> [1] - 10:3  <b>DISTRICT</b> [3] - 1:1, 1:1, 1:10  <b>DIVISION</b> [1] - 1:2  <b>docket</b> [1] - 13:22  <b>Docket</b> [1] - 1:4  <b>done</b> [1] - 10:23  <b>down</b> [1] - 10:18  <b>downward</b> [1] - 4:7  <b>drugs</b> [1] - 12:16  <b>due</b> [1] - 12:12  <b>duty</b> [1] - 5:23</p>	<p><b>Fayetteville</b> [1] - 1:16  <b>February</b> [1] - 1:5  <b>Federal</b> [1] - 1:15  <b>file</b> [1] - 4:7  <b>fill</b> [1] - 13:24  <b>fine</b> [6] - 4:1, 10:1, 10:8, 12:11, 12:12, 12:13  <b>first</b> [4] - 2:7, 3:9, 3:16, 4:6  <b>FLANAGAN</b> [1] - 1:10  <b>foregoing</b> [1] - 14:8  <b>form</b> [9] - 2:24, 4:23, 5:2, 5:3, 5:5, 5:8, 6:1, 6:25, 11:15  <b>forth</b> [1] - 12:2  <b>forthcoming</b> [1] - 8:18  <b>forward</b> [1] - 13:8  <b>fraud</b> [1] - 8:15  <b>free</b> [1] - 13:23  <b>full</b> [1] - 8:6  <b>full-time</b> [1] - 8:6</p>	<p><b>honest</b> [1] - 6:21  <b>Honor</b> [12] - 4:6, 7:8, 9:6, 9:17, 10:1, 10:3, 10:10, 11:21, 11:24, 12:20, 13:6, 13:16  <b>HONORABLE</b> [1] - 1:10</p>	<p><b>left</b> [4] - 3:2, 4:18, 5:3, 7:2  <b>legal</b> [4] - 2:18, 7:14, 7:16, 10:15  <b>level</b> [1] - 3:22  <b>life</b> [1] - 9:13  <b>line</b> [1] - 10:22  <b>logistics</b> [1] - 8:22  <b>looking</b> [2] - 6:13, 11:10  <b>LOUISE</b> [1] - 1:10  <b>luck</b> [1] - 14:3</p>
<b>E</b>	<b>G</b>	<b>I</b>	<b>M</b>
<p><b>EASTERN</b> [1] - 1:1  <b>economic</b> [1] - 9:25  <b>educate</b> [1] - 8:16  <b>education</b> [1] - 3:20  <b>Election</b> [1] - 7:18  <b>election</b> [1] - 3:9  <b>Elections</b> [2] - 4:11, 11:1  <b>elections</b> [1] - 10:16  <b>employed</b> [1] - 5:9  <b>employees</b> [1] - 8:6  <b>employment</b> [1] - 3:20  <b>end</b> [2] - 6:17, 7:22  <b>enforcement</b> [1] - 3:4  <b>entitled</b> [1] - 14:9  <b>Espinosa</b> [6] - 2:16, 4:17, 4:21, 4:24, 7:3, 8:3  <b>Espinosa-Pena</b> [1] - 2:16  <b>experience</b> [2] - 5:25, 9:21  <b>explained</b> [2] - 4:10, 9:20  <b>extensive</b> [1] - 9:19</p>	<p><b>general</b> [1] - 3:9  <b>General</b> [1] - 7:18  <b>generally</b> [1] - 12:1  <b>generously</b> [1] - 6:21  <b>given</b> [1] - 3:19  <b>Government's</b> [2] - 11:6, 12:3  <b>granddaughters</b> [1] - 9:10  <b>grant</b> [1] - 11:16  <b>greater</b> [1] - 12:8  <b>green</b> [2] - 4:21, 10:4  <b>guideline</b> [1] - 12:6  <b>guidelines</b> [2] - 4:2, 12:1</p>	<p><b>illegal</b> [2] - 6:6, 10:7  <b>illegally</b> [1] - 12:16  <b>immediately</b> [1] - 12:12  <b>important</b> [1] - 5:1  <b>impose</b> [2] - 12:11, 13:12  <b>imprisonment</b> [1] - 12:7  <b>inadequate</b> [1] - 9:3  <b>individual</b> [1] - 11:9  <b>information</b> [3] - 6:17, 11:10, 11:11  <b>inner</b> [1] - 4:10  <b>insight</b> [1] - 11:8  <b>integrity</b> [1] - 