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1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2 -----x
3 UNITED STATES OF AMERICA

4 v.

18 CR 602 (WHP)
Plea

5 MICHAEL COHEN

6 Defendant

7 -----x

New York, N.Y.
August 21, 2018
4:15 p.m.

8
9 Before:

10 HON. WILLIAM H. PAULEY III
District Judge

11
12 APPEARANCES

13 GEOFFREY S. BERMAN

United States Attorney for the
Southern District of New York

14 RACHEL MAIMIN

15 ANDREA GRISWOLD

THOMAS McKAY

16 NICHOLAS ROOS

Assistant United States Attorneys

17 PETRILLO KLEIN & BOXER LLP

Attorneys for Defendant

18 GUY PETRILLO

19 AMY LESTER

PHILIP PILMAR

20 -Also Present-

21 BARD HUBBARD, FBI

GIOVANNI LEPORE, IRS

22 KIRSTEN SCHILL, FBI

RYAN CAREY, FBI

23 JOE DVORE, FBI

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1 (Case called)

2 DEPUTY CLERK: United States of America v. Michael
3 Cohen.

4 Would counsel for the government gave their
5 appearance.

6 MS. GRISWOLD: Good afternoon, your Honor.

7 Andrea Griswold, Rachel Maimin, Thomas McKay and
8 Nicolas Roos for government.

9 We're joined at counsel table by Special Agent Bard
10 Hubbard with the FBI and Special Agent Giovanni Lepore with the
11 IRS.

12 THE COURT: Good afternoon.

13 DEPUTY CLERK: Would counsel for defense give their
14 appearance.

15 MR. PETRILLO: Yes. Good afternoon, your Honor.

16 For Mr. Cohen, Guy Petrillo and Amy Lester, Petrillo
17 Klein and Boxer.

18 THE COURT: Good afternoon to you.

19 I note the presence of the defendant, Mr. Cohen at
20 counsel table.

21 Ms. Griswold, what is the status of this matter?

22 MS. GRISWOLD: Your Honor, we are here today for a
23 waiver of indictment. We would like to file an information and
24 I believe the defendant needs to be presented, arraigned on
25 that information, have the waiver of indictment, and then

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1 intends to enter a guilty plea to the counts in the
2 information.

3 THE COURT: Very well.

4 Let's begin then with an initial appearance.

5 Mr. Cohen, I am District Judge William Pauley. The
6 purpose of this proceeding, sir, is to inform you of certain
7 rights that you have, to inform you of the charges against you,
8 and to consider whether counsel should be appointed for you,
9 and to decide under what conditions you should be released.

10 First, you have the right to remain silent. You are
11 not required to make any statements. Even if you have made any
12 statements to the authorities, you need not make any further
13 statements. Anything that you do say can be used against you.

14 You have the right to be released either conditionally
15 or unconditionally pending trial unless I find that there are
16 no conditions that would reasonably assure your presence in
17 court and the safety of the community.

18 You have the right, sir, to be represented by counsel
19 during all court proceedings, including this one, and during
20 all questioning by authorities. If you cannot afford an
21 attorney, I will appoint one to represent you.

22 Now, the government has offered here an information in
23 this case. Have you seen that information, Mr. Cohen?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And have you read it?

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1 THE DEFENDANT: I have, sir.

2 THE COURT: Have you discussed it with your attorney,
3 Mr. Petrillo?

4 THE DEFENDANT: I have, sir.

5 THE COURT: Do you waive my reading the information
6 here in open court word for word?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: How do you plead to the charges in the
9 information that are lodged against you?

10 THE DEFENDANT: Not guilty, sir.

11 THE COURT: Very well.

12 Mr. Petrillo, I'm informed that the defendant has an
13 application. What is that application?

14 MR. PETRILLO: Correct, your Honor. With the Court's
15 permission, Mr. Cohen would move to withdraw his plea of not
16 guilty and to enter a plea of guilty to the eight count
17 information that's been handed up to the Court, and there is a
18 plea agreement, which I believe the government has the original
19 copy of.

20 THE COURT: All right. The record should reflect that
21 a plea agreement is being handed up to me for my inspection.
22 And Mr. Petrillo, prior to commencement of this proceeding, did
23 you review with your client an advice of rights form?

