

1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF FLORIDA
 3 MIAMI DIVISION

4 UNITED STATES OF AMERICA,)
 5)
 6 Plaintiff,) Case Number
 7)
 8 v.) 1:18-cr-20025-RNS-1
 9)
 10 MATTHEW BLOCK,)
 11)
 12 Defendant.)
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 10 Transcript of the initial appearance
 11 and change of plea hearing
 12 before the Honorable Robert N. Scola, Jr.
 13 January 24, 2018; 10:09 a.m.
 14 Miami, Florida

15
 16 **Appearances:**

17 Counsel for Plaintiff: Marc S. Anton

18
 19 Counsel for Defendant: Benedict P. Kuehne

20
 21 Proceedings recorded by mechanical stenography,
 22 transcript produced by computer.

23
 24 Diane Peede, RMR, CRR, CRC
 25 Federal Official Court Reporter
 400 North Miami Avenue, Eighth Floor
 Miami, Florida 33128

P R O C E E D I N G S

1
2 THE COURT: Our next matter this morning is United
3 States of America versus Matthew Block.

4 Who is here on behalf of the Government?

5 MR. ANTON: Good morning, Your Honor. Marc Anton
6 on behalf of the United States.

7 THE COURT: Good morning.

8 MR. KUEHNE: Good morning, Judge Scola. For
9 Matthew Block, who is present, Ben Kuehne, counsel of record.
10 I've entered a permanent appearance.

11 THE COURT: All right. Good morning.

12 Good morning, Mr. Block.

13 THE DEFENDANT: Good morning, Judge.

14 THE COURT: So the first thing we need to do is to
15 conduct an initial appearance. So there has been an
16 information filed against Mr. Block.

17 And, Mr. Block, have you received a copy of the
18 information?

19 THE DEFENDANT: I have, Your Honor.

20 THE COURT: All right. And do you understand you
21 have been charged with intentionally conveying false and
22 misleading information by mailing a threatening letter
23 containing a white powder substance implied to be a lethal
24 biological toxin under circumstances where such information
25 may reasonably be believed where such information indicated

1 that an activity has taken place that would constitute a
2 violation of a particular federal statute? Do you understand
3 that's the crime that you're charged with?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. Now, the Government has
6 brought this charge by way of an Information. Do you
7 understand that legally you have the right to make the
8 Government present evidence before a grand jury to obtain an
9 Indictment against you?

10 THE DEFENDANT: I do, Your Honor.

11 THE COURT: All right. And do you agree that the
12 Government can proceed by way of Information in the case
13 rather than by way of Indictment?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Have you had a chance to speak to your
16 attorney about this decision?

17 THE DEFENDANT: I have.

18 THE COURT: And has anybody promised you anything
19 or forced you or threatened you in any way to agree to allow
20 the Government to go forward with a prosecution by way of an
21 Information rather than an Indictment?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: All right. So is this the original
24 waiver, Jacob?

25 THE COURTROOM DEPUTY: Yes, it is, Judge.

1 THE COURT: All right. So if you want to agree to
2 go forward with the prosecution by way of Information, you
3 can sign it and Mr. Keuhne can sign it and I'll sign it.

4 All right. So I have signed the Waiver of
5 Indictment. We'll file that.

6 So the next issue is setting bond and any
7 conditions of bond. Is there some agreement between the
8 parties as to the bond?

9 MR. ANTON: There is, Your Honor. We've agreed to
10 recommend a \$250,000 personal surety bond with a few
11 conditions that include surrendering any passports or travel
12 documents, reporting to Pretrial Services as directed, having
13 no contact with any victims or witnesses except through
14 counsel. He is not to possess any firearms. And we would
15 agree that travel could be extended both nationwide and
16 international with the permission of both his probation
17 officer and the Court.

18 And it's the Government's position that the
19 defendant should surrender his passports to Probation and
20 that they should be the entity that holds the passports or
21 the passport.

