



Judicial Conduct Board
Commonwealth of Pennsylvania
Richard W. Long, Chief Counsel
717-234-7911

Press Release

July 16, 2019

TO: Press

**FROM: Richard W. Long
Chief Counsel**

**SUBJECT: John I. Waltman
Former Magisterial District Judge
Magisterial District Court 07-1-06
7th Judicial District
Bucks County**

Harrisburg. Today, the Judicial Conduct Board filed formal charges by Board Complaint in the Court of Judicial Discipline against former Bucks County Magisterial District Judge John I. Waltman. The Board Complaint alleges violations of the Rules Governing Standards of Conduct of Magisterial District Judges and the Constitution of the Commonwealth of Pennsylvania stemming from former Judge Waltman's criminal conduct and convictions in Federal Court for conspiracy to commit money laundering and extortion.

Under the Pennsylvania Constitution, former Judge Waltman, as the subject of the charges, is presumed innocent in all proceedings before the Court of Judicial Discipline. The Board has the burden of proving the charges filed in the Court of Judicial Discipline by clear and convincing evidence.

In accordance with the rules which govern proceedings before the Court of Judicial Discipline, former Judge Waltman has the right to respond to the charges, to obtain and inspect the evidence which forms the basis of the allegations, and to a public trial before the Court of Judicial Discipline.

Upon completion of the trial, if the Court determines that any of the charges have been proven by clear and convincing evidence, it will schedule a Sanctions Hearing to determine what sanction should be imposed. Possible sanctions include censure, suspension, fine or removal from office.

Please visit the Board's website at www.jcbpa.org (select the Resource Tab then select Press Releases in the drop down menu) to view the Board Complaint.

Counsel:

Board: James P. Kleman, Jr., Deputy Counsel

Judge: None

Contact: Richard W. Long, Chief Counsel

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

**COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA**

JUL 16 2019

RECEIVED AND FILED

IN RE:

John I. Waltman :
Former Magisterial District Judge :
Magisterial District Court 07-1-06 : 1 JD 2019
7th Judicial District :
Bucks County :

TO: JOHN I. WALTMAN

You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, and the Rules Governing Standards of Conduct of Magisterial District Judges. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.

COMPLAINT

AND NOW, this 16th day of July, 2019, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Board Complaint against John I. Waltman, former Magisterial District Judge for Magisterial District 07-1-06 of Bucks County, Pennsylvania, alleging that former Judge Waltman violated the Rules Governing Standards of Conduct of Magisterial District Judges (RGSCMDJ), and Article V, § 17(b) and § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

A. FACTS:

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.
2. From approximately October 26, 2010, until his suspension without pay, former Judge Waltman served continuously as the duly elected Magisterial District Judge of Magisterial District Court 07-1-06, Bucks County, located at 1500 Desire Avenue, Feasterville, PA 19053.
3. As a duly elected Magisterial District Judge, former Judge Waltman was at all times relevant hereto subject to all the duties and responsibilities imposed on him by the Constitution of the Commonwealth of Pennsylvania and the RGSCMDJ adopted by the Supreme Court of Pennsylvania.
4. On December 13, 2016, at ***United States v. John I. Waltman, et al***, 16-509, former Judge Waltman was indicted by a federal grand jury and thereby accused of committing the following felonies during his term of judicial office between June

2015 and November 2016: (1) conspiracy to commit money laundering, 18 U.S.C. §1956(h); and (2) money laundering (3 counts), 18 U.S.C. § 1956(a)(3). The indictment is attached hereto as "Board Exhibit A," made a part hereof, and incorporated fully by reference as though set forth in full.