24 MR. PETRILLO: I did, your Honor.

25 THE COURT: And did he sign it in your presence?

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1 MR. PETRILLO: He did, your Honor.

2 THE COURT: And did you sign it as his attorney?

3 MR. PETRILLO: I did, your Honor.

4 THE COURT: The record should reflect that an advice
5 of rights form has been marked as Court Exhibit 1 and is being
6 handed to me for inspection.

7 So, at this time, I am going to direct my deputy to
8 administer the oath to Mr. Cohen.

9 (Defendant sworn)

10 THE COURT: Mr. Cohen, do you understand, sir, that
11 you are now under oath, and that if you answer any of my
12 questions falsely, your false or untrue answers may later be
13 used against you in another prosecution for perjury or making a
14 false statement?

15 THE DEFENDANT: I do, your Honor.

16 THE COURT: Very well. For the record, what is your
17 full name?

18 THE DEFENDANT: Michael Dean Cohen.

19 THE COURT: And at this time, Mr. Cohen, you may be
20 seated, and I'd ask that you pull the microphone close to you.

21 THE DEFENDANT: Thank you, your Honor.

22 Mr. Cohen, how old are you, sir?

23 THE DEFENDANT: In four days, I'll be 52.

24 THE COURT: How far did you go in school?

25 THE DEFENDANT: Law.

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1 THE COURT: Are you able to read, write, speak and
2 understand English?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Are you now or have you recently been
5 under the care of a doctor or a psychiatrist?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Have you ever been treated or hospitalized
8 for any mental illness or any type of addiction, including drug
9 or alcohol addiction?

10 THE DEFENDANT: No, sir.

11 THE COURT: In the past 24 hours, Mr. Cohen, have you
12 taken any drugs, medicine or pills or have you consumed any
13 alcohol?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: What have you taken or consumed, sir?

16 THE DEFENDANT: Last night at dinner I had a glass of
17 Glenlivet 12 on the rocks.

18 THE COURT: All right. Is it your custom to do that,
19 sir?

20 THE DEFENDANT: No, your Honor.

21 THE COURT: All right. Have you had anything since
22 that time?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: Is your mind clear today?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: Are you feeling all right today?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you represented by counsel here today?

4 THE DEFENDANT: I am.

5 THE COURT: Who are your attorneys?

6 THE DEFENDANT: Guy Petrillo and Amy Lester.

7 THE COURT: And, Mr. Petrillo, do you have any doubt
8 as to your client's competence to plead at this time?

9 MR. PETRILLO: I do not, your Honor.

10 THE COURT: Now, Mr. Cohen, your attorney has informed
11 me that you wish to enter a plea of guilty. Do you wish to
12 enter a plea of guilty?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you had a full opportunity to discuss
15 your case with your attorney and to discuss the consequences of
16 entering a plea of guilty?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Are you satisfied with your attorneys,
19 Mr. Petrillo and Ms. Lester, in their representation of you in
20 this matter?

21 THE DEFENDANT: Very much, sir.

22 THE COURT: On the basis of Mr. Cohen's responses to
23 my questions and my observations of his demeanor here in my
24 courtroom this afternoon, I find that he is fully competent to
25 enter an informed plea at this time.

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1 Now, before I accept any plea from you, Mr. Cohen, I'm
2 going to ask you certain questions. My questions are intended
3 to satisfy me that you wish to plead guilty because you are
4 guilty, and that you fully understand the consequences of your
5 plea.

6 I am going to describe to you certain rights that you
7 have under the Constitution and laws of the United States,
8 which rights you will be giving up if you enter a plea of
9 guilty.

10 Please listen carefully, sir. If you do not
11 understand something I am saying or describing, then stop me,
12 and either I or your attorneys will explain it to you more
13 fully. Do you understand this?

14 THE DEFENDANT: I do, your Honor.

15 THE COURT: Under the Constitution and laws of the
16 United States, you have a right to a speedy and public trial by
17 a jury on the charges against you which are contained in the
18 information. Do you understand that?