22 MR. KUEHNE: Your Honor.

23 THE COURT: Okay.

24 MR. KUEHNE: Those conditions are the substance of
25 the agreement on bond, with one item that the parties agreed

1 would be brought to the Court's attention for resolution. I
2 have requested leave as an officer of the court to retain Mr.
3 Block's passport to remain in my custody except in those
4 circumstances that travel is approved internationally only.
5 I do that for purposes of facilitating the ability of the
6 travel and not unnecessarily obligating court and Probation
7 to deal with the passport.

8 THE COURT: In terms of not obligating
9 unnecessarily anybody, I've looked at the proposed Plea
10 Agreement and the recommended sentence was a sentence to
11 probation.

12 Is there any reason why we can't go forward with
13 the sentencing today?

14 MR. KUEHNE: There's no reason. We're fully
15 prepared to move forward today, if that is the Court's
16 intention.

17 MR. ANTON: That's fine with the Government, Judge,
18 if you feel that you're appropriately informed and ready to
19 proceed.

20 THE COURT: Okay. I'll wait until I finish the
21 hearing, but if I think I am, then that way -- so I'll set
22 for the time being the -- what would happen if we later, half
23 an hour from now, I sentence him to probation? He still has
24 to get booked into the marshals.

25 MR. KUEHNE: Yes, Judge. Yes, sir.

1 THE COURT: And then they sign all that paperwork
2 and all that stuff.

3 MR. KUEHNE: Yes.

4 THE COURT: All right. I'm going to reserve
5 setting the bond conditions until after we conduct the change
6 of plea colloquy and I decide whether to go forward with the
7 sentencing today.

8 And so Mr. Kuehne filed a permanent appearance in
9 the case. So that resolves the issue of counsel.

10 So let's first arraign Mr. Block.

11 All right. So how do you plead to the Information?

12 MR. KUEHNE: Your Honor, Mr. Block will announce
13 his plea, but currently he enters his initial plea of not
14 guilty but advises the Court that subject to a review of the
15 Plea Agreement that will be tendered to the Court
16 momentarily, Mr. Block's intention is to change his plea of
17 not guilty to a plea of guilty pursuant to the terms of the
18 Plea Agreement.

19 THE COURT: All right. Has any discovery already
20 been provided to you by the Government?

21 MR. KUEHNE: Your Honor, the defense is fully aware
22 of the essential matters relating to this case. There has
23 been a substantial exchange of discussions between the United
24 States and Mr. Block, and we believe that all matters
25 necessary to make a decision to go forward with the change of

1 plea have been distributed and reviewed.

2 THE COURT: Okay. So I'll enter a plea of not
3 guilty and I'll enter the standing discovery order.

4 All right. It's my understanding he wishes now to
5 change his plea.

6 Is that correct, Mr. Block? Is that what you want
7 to do?

8 MR. KUEHNE: Your Honor, yes, but I want to just
9 take a moment to speak with Mr. Block.

10 THE COURT: Okay.

11 (Discussion off the record between Mr. Kuehne and
12 the defendant.)

13 MR. KUEHNE: Thank you, Your Honor. We're prepared
14 to proceed.

15 THE COURT: All right.

16 Do you wish to change your plea at this time, Mr.
17 Block?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. If you can, remain standing
20 for a moment and raise your right hand to be sworn in.

21 THE COURTROOM DEPUTY: Sir, do you solemnly swear
22 or affirm the testimony you are about to give will be the
23 truth and nothing but the truth?

24 THE DEFENDANT: I affirm.

25 MATTHEW JOSEPH BLOCK, AFFIRMED

1 THE COURTROOM DEPUTY: Thank you. Please be
2 seated, and please speak into the microphone.

3 THE COURT: All right. What is your full name?

4 THE DEFENDANT: Matthew Joseph Block.

5 THE COURT: And do you understand that you are now
6 under oath and if you answer any of my questions falsely,
7 those answers could later be used against you in another
8 prosecution for perjury or making a false statement?