5. Thereafter, on December 16, 2016, at *In re John I. Waltman*, 7 JD 2016, this Court suspended former Judge Waltman without pay based upon the Board's request for same due to his then-pending federal felony criminal charges.
6. As a result of two subsequent superseding indictments filed August 1, 2017 (superseding indictment), and December 5, 2017 (second superseding indictment), the federal government charged former Judge Waltman with additional felony crimes. The superseding indictment and second superseding indictment are attached hereto as "Board's Exhibit B" and "Board's Exhibit C," respectively, and are each made a part hereof, and are incorporated fully by reference as though set forth in full.
7. Initially, former Judge Waltman pleaded "not guilty" to the federal felony charges pending against him at the aforementioned indictment and superseding indictments.
8. On January 18, 2019, as part of a negotiated plea agreement, former Judge Waltman changed his initial "not guilty" plea to "guilty" to conspiracy to commit money laundering, 18 U.S.C. §1956(h), and five counts of Hobbs Act Extortion Under Color of Official Right, 18 U.S.C. § 1951(b). In exchange for the plea, the federal government agreed to dismiss the remaining charges pending against former Judge Waltman at time of sentencing. A copy of the transcript of former Judge Waltman's change-of-plea hearing is attached hereto as "Board's Exhibit

D,” made a part hereof, and incorporated fully by reference as though set forth in full.

9. The factual basis for former Judge Waltman’s guilty plea was that he engaged in the following criminal acts:

- a. partook in a scheme with his co-defendants to launder the proceeds of alleged criminal activity in New York in exchange for cash;
- b. partook in a scheme with his co-defendants to fix a traffic ticket in his court in exchange for a cash payment;
- c. sought to obtain cash payments, *i.e.*, “kickbacks,” from persons seeking to do business with municipalities in Bucks County in exchange for the use of his influence as a magisterial district judge in the area to secure contracts for those persons from those municipalities.

10. On June 10, 2019, the Honorable Gene E.K. Pratter of the United States District Court for the Eastern District of Pennsylvania sentenced former Judge Waltman to 6½ years in federal prison, as well as a \$5000.00 fine, 2 years of probation, and 150 hours of community service on the basis of his January 18, 2019 guilty pleas. A copy of the judgment entered against former Judge Waltman in his criminal case is attached hereto as “Board’s Exhibit E,” made a part hereof, and incorporated fully by reference as though set forth in full.

B. CHARGES

COUNT 1 - Violation of Canon 1, Rule 1.1

11. By virtue of all or some of the conduct described above at Part A, former Judge Waltman violated Canon 1, Rule 1.1.

12. Canon 1, Rule 1.1 states the following:

CANON 1: A MAGISTERIAL DISTRICT JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY.

Rule 1.1. Compliance with the Law.

A magisterial district judge shall comply with the law, including the [RGSCMDJ].

13. As a result of his conviction of federal felony crimes arising from acts undertaken during his term of judicial office, Judge Waltman violated the law and, thereby, violated Canon 1, Rule 1.1.

COUNT 2 - Violation of Canon 1, Rule 1.2

14. By virtue of all or some of the conduct set forth in Part A, former Judge Waltman violated Canon 1, Rule 1.2.
15. Canon 1, Rule 1.2 states the following:

CANON 1: A MAGISTERIAL DISTRICT JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

Rule 1.2. Promoting Confidence in the Judiciary.

A magisterial district judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

16. Former Judge Waltman's felony criminal convictions and the acts undertaken during his term of judicial office that underlie those convictions demonstrate that former Judge Waltman both failed to promote the integrity of the judiciary and engaged in conduct that constituted actual impropriety, thereby violating Canon 1, Rule 1.2.

COUNT 3 – Violation of Article V, §17(b) of the

Constitution of the Commonwealth of Pennsylvania (2 Counts)

17. By virtue of all or some of the conduct set forth in Counts 1 and 2 above, former Judge Waltman violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.
18. In pertinent part, Article V, § 17(b) provides:

Justices of the peace [magisterial district judges] shall be governed by rules or canons which shall be prescribed by the Supreme Court.

PA CONST. art. V, § 17(b).