12:10  <b>intentional</b> [1] - 8:15  <b>interest</b> [1] - 12:13  <b>interrupt</b> [1] - 11:23  <b>interviewed</b> [1] - 3:3  <b>involvement</b> [1] - 5:23  <b>issue</b> [2] - 8:2, 8:25</p>	<p><b>maintained</b> [1] - 13:11  <b>man</b> [1] - 2:25  <b>Manual</b> [1] - 7:18  <b>manual</b> [1] - 8:22  <b>Mart</b> [2] - 9:12, 9:15  <b>matter</b> [2] - 7:21, 14:10  <b>McGurk</b> [3] - 1:18, 14:12, 14:13  <b>mean</b> [1] - 6:14  <b>measure</b> [1] - 10:9  <b>mechanical</b> [1] - 1:22  <b>meeting</b> [1] - 4:10  <b>mention</b> [1] - 7:20  <b>Mexico</b> [1] - 2:17  <b>middle</b> [1] - 12:5  <b>Middle</b> [1] - 1:19  <b>mind</b> [1] - 6:15  <b>mistake</b> [4] - 8:15, 8:16, 9:22, 11:3  <b>mistakenly</b> [1] - 10:4  <b>months</b> [4] - 3:24, 12:6, 12:25, 13:1  <b>most</b> [1] - 5:1  <b>motion</b> [3] - 4:7, 11:6, 11:16  <b>move</b> [1] - 13:20  <b>MR</b> [16] - 4:6, 5:13, 5:17, 5:24, 6:5, 6:7, 6:12, 7:8, 7:11, 9:9, 11:18, 11:24, 12:19, 12:23, 13:2, 13:16  <b>must</b> [1] - 6:4</p>
<b>F</b>	<b>H</b>	<b>J</b>	<b>N</b>
<p><b>face</b> [1] - 3:24  <b>fact</b> [3] - 4:25, 7:1, 7:5  <b>factors</b> [1] - 12:2  <b>factual</b> [1] - 5:17  <b>failure</b> [3] - 7:17, 8:16, 9:2  <b>family</b> [1] - 3:19  <b>favorable</b> [1] - 3:18</p>	<p><b>handicapped</b> [1] - 8:24  <b>handles</b> [1] - 8:22  <b>hanging</b> [1] - 9:1  <b>hard</b> [1] - 9:13  <b>headquarters</b> [1] - 11:1  <b>health</b> [1] - 3:20  <b>heard</b> [5] - 3:13, 6:4, 9:7, 10:12  <b>HEARING</b> [1] - 1:9  <b>help</b> [8] - 4:14, 4:22, 8:4, 8:5, 8:8, 8:20, 10:21, 10:22  <b>helped</b> [1] - 4:12  <b>helpful</b> [2] - 6:18, 11:13  <b>higher</b> [1] - 5:23  <b>highly</b> [1] - 7:5  <b>history</b> [1] - 3:20  <b>holders</b> [1] - 10:4  <b>home</b> [1] - 9:15  <b>Homeland</b> [1] - 5:6</p>	<p><b>James</b> [1] - 1:16  <b>jobs</b> [2] - 9:14  <b>Jr</b> [1] - 1:16  <b>JUDGE</b> [1] - 1:10  <b>judgment</b> [2] - 12:17, 13:21  <b>justice</b> [1] - 3:17</p>	<p><b>name</b> [2] - 2:6, 2:8  <b>named</b> [1] - 2:16  <b>national</b> [1] - 2:17  <b>naturalization</b> [1] - 2:19  <b>NC</b> [3] - 1:14, 1:17, 1:19  <b>necessary</b> [1] - 12:8  <b>need</b> [3] - 3:13, 13:14, 13:20  <b>never</b> [3] - 9:22, 10:16, 11:4  <b>New</b> [3] - 1:5, 1:13, 1:19  <b>none</b> [1] - 10:23</p>
<b>K</b>	<b>L</b>		
<p><b>KIELMANOVICH</b> [8] - 4:6, 5:13, 5:17, 5:24, 6:5, 6:7, 6:12, 11:18  <b>Kielmanovich</b> [4] - 1:13, 4:4, 7:20, 9:19  <b>Kielmanovich's</b> [1] - 8:12  <b>kind</b> [1] - 6:18  <b>knowingly</b> [1] - 10:6  <b>knowledge</b> [1] - 6:16  <b>known</b> [2] - 6:22, 10:5  <b>knows</b> [2] - 6:6, 6:7</p>	<p><b>law</b> [3] - 3:4, 12:9, 12:15  <b>lawful</b> [1] - 8:14  <b>learn</b> [2] - 4:12, 6:19</p>		