9 THE DEFENDANT: I do, Your Honor.

10 THE COURT: How old are you?

11 THE DEFENDANT: Fifty-six.

12 THE COURT: And how far did you go in school?

13 THE DEFENDANT: G.E.D.

14 THE COURT: Are you able to read and write in
15 English?

16 THE DEFENDANT: I am.

17 THE COURT: Have you ever been treated for any
18 mental illness?

19 THE DEFENDANT: No.

20 THE COURT: Have you ever been treated or had any
21 problem with any addiction to narcotic or prescription drugs
22 or with alcohol abuse?

23 THE DEFENDANT: No.

24 THE COURT: Today in court are you under the
25 influence of any drugs, alcohol, narcotics or medications?

1 THE DEFENDANT: I just took my normal medications I
2 take on a daily basis.

3 THE COURT: All right. And what medications do you
4 take?

5 THE DEFENDANT: I take basically cardiac-related as
6 well as Diazepam.

7 THE COURT: All right. And have you been following
8 your doctor's instructions and taking those medications in
9 the manner and dosages prescribed?

10 THE DEFENDANT: Absolutely.

11 THE COURT: And are you able to think clearly and
12 do you understand what's happening in court today?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Other than those prescribed
15 medications, have you taken any other drugs, alcohol,
16 narcotics or medications?

17 THE DEFENDANT: No.

18 THE COURT: All right. And do you have the Plea
19 Agreement and the Factual Proffer there in front of you?

20 THE DEFENDANT: I do.

21 THE COURT: All right. If you look at page four of
22 the Plea Agreement and page three of the Factual Proffer,
23 there are signature lines with your name typed. Are those
24 your signatures above those signature lines?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Before you signed those two documents,
2 did you read them carefully?

3 THE DEFENDANT: I did, Your Honor.

4 THE COURT: And did you understand and agree with
5 all of the terms and conditions and facts that are in those
6 two documents?

7 THE DEFENDANT: I do.

8 THE COURT: Is there anything in either the Plea
9 Agreement or the Factual Proffer that you do not understand
10 or do not agree with?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: All right. And have you had a chance
13 to speak to your attorney about the charge in the Information
14 in this case?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: And have you spoken to him about what
17 you anticipate the Government's evidence in the case may be
18 and also about any possible defenses you may have in the
19 case?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Have you also spoken to him about the
22 Plea Agreement and about the decision whether to plead guilty
23 or go to trial?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Are you fully satisfied with the

1 representation and advice that has been provided to you by
2 your attorney?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Is there anything concerning his
5 representation or advice that you are not satisfied with?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: And do you understand that your
8 sentence is going to be calculated pursuant to the Federal
9 Sentencing Guidelines?

10 THE DEFENDANT: Correct, Your Honor.

11 THE COURT: And the way the guidelines work is that
12 points are added or subtracted for a number of different
13 reasons. So, for example, the crime that you are pleading
14 guilty to gives a certain number of points. If you accept
15 responsibility, points could be deducted. Your criminal
16 history is taken into consideration, and there may be other
17 factors that cause points to be added or subtracted. I am
18 the person who does that calculation, and once I complete the
19 calculation, it gives an advisory sentencing guideline range.

20 Do you understand that, in general, that is how the
21 guidelines work?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Do you also understand that once I
24 determine the advisory guideline range, I can sentence you to
25 somewhere within the range, but I can also vary or depart and

1 give a sentence that is greater than that or I can vary or
2 depart and give a sentence that is less than that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: All right. I want to go over the terms
5 of your Plea Agreement here in open court to make sure we're
6 all on the same page.