19 THE DEFENDANT: I do, sir.

20 THE COURT: And if there were a trial, you would be
21 presumed innocent, and the government would be required to
22 prove you guilty by competent evidence and beyond a reasonable
23 doubt. You would not have to prove that you were innocent at a
24 trial. Do you understand that?

25 THE DEFENDANT: I do, your Honor.

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1 THE COURT: If there were a jury -- excuse me -- if
2 there were a trial, a jury composed of 12 people selected from
3 this district would have to agree unanimously that you were
4 guilty. Do you understand that?

5 THE DEFENDANT: I do, your Honor.

6 THE COURT: If there were a trial, you would have the
7 right to be represented by an attorney; and if you could not
8 afford one, an attorney would be provided to you free of cost.
9 Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: If there were a trial, sir, you would have
12 the right to see and hear all of the witnesses against you, and
13 your attorney could cross-examine them. You would have the
14 right to have your attorney object to the government's evidence
15 and offer evidence on your behalf if you so desired, and you
16 would have the right to have subpoenas issued or other
17 compulsory process used to compel witnesses to testify in your
18 defense. Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: If there were a trial, Mr. Cohen, you
21 would have the right to testify if you wanted to, but no one
22 could force you to testify if you did not want to. Further, no
23 inference or suggestion of guilt could be drawn if you chose
24 not to testify at a trial. Do you understand that?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: Do you understand, sir, that by entering a
2 plea of guilty today, you are giving up each and every one of
3 the rights that I've described, that you are waiving those
4 rights, and that you will have no trial?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that you can change your
7 mind right now and refuse to enter a plea of guilty?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: You do not have to enter this plea if you
10 do not want to for any reason whatsoever. Do you understand
11 this fully, Mr. Cohen?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Now, Mr. Cohen, have you received a copy
14 of the information?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And have you read it?

17 THE DEFENDANT: I have, sir.

18 THE COURT: Did your attorney discuss the information
19 with you?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Do you waive my reading the information
22 word for word here in open court?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Do you understand that Counts One through
25 Five of the information charges you with evasion of personal

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1 income tax for the calendar years 2012, 2013, 2014, 2015 and
2 2016 respectively in violation of Title 26 of the United States
3 Code, Section 7201. Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you understand, sir, that Count Six of
6 the information charges you with making false statements to a
7 financial institution in connection with a credit decision from
8 at least in or about February 2015 up to and including in or
9 about April 2016 in violation of Title 18 of the United States
10 Code, Section 1014. Do you understand that?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Do you understand, sir, that Count Seven
13 of the information charges you with willfully causing an
14 unlawful corporate contribution from at least in or about
15 June 2016 up to and including in or about October 2016 in
16 violation of Title 52 of the United States Code, Sections
17 30118(a) and 30109(d)(1)(A) and Title 18 of the United States
18 Code, Section 2(b). Do you understand that, sir?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Do you understand that Count Eight of the
21 information charges you with making an excessive campaign
22 contribution on or about October 27, 2016 in violation of Title
23 52 of the United States Code, Sections 30116(a)(1)(A),
24 30116(a)(7) and 30109(d)(1)(A) and Title 18 of the United
25 States Code, Section 2(b). Do you understand that?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Now, do you understand, sir, that you have
3 a constitutional right to be charged by an indictment rather
4 than by an information?

5 THE DEFENDANT: I do, sir.

6 THE COURT: An indictment would be from a grand jury
7 and not like the information here, simply a charge by the
8 prosecutor. Do you understand, sir, that you have waived the
9 right to be charged by an indictment, and that you have
10 consented to being charged by an information of the government?

11 THE DEFENDANT: I understand, sir.

12 THE COURT: And do you waive this right voluntarily
13 and knowingly?

14 THE DEFENDANT: I do, your Honor.

15 THE COURT: Do you understand that if you did not
16 plead guilty, the government would be required to prove each
17 and every part or element of the charges in the information
18 beyond a reasonable doubt at trial?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Ms. Griswold, for the benefit of the Court
21 and the defendant, would you describe the essential elements of
22 the crimes charged in this information?