19. A violation of any one of the RGSCMDJs is an automatic, derivative violation of Article V, § 17(b).
20. Former Judge Waltman violated Canon 1, Rule 1.1 (Count 1).
21. Former Judge Waltman violated Canon 1, Rule 1.2 (Count 2).
22. As a direct result of his violation of all or some of the Rules set forth above, Former Judge Waltman violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

**COUNT 4 – Violation of of Article V, §18(d)(1)
of the Constitution of the Commonwealth of Pennsylvania (2 Counts)**

23. By virtue of his convictions for federal felony crimes as described in Part A, former Judge Waltman violated Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.
24. In pertinent part, Article V, § 18(d)(1) provides:

A justice, judge, or justice of the peace may be suspended, removed from office or otherwise disciplined for conviction of a felony[...; and] conduct which . . . brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity or is prohibited by law[.]

PA. CONST. art. V, § 18(d)(1).

25. Because former Judge Waltman is now a convicted felon arising from criminal acts that took place during his term of judicial office, he has violated Article V, § 18(d)(1).
26. Further, as described above at Part A, former Judge Waltman's conduct of engaging in felonious criminal acts under the color of the authority granted to him by virtue of his judicial office constitutes conduct so extreme that it brought disrepute upon the judicial office itself.
27. As a result of all or some of the conduct set forth above at Part A, former Judge Waltman violated the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

WHEREFORE, John I. Waltman, former Magisterial District Judge of Bucks County, Pennsylvania, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

RICHARD W. LONG
Chief Counsel

DATE: July 16, 2019

By: 
JAMES P. KLEMAN, JR.
Deputy Counsel
Pa. Supreme Court ID No. 87637

Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 16-
v.	:	DATE FILED: December 13, 2016
JOHN I. WALTMAN	:	VIOLATIONS:
ROBERT P. HOOPES	:	18 U.S.C. § 1956(h) (conspiracy to commit
BERNARD T. RAFFERTY	:	money laundering – 1 count)
	:	18 U.S.C. § 1956(a)(3)
	:	(money laundering – 3 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

A. The Defendants

1. Defendant JOHN WALTMAN was Magisterial District Judge in Bucks County, Pennsylvania. WALTMAN was elected as a Bucks County Magisterial District Judge in 2011. Bucks County had 20 magisterial district courts comprising 20 judges and approximately 113 judicial clerks. Magisterial District courts were responsible for adjudicating all traffic and non-traffic citations as well as processing criminal and private criminal complaints, including arraignments and preliminary hearings, the handling of civil and landlord tenant complaints up to a jurisdictional limit of \$12,000, and parking violations.

2. Defendant ROBERT HOOPES had been the Director of Public Safety in Lower Southampton, Pennsylvania since February 10, 2016. In this position, HOOPES had authority

over all police, fire, and emergency operations in Lower Southampton Township. HOOPES previously operated a legal practice in the Doylestown, Pennsylvania area.

3. Defendant BERNARD RAFFERTY had been a Pennsylvania Deputy Constable in Bucks County since about 1998. Under Pennsylvania law, deputy constables were public officials who are appointed by elected constables. Constables and deputy constables were considered law enforcement officers in Pennsylvania and could execute arrest warrants, among other powers. RAFFERTY controlled RAFF'S CONSULTING LLC, a corporation registered with the Pennsylvania Department of State on May 30, 2011.

B. The Financial Institutions

4. Philadelphia Federal Credit Union ("PFCU") was a financial institution engaged in interstate commerce and insured by the National Credit Union Administration.

5. Customers Bank was a financial institution engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation.

THE CONSPIRACY

6. From in or about June 2015 to in or about November 2016, in the Eastern District of Pennsylvania, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES, and
BERNARD T. RAFFERTY,**

conspired and agreed, together and with persons known and unknown to the grand jury, to commit offenses under Title 18, United States Code, Sections 1956(a)(3) and 2, that is, to conduct, attempt to conduct, or aid and abet the conducting of, financial transactions involving property represented to them by undercover law enforcement officers and a cooperating witness ("CW"), working at the direction of federal officials, to be the proceeds of health care fraud,

illegal drug trafficking, and bank fraud, in violation of Title 18, United States Code, Section 1347, Title 21, United States Code, Section 841, and Title 18, United States Code, Section 1344, respectively, with the intent to conceal or disguise the nature, location, source, ownership, and control of property believed to be the proceeds of the specified unlawful activities.