7 Do you understand that you have agreed to plead
8 guilty to the one count in the Information which charges you
9 with conveying false information? Do you understand that?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right. And under the terms of your
12 Plea Agreement with the Government, you and the Government
13 are making a joint recommendation to me as to what the
14 sentence should be; and in the circumstances of your Plea
15 Agreement, if I do not agree with that jointly recommended
16 sentence, then you have the right to withdraw your plea. Do
17 you understand that?

18 THE DEFENDANT: I do, Your Honor.

19 THE COURT: All right. And you and your lawyer and
20 the Government have agreed to jointly recommend a sentence of
21 five years' probation, and a condition of probation will be
22 that you pay \$14,872.26 in cost recovery, and that I will
23 impose a \$100 special assessment.

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you understand the maximum penalty

1 you could receive is up to five years in prison followed by
2 up to three years of supervised release, a fine of up to
3 \$250,000, and I must impose that special assessment of \$100?

4 Do you understand that?

5 THE DEFENDANT: I do.

6 THE COURT: All right. You are required by the
7 agreement to provide a full and truthful statement to the
8 Probation Office about your background and offense conduct.

9 Do you understand that?

10 THE DEFENDANT: I do.

11 THE COURT: All right. Generally, a defendant in a
12 criminal case has the right to appeal many different aspects
13 of his or her sentencing; but under the terms of your Plea
14 Agreement, you have agreed to waive or give up certain of
15 your rights to appeal.

16 If I impose a sentence that exceeds the statutory
17 maximum or if I vary or depart above the guidelines or if the
18 Government files an appeal of your sentence, then you can
19 also appeal your sentence. But do you understand that under
20 the terms of your Plea Agreement, if one of those three
21 things does not happen, then you cannot appeal your sentence?

22 THE DEFENDANT: I do, Your Honor.

23 THE COURT: Other than what is in this written Plea
24 Agreement, has anybody made you any additional promises in
25 order to get you to plead guilty this morning?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Has anybody forced you or threatened
3 you or coerced you in any way to get you to plead guilty?

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: All right. Are you pleading guilty to
6 the one count in the Information because you are in fact
7 guilty of that offense?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And do you understand that if I do
10 accept your plea of guilty, you will be adjudicated guilty of
11 a felony offense, and if you are a United States citizen, you
12 could lose valuable civil rights, such as the right to vote,
13 the right to hold office, the right to serve on a jury, and
14 the right to possess a firearm; and if you are not a United
15 States citizen, you will be removed or deported from the
16 United States; you will not be allowed to return to the
17 United States; you will not be allowed to later become a
18 citizen of the United States; and there are other adverse
19 consequences to your immigration status as well? Do you
20 understand that?

21 THE DEFENDANT: I do understand that. And I am a
22 U.S. citizen.

23 THE COURT: Okay. You originally, just a little
24 while ago, entered a plea of not guilty to the charge in the
25 Information. And I want you to understand that you have the

1 absolute right to continue to plead not guilty, and if you
2 did, you would have the right to have a trial before a judge
3 or jury at which you would be presumed to be innocent and the
4 Government would be required to prove your guilt beyond a
5 reasonable doubt.

6 You would have the right to the assistance of your
7 attorney throughout the entire trial, the right to confront
8 and cross-examine the witnesses who testify against you, the
9 right to compel the attendance of witnesses to testify on
10 your behalf, and to compel the production of documents and
11 other physical evidence to assist you in your defense. You
12 would have the right to testify or not testify, and if you
13 chose to not testify, your silence could not be used against
14 you and you would still be presumed to be innocent. And if
15 you lost the trial, you could appeal your conviction to a
16 higher court.

17 Do you understand that by pleading guilty this
18 morning, there will be no trial in your case and you're
19 giving up all the rights that you would have had at a trial?