23 MS. GRISWOLD: Yes, your Honor.

24 Beginning with Counts One through Five, the tax
25 evasion counts, the elements are as follows:

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1 First, the existence of a substantial tax debt;

2 Second, willfulness of non-payment, meaning failure to
3 report was voluntary and intentional;

4 And, third, an affirmative act by the defendant
5 performed with intent to evade or defeat the calculation or
6 payment of the tax.

7 With respect to Count Six, the false statements to a
8 bank, there are four elements:

9 First, that the defendant made a false statement to a
10 lending institution;

11 Second, that the lending institution had its deposits
12 federally insured;

13 Third, that the defendant knew that the statements he
14 made were false;

15 Fourth, that the defendant made these statements for
16 the purpose of influencing in any way the action of that
17 lending institution such as to influence a loan application.

18 With respect to Count Seven, causing an unlawful
19 corporate contribution, there are five elements:

20 First, a corporation made a contribution or
21 expenditure in excess of \$25,000;

22 Second, that the contribution or expenditure was made
23 directly to or in coordination with a candidate or campaign for
24 federal office;

25 Third, that the contribution or expenditure was made

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1 for the purpose of influencing an election;

2 Fourth, that the defendant caused the corporation to
3 make the contribution or expenditure by taking some action
4 without which the crime would not have occurred;

5 And, finally, that the defendant acted knowingly and
6 willfully.

7 With respect to Count Eight, making an excessive
8 campaign contribution, there are four elements:

9 First, an individual made a contribution or
10 expenditure in excess of \$25,000 to a candidate or campaign;

11 Second, that the contribution was made directly or the
12 expenditure was made in cooperation, consultation or concert
13 with, or at the request or suggestion of a candidate or
14 campaign;

15 Third, it was made for the purpose of influencing
16 election;

17 And, fourth, it was done knowingly and willfully.

18 The government would also need to prove that venue was
19 proper in the Southern District of New York for all counts.

20 THE COURT: Thank you, Ms. Griswold.

21 Mr. Cohen, have you listened carefully to Assistant
22 United States Griswold as she has described the essential
23 elements of each of the crimes charged against you?

24 THE DEFENDANT: I have, your Honor.

25 THE COURT: And do you understand that if you did not

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1 plead guilty, the government would be required to prove each
2 and every part of those elements by competent evidence beyond a
3 reasonable doubt at trial in order to convict you?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Now, do you understand, sir, that the
6 maximum possible penalty for the charges in Counts One through
7 Five of evasion of personal income tax is a maximum term of
8 five years of imprisonment, followed by a maximum term of three
9 years of supervised release, together with a maximum fine of
10 \$100,000 or twice the gross pecuniary gain derived from the
11 offense or twice the gross pecuniary loss to persons other than
12 yourself resulting from the offense, and a \$100 mandatory
13 special assessment. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mr. Cohen, supervised release means that
16 you will be subject to monitoring when you're released from
17 prison, the monitoring to be under terms and conditions which
18 could lead to reimprisonment without a jury trial for all or
19 part of the term of supervised release without credit for time
20 previously served on post release supervision if you violate
21 the terms and conditions of supervised release. Do you
22 understand that?

23 THE DEFENDANT: I do, sir.

24 THE COURT: Do you understand, sir, that the maximum
25 possible penalty for the crime charged in Count Six of making

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1 false statements to a financial institution is a maximum term
2 of 30 years of imprisonment, followed by a maximum term of five
3 years of supervised release, together with a maximum fine of
4 \$1 million, and a \$100 mandatory special assessment. Do you
5 understand that?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you understand, sir, that the maximum
8 possible penalty for the crime charged in Count Seven of
9 causing an unlawful corporate contribution carries a maximum
10 term of five years of imprisonment, together with a maximum
11 term of three years of supervised release, a maximum fine of
12 \$250,000 or twice the gross pecuniary gain derived from the
13 offense or twice the gross pecuniary loss to persons other than
14 yourself resulting from the offense, and a \$100 mandatory
15 special assessment. Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And do you understand that the maximum
18 possible penalty with respect to Count Eight charging you with
19 making an excessive campaign contribution is a maximum term of
20 five years of imprisonment, followed by a maximum term of three
21 years of supervised release, together with a maximum fine of
22 \$250,000 or twice the gross pecuniary gain derived from the
23 offense or twice the gross pecuniary loss to persons other than
24 yourself resulting from the offense, and a \$100 mandatory
25 special assessment. Do you understand that?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you also understand that as part of
3 your sentence, that restitution will be required to any person
4 injured as a result of your criminal conduct?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Do you also understand, sir, that under
7 the terms of your plea agreement, you are agreeing to forfeit
8 any property or benefit that you received in connection with
9 the bank fraud charged in Count Six of the information?