<p><b>nonetheless</b> [1] - 4:23  <b>normal</b> [1] - 5:21  <b>NORTH</b> [1] - 1:1  <b>North</b> [2] - 1:5, 2:23  <b>notereading</b> [1] - 1:23  <b>nothing</b> [1] - 10:23  <b>number</b> [1] - 5:1</p>	<p>8:19, 9:21  <b>polling</b> [3] - 4:14, 8:1, 9:5  <b>position</b> [2] - 5:14, 5:16  <b>possess</b> [1] - 12:15  <b>practices</b> [1] - 11:11  <b>preparation</b> [1] - 9:4  <b>present</b> [2] - 3:5, 4:22  <b>presents</b> [1] - 7:14  <b>previously</b> [1] - 3:11  <b>prime</b> [1] - 8:2  <b>print</b> [1] - 7:23  <b>prison</b> [1] - 3:25  <b>private</b> [2] - 5:19, 5:21  <b>probation</b> [1] - 13:5  <b>PROBATION</b> [2] - 13:6, 13:12  <b>Proceedings</b> [1] - 1:22  <b>proceedings</b> [1] - 14:9  <b>process</b> [1] - 4:13  <b>processed</b> [3] - 4:24, 5:4, 6:20  <b>processes</b> [2] - 4:15, 12:10  <b>processing</b> [1] - 8:17  <b>produced</b> [1] - 1:23  <b>promote</b> [1] - 12:9  <b>pronounce</b> [1] - 2:6  <b>pronunciation</b> [1] - 2:4  <b>properly</b> [1] - 8:16  <b>protect</b> [1] - 12:9  <b>Public</b> [1] - 1:15  <b>purchase</b> [1] - 9:15  <b>pursuant</b> [1] - 4:8  <b>put</b> [5] - 6:21, 8:23, 11:20, 12:13</p>	<p><b>release</b> [2] - 13:13, 13:15  <b>reliance</b> [1] - 11:14  <b>report</b> [1] - 12:20  <b>Reporter</b> [1] - 1:18  <b>request</b> [1] - 13:24  <b>requirement</b> [1] - 9:1  <b>residence</b> [1] - 3:4  <b>resident</b> [3] - 2:18, 7:14, 8:14  <b>residing</b> [1] - 2:17  <b>respect</b> [1] - 12:9  <b>respects</b> [1] - 6:12  <b>response</b> [1] - 9:5  <b>responsibilities</b> [1] - 8:19  <b>responsibility</b> [1] - 10:21  <b>retrieved</b> [1] - 5:5  <b>review</b> [1] - 7:6  <b>reviewed</b> [1] - 3:21  <b>RMR</b> [2] - 1:18, 14:13</p>	<p><b>St</b> [2] - 1:16, 1:19  <b>start</b> [1] - 12:5  <b>statement</b> [3] - 3:10, 7:1, 8:13  <b>statements</b> [1] - 6:13  <b>STATES</b> [3] - 1:1, 1:4, 1:10  <b>States</b> [4] - 1:12, 3:2, 3:14, 12:2  <b>station</b> [2] - 4:14, 8:17  <b>stenography</b> [1] - 1:22  <b>stipend</b> [2] - 3:12, 7:11  <b>straight</b> [2] - 12:25, 13:1  <b>subject</b> [1] - 7:6  <b>submitted</b> [1] - 5:8  <b>substantial</b> [1] - 4:8  <b>substantive</b> [2] - 7:21, 8:25  <b>sufficient</b> [1] - 12:7  <b>suggest</b> [1] - 4:2  <b>suggestion</b> [1] - 12:3  <b>Suite</b> [2] - 1:13, 1:16  <b>supervised</b> [3] - 3:25, 13:13, 13:15  <b>supervision</b> [1] - 13:10  <b>supposed</b> [1] - 10:22  <b>surrender</b> [2] - 13:3, 13:8  <b>system</b> [2] - 3:17, 9:3</p>
<b>O</b>			