20 THE DEFENDANT: I do, Your Honor.

21 THE COURT: All right. Mr. Block, on approximately
22 March 21st, 2014, did you call the police to come to an
23 address at 4411 North Michigan Avenue in Miami Beach and did
24 you tell the police that you had found a letter in the mail
25 that appeared to have some kind of unknown white powder

1 substance and was that letter opened and did it have some
2 threatening information in there about, "Stop the killing,
3 we'll be back and you don't -- you won't know when. You're
4 the lowest piece of crap walking the earth," et cetera, and
5 had that letter been addressed to your deceased mother, and
6 did you actually -- or were you actually the person who wrote
7 and sent the letter, and was your D.N.A. found on the letter,
8 and was that sent because you thought it might help you in
9 some unrelated civil lawsuit involving animal rights
10 activists, and do you agree that the investigative response
11 cost total is \$14,872.26, and did you also mail an additional
12 threatening letter addressed to an individual with the
13 initials J.R., which also contained a white powder substance,
14 implied to be a lethal biological toxin on or about the same
15 date? Did you do all that?

16 THE DEFENDANT: As set out in the Factual Proffer,
17 yes, Your Honor.

18 THE COURT: Okay. And is everything else in the
19 Factual Proffer that you signed true and correct?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: So how do you plead to the one count of
22 the Information which charges you with conveying false
23 information through the mail? Do you plead guilty or do you
24 plead not guilty?

25 THE DEFENDANT: Guilty, Your Honor.

1 THE COURT: All right. I find the defendant is
2 fully competent and capable of entering an informed plea,
3 that he is aware of the nature of the charges and the
4 consequences of the plea. I find the plea is freely,
5 knowingly and voluntarily entered.

6 I further find the partial waiver of appeal is
7 freely, knowingly and voluntarily entered.

8 I find the plea is supported by an independent
9 basis in fact which contains each of the essential elements
10 of the one offense to which he's pleading guilty, as is more
11 fully set forth in the written Factual Proffer.

12 I'm going to accept his plea of guilty and
13 adjudicate him guilty of the one count in the Information.

14 Mr. Block, ordinarily before I impose sentence, I
15 would order a Presentence Investigation Report be prepared by
16 the Department of Probation, but it takes about 70 days for
17 that report to be prepared, and that report would have a lot
18 of information about your personal background, your work
19 history, your educational history, your health history, your
20 criminal history. It would have a discussion of the facts of
21 the case. It would have a calculation of the guidelines as
22 the Probation department believes they should be calculated,
23 basically a lot of information to help me to make an
24 appropriate sentencing decision in the case.

25 So, first of all, do you understand that you have

1 the right to have that report prepared before we go forward
2 with the sentencing?

3 THE DEFENDANT: I do, Your Honor.

4 THE COURT: All right. Now, obviously, the
5 prosecutor and you and your lawyer can give me whatever
6 information you think would help me to make an appropriate
7 sentencing decision in the case. But do you understand if we
8 go forward with your sentencing today, we will not have a
9 Presentence Investigation Report?

10 THE DEFENDANT: I do, Your Honor.

11 THE COURT: Are you willing to go forward with your
12 sentencing today without a Presentence Investigation Report?

13 THE DEFENDANT: Yes, Your Honor. I waive the
14 P.S.I.

15 THE COURT: Has anybody promised you anything or
16 threatened you or coerced you to get you to agree to do that?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: All right.

19 So, Mr. Anton, on behalf of the Government, what
20 does the Government believe an appropriate sentence in this
21 case is and why?

22 MR. ANTON: Judge, as outlined in the Plea
23 Agreement, the Government would submit that an appropriate
24 sentence in the case is five years of probation.

25 Had Your Honor completed a P.S.I., I believe

1 Probation would have come back with a base offense level of
2 twelve with two off for acceptance of responsibility, for a
3 total offense level of ten. With the defendant's criminal
4 history of a category I, the guideline range would have been
5 six to twelve months in Zone B.

6 I will point out to the Court that the defendant
7 has a prior federal conviction back in the early 1990s
8 involving his business in the trading of endangered species,
9 but the defendant has lived a criminal-free life from that
10 time forward.