10 MR. PETRILLO: Just for the record, your Honor, it's a
11 false statement to a bank rather than a bank fraud. Thank you.

12 THE COURT: Do you understand, sir, that you are
13 forfeiting any property derived as a result of that crime?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Now, you understand that you are pleading
16 guilty to different counts in the information. Do you
17 understand, sir, that you will be separately sentenced on each
18 of those counts?

19 THE DEFENDANT: I do.

20 THE COURT: And do you further understand that I may
21 order you to serve the sentences either concurrently or
22 consecutively, meaning either together or one after the other?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Do you understand, sir, that if I decide
25 to run the sentences consecutively, that your sentence could be

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1 a maximum total of 65 years of imprisonment?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Now, do you understand that if I accept
4 your guilty plea and adjudge you guilty, that adjudication may
5 deprive you of valuable civil rights, such as the right to
6 vote, the right to hold public office, the right to serve on a
7 jury or the right to possess any kind of firearm?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Now, have you discussed with your attorney
10 the Sentencing Guidelines?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: And you understand, sir, that the
13 Sentencing Guidelines are advisory. And do you understand that
14 the Court will not be able to determine your sentence until
15 after a presentence report is completed by the probation
16 office, and you and the government have had a chance to
17 challenge any of the facts reported by the probation office?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you understand that if you are
20 sentenced to prison, parole has been abolished, and you will
21 not be released any earlier on parole?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you understand that if your attorney or
24 anyone else has attempted to estimate or predict what your
25 sentence will be, that their estimate or prediction could be

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1 wrong?

2 THE DEFENDANT: No estimate was given to me, your
3 Honor.

4 THE COURT: No one, Mr. Cohen, not even your attorney
5 or the government can, nor should, give you any assurance of
6 what your sentence will be. Your sentence cannot be determined
7 until after the probation office report is completed, and I've
8 ruled on any challenges to the report and determined what
9 sentence I believe is appropriate giving due regard to all the
10 factors in Section 3553(a). Do you understand that, sir?

11 THE DEFENDANT: I do, your Honor.

12 THE COURT: Do you also fully understand that even if
13 your sentence is different from what your attorney or anyone
14 else told you it might be or if it is different from what you
15 expect, that you will still be bound to your guilty plea, and
16 you will not be allowed to withdraw your plea of guilty?

17 THE DEFENDANT: I do, your Honor.

18 THE COURT: Now, I have been given this plea
19 agreement. Have you signed it?

20 THE DEFENDANT: I have, sir.

21 THE COURT: And did you read this agreement prior to
22 signing it?

23 THE DEFENDANT: I did, your Honor.

24 THE COURT: Did you discuss it with your attorneys
25 before you signed it?

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1 THE DEFENDANT: I did that as well, sir.

2 THE COURT: Did you fully understand this agreement at
3 the time that you signed it?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Does this agreement constitute your
6 complete and total understanding of the entire agreement among
7 the government, your attorneys and you?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Is everything about your plea and sentence
10 contained in this agreement?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Has anything been left out?

13 THE DEFENDANT: Not that I'm aware of, sir.

14 THE COURT: Has anyone offered you any inducements or
15 threatened you or forced you to plead guilty or to enter into
16 the plea agreement?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Do you understand that under the terms of
19 this plea agreement that you are giving up or waiving your
20 right to appeal or otherwise challenge your sentence if this
21 Court sentences you within or below the stipulated Sentencing
22 Guideline range of 46 to 63 months of imprisonment. Do you
23 understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you understand, sir, that I'm

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1 completely free to disregard any position or recommendation by
2 your attorney or by the government as to what your sentence
3 should be, and that I have the ability to impose whatever
4 sentence I believe is appropriate under the circumstances, and
5 you will have no right to withdraw your plea?