<p><b>obviously</b> [2] - 9:18, 9:22  <b>OF</b> [3] - 1:1, 1:4, 1:9  <b>offense</b> [2] - 2:15, 3:22  <b>office</b> [1] - 13:5  <b>Office</b> [1] - 1:12  <b>OFFICER</b> [2] - 13:6, 13:12  <b>once</b> [5] - 2:22, 7:8, 7:25, 8:12  <b>one</b> [4] - 5:1, 7:20, 7:23, 13:15  <b>ones</b> [1] - 8:6  <b>ongoing</b> [1] - 7:6  <b>opportunity</b> [1] - 6:18  <b>option</b> [1] - 5:8  <b>order</b> [1] - 13:8  <b>own</b> [1] - 8:12</p>	<p><b>Q</b></p> <p><b>questions</b> [2] - 8:7, 14:1  <b>quickly</b> [1] - 13:20</p>	<b>S</b>	
<b>P</b>			<b>T</b>
<p><b>p.m</b> [2] - 2:1, 14:4  <b>paid</b> [2] - 3:12, 7:10  <b>PAIGE</b> [1] - 1:7  <b>Paige</b> [7] - 2:2, 2:3, 8:2, 8:8, 8:18, 9:12, 10:4  <b>paperwork</b> [1] - 13:25  <b>part</b> [2] - 9:12, 11:3  <b>part-time</b> [1] - 9:12  <b>particular</b> [2] - 4:16, 6:19  <b>patterns</b> [1] - 11:11  <b>Pena</b> [1] - 2:16  <b>people</b> [4] - 8:5, 8:17, 9:4, 11:12  <b>percent</b> [2] - 11:19, 12:4  <b>perhaps</b> [1] - 10:7  <b>permanent</b> [3] - 2:18, 7:14, 8:14  <b>permission</b> [1] - 13:23  <b>person</b> [6] - 4:15, 4:23, 5:21, 7:4, 7:16, 8:13  <b>perspective</b> [1] - 4:11  <b>place</b> [1] - 8:1  <b>placed</b> [1] - 5:15  <b>places</b> [2] - 8:4, 9:5  <b>Plaintiff</b> [1] - 1:5  <b>Plaintiffs</b> [1] - 1:12  <b>plea</b> [1] - 4:9  <b>point</b> [1] - 7:25  <b>poll</b> [5] - 3:11, 7:9, 7:19,</p>	<p><b>R</b></p> <p><b>Raleigh</b> [2] - 1:14, 1:17  <b>range</b> [2] - 4:2, 12:6  <b>rather</b> [1] - 12:25  <b>really</b> [2] - 4:13, 13:19  <b>reason</b> [1] - 10:14  <b>Reasons</b> [1] - 7:22  <b>receive</b> [1] - 3:23  <b>recites</b> [1] - 2:15  <b>recognize</b> [1] - 11:13  <b>recommend</b> [1] - 11:19  <b>record</b> [2] - 11:20, 14:9  <b>recorded</b> [1] - 1:22  <b>registered</b> [2] - 4:24, 6:24  <b>registration</b> [4] - 2:24, 3:8, 3:15, 4:13  <b>registrations</b> [1] - 4:15</p>	<p><b>saw</b> [1] - 4:23  <b>scenario</b> [1] - 5:18  <b>seasonal</b> [2] - 3:11, 7:12  <b>Sebastian</b> [1] - 1:13  <b>secretarial</b> [1] - 9:14  <b>Section</b> [1] - 12:2  <b>Security</b> [1] - 5:6  <b>see</b> [2] - 6:23, 10:19  <b>seem</b> [1] - 11:14  <b>sees</b> [1] - 10:3  <b>self</b> [2] - 12:20, 13:3  <b>self-report</b> [1] - 12:20  <b>self-surrender</b> [1] - 13:3  <b>sent</b> [1] - 7:19  <b>sentence</b> [7] - 2:13, 3:23, 9:8, 9:24, 12:6, 12:7, 13:20  <b>Sentencing</b> [1] - 1:6  <b>SENTENCING</b> [1] - 1:9  <b>served</b> [1] - 12:24  <b>set</b> [2] - 2:12, 12:2  <b>shocking</b> [1] - 4:25  <b>signed</b> [1] - 2:23  <b>similar</b> [1] - 9:24  <b>simple</b> [1] - 4:13  <b>simply</b> [1] - 11:10  <b>situation</b> [1] - 9:25  <b>six</b> [2] - 3:24, 11:19  <b>Sixty</b> [1] - 12:22  <b>sixty</b> [1] - 13:4  <b>small</b> [1] - 7:23  <b>Soifils</b> [1] - 9:25  <b>someone</b> [3] - 2:16, 5:15, 7:14  <b>sorry</b> [2] - 10:13, 11:3  <b>special</b> [2] - 4:3, 12:14  <b>specifically</b> [1] - 12:1</p>	<p><b>tables</b> [1] - 8:24  <b>terms</b> [3] - 4:9, 8:18, 13:10  <b>thankfully</b> [1] - 9:13  <b>THE</b> [38] - 1:10, 2:2, 2:4, 2:6, 2:7, 2:9, 2:11, 2:12, 2:14, 2:15, 2:21, 2:22, 3:6, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 10:13, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:6, 13:7, 13:12, 13:14, 13:17, 14:2, 14:3  <b>third</b> [1] - 7:4  <b>three</b> [1] - 3:25  <b>TODD</b> [8] - 7:8, 7:11, 9:9, 11:24, 12:19, 12:23, 13:2, 13:16  <b>Todd</b> [3] - 1:16, 7:7, 13:7  <b>together</b> [1] - 9:18  <b>total</b> [1] - 3:22  <b>Tracy</b> [3] - 1:18, 14:12, 14:13  <b>train</b> [1] - 8:16  <b>training</b> [3] - 7:17, 9:3, 10:15  <b>transaction</b> [1] - 6:19  <b>TRANSCRIPT</b> [1] - 1:9  <b>transcript</b> [2] - 1:23, 14:8  <b>true</b> [1] - 7:2  <b>truly</b> [1] - 10:17</p>

<b>trust</b> <sup>[1]</sup> - 5:15 <b>trying</b> <sup>[1]</sup> - 6:22 <b>twice</b> <sup>[1]</sup> - 2:22 <b>two</b> <sup>[4]</sup> - 9:10, 12:6, 12:25, 13:1 <b>type</b> <sup>[1]</sup> - 12:8	<b>years</b> <sup>[1]</sup> - 4:1 <b>yourself</b> <sup>[1]</sup> - 3:17
<b>U</b>	<b>Z</b>
<b>U.S</b> <sup>[4]</sup> - 4:18, 4:19, 7:20, 10:17 <b>under</b> <sup>[1]</sup> - 13:9 <b>understood</b> <sup>[1]</sup> - 13:15 <b>unique</b> <sup>[1]</sup> - 11:10 <b>UNITED</b> <sup>[3]</sup> - 1:1, 1:4, 1:10 <b>United</b> <sup>[4]</sup> - 1:12, 3:2, 3:14, 12:2 <b>unprotected</b> <sup>[1]</sup> - 3:10 <b>up</b> <sup>[2]</sup> - 2:2, 3:24	<b>zero</b> <sup>[3]</sup> - 3:24, 11:18, 11:19
<b>V</b>	
<b>views</b> <sup>[1]</sup> - 4:5 <b>violation</b> <sup>[1]</sup> - 12:17 <b>voice</b> <sup>[1]</sup> - 3:13 <b>volunteer</b> <sup>[4]</sup> - 3:11, 7:9, 7:19, 9:21 <b>volunteering</b> <sup>[1]</sup> - 5:9 <b>volunteers</b> <sup>[1]</sup> - 11:9 <b>vote</b> <sup>[12]</sup> - 3:13, 4:24, 6:4, 7:15, 7:16, 8:3, 8:10, 8:14, 10:4, 10:16, 10:19 <b>voted</b> <sup>[2]</sup> - 3:8, 4:25 <b>voter</b> <sup>[4]</sup> - 2:24, 3:8, 4:15, 7:22 <b>voting</b> <sup>[2]</sup> - 2:10, 12:10	
<b>W</b>	
<b>Wal</b> <sup>[2]</sup> - 9:12, 9:15 <b>Wal-Mart</b> <sup>[2]</sup> - 9:12, 9:15 <b>wants</b> <sup>[3]</sup> - 6:3, 6:4, 9:16 <b>weapon</b> <sup>[1]</sup> - 12:16 <b>weekends</b> <sup>[1]</sup> - 12:24 <b>WESTERN</b> <sup>[1]</sup> - 1:2 <b>whole</b> <sup>[1]</sup> - 9:13 <b>wish</b> <sup>[1]</sup> - 10:11 <b>WOOD</b> <sup>[1]</sup> - 1:10 <b>worker</b> <sup>[4]</sup> - 3:11, 7:9, 8:19, 9:21 <b>workers</b> <sup>[1]</sup> - 7:19 <b>workings</b> <sup>[1]</sup> - 4:11 <b>works</b> <sup>[1]</sup> - 4:13	
<b>Y</b>	
<b>year</b> <sup>[2]</sup> - 3:24, 13:15	