11 The defendant is a business owner. In this
12 particular case, the defendant, through his attorney, has
13 stayed in contact with the Government, despite the fact that
14 he knew charges were potentially pending and that he was
15 under investigation.

16 We worked diligently to come to an appropriate
17 resolution where the defendant admits his guilt, takes
18 responsibility for his actions in exchange for a
19 recommendation of five years of probation, which the
20 Government feels is the appropriate sentence in this case.

21 As Your Honor read in the Factual Proffer, this is
22 not necessarily a typical hoax/threat situation, where the
23 defendant intends on causing mass hysteria or panic to the
24 public at large. In this particular circumstance, the
25 defendant essentially sent white powder letters to himself

1 and to a business colleague with full knowledge that he would
2 then call 911 and draw attention essentially to threats
3 involving his own business.

4 The Government believes and has outlined in the
5 Factual Proffer that the defendant did this because he had
6 been repeatedly harassed by animal rights activists over the
7 course of many years, and there was a pending civil lawsuit
8 against those activists for their harassing behavior.

9 It appears that the defendant thought it would be a
10 good idea to send these hoax letters so he could use them in
11 his civil lawsuit in an attempt to persuade a judge to issue
12 an injunction by essentially saying, look, Judge, they're
13 still harassing me. I received and family members and
14 co-workers have received these threatening letters.

15 Of course, he sent them to himself, which we now
16 know. So based on the fact that he really only threatened
17 himself for his own personal gain rather than the public at
18 large, the fact that his prior criminal history is many years
19 old, and that the base offense level is a level ten, that a
20 sentence of five years' probation is appropriate with cost
21 recovery in this matter.

22 THE COURT: All right.

23 What is the defense position is an appropriate
24 sentence?

25 MR. KUEHNE: Mr. Block concurs in the Government's

1 request and representation. We informed the Court that Mr.
2 Block is and has been completely remorseful for his conduct.
3 He knows that it is conduct that is atypical for the work
4 that he's done, which has been productive work, not only with
5 his business, a business with which he is no longer formally
6 affiliated, but he has also maintained contact with law
7 enforcement and government officials of numerous agencies
8 over the course of many years and has developed an excellent
9 relationship with them.

10 He has worked hard to turn the corner from the time
11 in his life where he made this decision to commit a crime.
12 He is glad to have this matter behind him and believes that
13 the sentence of probation will enable him to continue
14 positive contributions to the community, recognizing that he
15 did wrong, but he is going to repay the government fully by
16 his good works.

17 THE COURT: All right.

18 Mr. Block, you have the right to make a statement
19 to me before I impose sentence. You don't have to say
20 anything, but if you would like to say something, this is
21 your opportunity.

22 THE DEFENDANT: Your Honor, I apologize for my
23 conduct. It's certainly not typical of what I would do.

24 I ask that the Court accept the recommendations of
25 both parties.

1 And the only other thing I will say is that -- and
2 it's certainly not an excuse -- all these events occurred
3 amidst huge amounts of harassment of my family, staff, as
4 well as within several days of my mother's death, and
5 probably definitely entered into a poor thought process.

6 THE COURT: All right. Thank you.

7 The Court has considered the statements of the
8 parties, the information in the record.

9 I first find that there is sufficient information
10 to allow the Court to meaningfully exercise its sentencing
11 authority under 18, United States Code, Section 3553(a). So
12 I will waive a formal Presentence Investigation Report.

13 Having previously determined the total offense
14 level is a level ten with a criminal history category I and
15 an advisory guideline range of six to twelve months, I am
16 going to sentence the defendant to five years' probation.
17 There's a special condition of probation that he pay
18 \$14,872.26 in cost recovery. All the other standard
19 conditions of probation will apply.