6 THE DEFENDANT: I am, sir.

7 THE COURT: Mr. Petrillo, do you know of any valid
8 defense that would prevail at trial or do you know of any
9 reason why your client should not be permitted to plead guilty?

10 MR. PETRILLO: I do not, your Honor.

11 THE COURT: Mr. Petrillo, is there an adequate factual
12 basis to support this plea of guilty?

13 MR. PETRILLO: There is, your Honor.

14 THE COURT: Ms. Griswold, is there an adequate factual
15 basis to support this plea of guilty?

16 MS. GRISWOLD: There is, your Honor.

17 THE COURT: Mr. Cohen, would you please tell me what
18 you did in connection with each of the crimes to which you are
19 entering a plea of guilty.

20 THE DEFENDANT: Yes, your Honor. May I stand?

21 THE COURT: You may.

22 THE DEFENDANT: Thank you, sir.

23 Your Honor, I also just jotted down some notes so that
24 I can keep my focus and address this Court in proper fashion.

25 As to Counts One through Five, in the tax years of

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1 2012 to 2016, I evaded paying substantial taxes on certain
2 income received that I knew was not reflected on the return and
3 that I caused to be filed. The income intentionally not
4 included was received by me in the Southern District of New
5 York.

6 As to Count Six, on or about February of 2016, in
7 order to be approved for a HELOC, a home equity line of credit,
8 I reviewed an application form that did not accurately describe
9 the full extent of my liabilities. I did not correct the
10 inaccurate information on the form. I signed it knowing that
11 it would be submitted to the bank as part of their HELOC
12 application process. The bank was federally insured and is
13 located in Manhattan.

14 As to Count Seven --

15 THE COURT: Did you know that those statements were
16 false when you made them?

17 THE DEFENDANT: They were omitted, your Honor, as
18 opposed to being false.

19 THE COURT: Well, you knew it was false; that it
20 falsely depicted your financial condition, didn't you?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: And you omitted those statements, did you
23 not, for the purpose of influencing action by a financial
24 institution?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: All right. You may proceed.

2 THE DEFENDANT: Thank you, sir.

3 As to Count No. Seven, on or about the summer of 2016,
4 in coordination with, and at the direction of, a candidate for
5 federal office, I and the CEO of a media company at the request
6 of the candidate worked together to keep an individual with
7 information that would be harmful to the candidate and to the
8 campaign from publicly disclosing this information. After a
9 number of discussions, we eventually accomplished the goal by
10 the media company entering into a contract with the individual
11 under which she received compensation of \$150,000. I
12 participated in this conduct, which on my part took place in
13 Manhattan, for the principal purpose of influencing the
14 election.

15 Your Honor, as to Count No. Eight, on or about October
16 of 2016, in coordination with, and at the direction of, the
17 same candidate, I arranged to make a payment to a second
18 individual with information that would be harmful to the
19 candidate and to the campaign to keep the individual from
20 disclosing the information. To accomplish this, I used a
21 company that was under my control to make a payment in the sum
22 of \$130,000. The monies I advanced through my company were
23 later repaid to me by the candidate. I participated in this
24 conduct, which on my part took place in Manhattan, for the
25 principal purpose of influencing the election.

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1 THE COURT: Mr. Cohen, when you took all of these acts
2 that you've described, did you know that what you were doing
3 was wrong and illegal?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: All right. You may be seated for the
6 moment.

7 THE DEFENDANT: Thank you, sir.

8 THE COURT: Would the government please summarize its
9 evidence against the defendant.

10 MS. GRISWOLD: Yes, your Honor.

11 I will go first with the evidence as to the tax
12 evasion charged in Counts One through Five.

13 As the defendant allocuted, we would prove at trial
14 that between the tax years 2012 and 2016, Mr. Cohen knowingly
15 and willfully failed to report more than \$4 million on his
16 personal income tax returns for the purpose of evading taxes.
17 We would prove this through the following categories of
18 evidence:

19 Mr. Cohen's personal income tax returns for 2012
20 through 2016 on which he declared under the penalty of perjury
21 that the amount of income he disclosed was accurate, testimony
22 from IRS agents and employees, testimony and documentary
23 evidence, including emails and text messages from individuals
24 who paid income to Mr. Cohen, and testimony of individuals
25 involved in the preparation of Mr. Cohen's taxes, and email

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1 communications between those individuals and Mr. Cohen.

2 With respect to our evidence on Count Six, as the
3 defendant allocuted, we would prove at trial that in connection
4 with an application for a home equity line of credit, the
5 defendant made false statements to a bank about his true
6 financial condition, including about debts for which he was
7 personally liable and about his cash flow.

8 We would prove this through the following categories
9 of evidence:

10 Bank records, including the home equity line of credit
11 application that Mr. Cohen signed and submitted to the bank, as
12 well as other financial information that Mr. Cohen provided to
13 the bank about his liabilities or lack thereof, testimony from
14 certain bank employees, and email communications between
15 Mr. Cohen and the bank.

16 With respect to Counts Seven and Eight, as the
17 defendant allocuted, and as detailed in the information filed
18 today, the government would prove that the defendant caused an
19 illegal corporate contribution of \$150,000 to be made in
20 coordination with a candidate or campaign for federal office,
21 and also that Mr. Cohen made an excessive contribution of
22 \$130,000 in coordination with the campaign or candidate for
23 purposes of influencing the election.

24 The proof on these counts at trial would establish
25 that these payments were made in order to ensure that each

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1 recipient of the payments did not publicize their stories of
2 alleged affairs with the candidate. This evidence would
3 include:

4 Records obtained from an April 9, 2018 series of
5 search warrants on Mr. Cohen's premises, including hard copy
6 documents, seized electronic devices, and audio recordings made
7 by Mr. Cohen.

8 We would also offer text messages, messages sent over
9 encrypted applications, phone records, and emails.

10 We would also submit various records produced to us
11 via subpoena, including records from the corporation referenced
12 in the information as Corporation One and records from the
13 media company also referenced in the information.

14 Finally, we would offer testimony of witnesses,
15 including witnesses involved in the transactions in question
16 who communicated with the defendant.

17 THE COURT: Thank you, Ms. Griswold.

18 Mr. Cohen, if you would stand at this time.

19 Mr. Cohen, how do you now plead to the charge in Count
20 One of evasion of personal income tax for the calendar year
21 2012? Guilty or not guilty.

22 THE DEFENDANT: Guilty, your Honor.

23 THE COURT: And how do you plead to the charge in
24 Count Two of the information of evasion of personal income tax
25 for the year 2013? Guilty or not guilty.

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1 THE DEFENDANT: Guilty, your Honor.

2 THE COURT: How do you plead to the charge in Count
3 Three of evasion of personal income tax for the year 2014?
4 Guilty or not guilty.

5 THE DEFENDANT: Guilty, your Honor.

6 THE COURT: How do you plead to the charge in Count
7 Four of evasion of personal income tax for the calendar year
8 2015? Guilty or not guilty.

9 THE DEFENDANT: Guilty, your Honor.

10 THE COURT: How do you plead to the charge in Count
11 Five of evasion of personal income tax for the calendar year
12 2016? Guilty or not guilty.

13 THE DEFENDANT: Guilty, your Honor.

14 THE COURT: How do you plead to the charge in Count
15 Six of the information of making false statements to a
16 financial institution in connection with a credit decision?
17 Guilty or not guilty.

18 THE DEFENDANT: Guilty, your Honor.

19 THE COURT: How do you plead to the charge in Count
20 Seven of the information of willfully causing an unlawful
21 corporate contribution? Guilty or not guilty.

22 THE DEFENDANT: Guilty, your Honor.

23 THE COURT: And, finally, how do you plead to the
24 charge in Count Eight of the information of making an excessive
25 campaign contribution? Guilty or not guilty.

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1 THE DEFENDANT: Guilty, your Honor.

2 THE COURT: Mr. Cohen, are you pleading guilty to each
3 of these counts because you are guilty?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Are you pleading guilty voluntarily and of
6 your own free will?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Petrillo, do you wish me to make any
9 further inquiries of your client?