20 The defendant must also pay a special assessment of
21 \$100 to the United States, payable immediately.

22 In imposing the sentence, the Court has considered
23 the joint recommendation of the parties as well as the fact
24 that, as was pointed out, that this is an unusual case where
25 there wasn't a third party that was actually threatened.

1 Also, the fact that the defendant was -- very early on showed
2 sincere acceptance of responsibility, makes it less likely he
3 will re-offend.

4 I will allow the probation to become non-reporting
5 after one year if he has fully paid the cost recovery and is
6 otherwise fully compliant with all the terms and conditions
7 of probation; and I will terminate the probation early, after
8 two years, if he has been fully compliant during the term of
9 probation.

10 Now that the sentence has been imposed, does the
11 defendant or his counsel object to the Court's finding of
12 fact, the manner in which sentence was pronounced, or any of
13 the Court's sentencing rulings?

14 MR. KUEHNE: Mr. Block does not, Your Honor.

15 THE COURT: All right.

16 Mr. Block, you have the right to appeal this
17 sentence that was just imposed. However, any notice of
18 appeal must be filed within 14 days after entry of the
19 judgment. If you are unable to pay the cost of an appeal,
20 you can apply for leave to appeal in forma pauperis, which
21 means you can appeal without prepaying any fees or costs.

22 I also will allow Mr. Block to travel, both
23 domestically and internationally, as long as he is compliant
24 with the payment schedule for his financial obligations and
25 as long as he provides at least 72 hours of advance notice to

1 his probation officer along with an itinerary of his travel.

2 In terms of his bond, I will set a bond of a
3 \$10,000 personal surety bond with no other special condition
4 of the bond. And so once he gets booked, I guess then he'll
5 go to Probation and sign it, which will then be the end of
6 the bond, since he's already been sentenced.

7 Is that all we need to do, Jacob?

8 THE COURTROOM DEPUTY: Yes, I think so.

9 THE COURT: Okay.

10 So you all need to work with Jacob to get the paper
11 for the bond and whatever else you need.

12 All right. Good luck to you, Mr. Block.

13 THE DEFENDANT: I thank you, Your Honor. And as
14 far as any payments due, that will all be addressed in full
15 next week.

16 THE COURT: Okay. Perfect.

17 Okay. Thank you.

18 MR. ANTON: Judge, I have one brief matter.

19 THE COURT: Yes.

20 MR. ANTON: You mentioned that the defendant didn't
21 threaten a third party. As you saw in the Factual Proffer,
22 there was a second letter addressed to an individual bearing
23 the initials J.R.

24 THE COURT: I thought you said that was his
25 partner, though.

1 MR. KUEHNE: It is his business partner. So he
2 sent essentially a letter to his business partner.

3 I'm not sure if his business partner knows that Mr.
4 Block was, for lack of a better term, the mastermind or the
5 sender of the letter.

6 THE COURT: Well, does he know? Did he know at the
7 time?

8 MR. KUEHNE: Your Honor, the business partner is
9 fully aware of the circumstances and today remains 100
10 percent supportive and understands the circumstances under
11 which Mr. Block engaged in the conduct to which he has
12 admitted his responsibility.

13 THE COURT: Okay.

14 MR. ANTON: That's fine.

15 THE COURT: All right. Thank you.

16 MR. ANTON: Thank you, Judge. And thank you for
17 accommodating the parties by taking the initial and resolving
18 everything today.

19 THE COURT: My pleasure.

20 MR. KUEHNE: So we'll go to the U.S. Marshals
21 Service promptly, and then after that, we'll go to Probation.
22 Jacob will assist, I'm sure.

23 THE COURT: Whatever Jacob tells you. He knows
24 more about that than I do.

25 MR. KUEHNE: Thank you, Judge.

(Proceedings concluded at 10:43 a.m.)

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Reporter's Certification

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

s/Diane Peede, RMR, CRR, CRC
Official Court Reporter
United States District Court
Middle District of Florida

Date: February 1, 2018

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