10 MR. PETRILLO: No, your Honor. Thank you.

11 THE COURT: Ms. Griswold, does the government wish me
12 to make any further inquiries of the defendant?

13 MS. GRISWOLD: No, your Honor.

14 THE COURT: All right. Mr. Cohen, because you
15 acknowledge that you are guilty as charged in the information,
16 and because I find you know your rights and are waiving them
17 knowingly and voluntarily, and because I find your plea is
18 entered knowingly and voluntarily and is supported by an
19 independent basis in fact containing each of the essential
20 elements of the crimes, I accept your guilty plea and adjudge
21 you guilty of the eight offenses to which you have just pleaded
22 as charged in the information.

23 You may be seated.

24 THE DEFENDANT: Thank you, sir.

25 THE COURT: Now, the U.S. Probation Office will next

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1 prepare a presentence report to assist me in sentencing you.
2 You will be interviewed by the probation office. It is
3 important that the information you give the probation officer
4 be truthful and accurate because the report is important in my
5 decision as to what your sentence will be.

6 You and your attorneys have a right and will have an
7 opportunity to examine the report, challenge or comment upon
8 it, and to speak on your behalf before sentencing.

9 I am going to set this matter down for sentencing on
10 December 12 at 11:00 a.m.

11 Now, what is the bail status of the defendant?

12 MS. GRISWOLD: Bail needs to be set, your Honor, and
13 we have a proposed joint package for your consideration.

14 THE COURT: All right. That package was presented,
15 but why don't you put it forth on the record.

16 MS. GRISWOLD: Certainly, your Honor.

17 A 500,000 personal recognizance bond cosigned by two
18 financially responsible individuals -- I'm sorry, your Honor --
19 cosigned by the defendant's wife and a second person who will
20 be interviewed by the U.S. Attorney's Office and qualified as a
21 financially responsible person;

22 The defendant is to be released today on his own
23 signature with the other two signatures within one week, which
24 would be August 28;

25 The defendant is to surrender any and all firearms and

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1 ammunition within 24 hours to law enforcement;

2 Travel restricted to the Southern and Eastern
3 Districts of New York, the Northern District of Illinois, the
4 Southern District of Florida, and Washington D.C., surrender of
5 the defendant's passport to his counsel and no new applications
6 for travel documents.

7 THE COURT: All right. Is that the proposed package,
8 Mr. Petrillo?

9 MR. PETRILLO: May I have a moment, your Honor?

10 THE COURT: Yes.

11 (Counsel confer)

12 MR. PETRILLO: Nothing else, your Honor. Thank you.

13 THE COURT: I will note in the submission that was
14 sent to me shortly before the proceeding, there was a provision
15 for pretrial to approve travel without Court approval to other
16 locations. I am not going to authorize that. Any additional
17 requests for travel are to be submitted to me for my approval
18 before the defendant is to travel anywhere other than the
19 places provided for on the record here.

20 MR. PETRILLO: Understood, your Honor.

21 THE COURT: All right. So I've set the date for
22 sentencing.

23 I'm going to direct the government to promptly prepare
24 a prosecution case summary for submission to the probation
25 department.

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1 And, Mr. Petrillo, I'm going to direct you to arrange
2 promptly for an interview with the probation department so that
3 the preparation of the presentence report can proceed.

4 Now, Mr. Cohen, have you listened closely to these
5 conditions that have been fixed for your release?

6 THE DEFENDANT: I have, your Honor.

7 THE COURT: All right. And do you understand, sir,
8 that those conditions are going to apply now until the time
9 that you are sentenced, and that any violation of those
10 conditions could be severe?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And do you understand that if you fail to
13 appear for sentencing on the day and time set, that that could
14 subject you to prosecution for another crime separate and apart
15 from the crimes that are charged here?

16 THE DEFENDANT: I'm aware, your Honor.

17 THE COURT: Very well. Then I fully expect to see you
18 on December 12.

19 THE DEFENDANT: Of course, sir.

20 THE COURT: Anything further from the government?

21 MS. GRISWOLD: No, your Honor. Thank you.

22 THE COURT: Anything further from the defense?

23 MR. PETRILLO: No, your Honor. Thank you.

24 THE COURT: Very well. This matter is concluded.
25 Have a good afternoon. (Adjourned)