MANNER AND MEANS

It was part of the conspiracy that:

7. Defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY conducted three money laundering transactions, totaling approximately \$400,000 in cash, which undercover law enforcement officers and a CW, working at the direction of federal officials, had represented to defendants WALTMAN, HOOPES, and RAFFERTY to be the proceeds of health care fraud and illegal drug trafficking. As a result of these three money laundering transactions, defendants WALTMAN, HOOPES, and RAFFERTY pocketed money laundering fees totaling approximately \$80,000 in cash.

8. To execute each money laundering transaction:

a. Defendant ROBERT P. HOOPES withdrew funds from his account at Customers Bank and provided the funds for deposit into RAFF's CONSULTING's account at PFCU. Defendant BERNARD T. RAFFERTY then obtained a check drawn on RAFF's CONSULTING's account at PFCU in an amount equal to 80% of the total amount of cash to be laundered for undercover law enforcement officers.

b. Defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY obtained bogus documents – including invoices to RAFF's CONSULTING, non-disclosure agreements, consulting agreements, zoning applications, land

surveys, and other sham documents, all of which provided a pretext for their money laundering – to be provided to undercover law enforcement officers.

c. Defendant ROBERT P. HOOPES drove an unmarked Lower Southampton Township Police Department car to an office building in Feasterville-Treose, Pennsylvania, carrying with him the check from RAFF's CONSULTING and the bogus documents. Undercover law enforcement officers arrived at this office building with a duffel bag full of at least \$100,000 in cash, which defendants WALTMAN, HOOPES, and RAFFERTY believed to be the proceeds of health care fraud and illegal drug trafficking.

d. Inside the office building, defendant HOOPES, whose Lower Southampton Township Police Department badge was visible on his belt during at least one money laundering transaction, exchanged the RAFF's CONSULTING check and the bogus documents for the cash from the undercover law enforcement officers. Meanwhile, defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY waited in defendant RAFFERTY's car, which was parked outside the office building.

e. After taking this cash from undercover law enforcement officers, defendant ROBERT P. HOOPES pocketed his agreed share of the money laundering fee. Defendant HOOPES then walked outside the office building and handed a bag of the remaining cash to defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY.

f. Defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY drove the cash in defendant RAFFERTY's car to PFCU's headquarters at 12800 Townsend Road, Philadelphia, Pennsylvania. After defendants WALTMAN and RAFFERTY each pocketed their agreed share of the money laundering fee, defendant RAFFERTY carried the remaining cash into PFCU's headquarters and deposited it into RAFF's CONSULTING's account.

9. In addition, defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY attempted to broker the sale of a bar located in the Feasterville-Treose, Pennsylvania area to undercover law enforcement officers, whom defendants WALTMAN, HOOPES, and RAFFERTY believed would use the bar to further launder proceeds from health care fraud and illegal drug trafficking. Defendants WALTMAN, HOOPES, and RAFFERTY required a broker's fee of at least 10% of the bar's sales price.

10. Moreover, defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY planned to obtain a sham default judgment in a Bucks County court and then fraudulently enforce the sham default judgment in order to obtain purported funds represented by undercover law enforcement officers to be bank fraud proceeds that had been frozen in an overseas account. Defendants WALTMAN, HOOPES, and RAFFERTY required a money laundering fee of one-third of the bank fraud proceeds that they successfully repatriated from overseas to the United States.

All in violation of Title 18, United States Code, 1956(h).

COUNTS TWO THROUGH FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 and 7 through 10 of Count One are incorporated here.
2. Defendants JOHN I. WALTMAN, ROBERT P. HOOPEES, and BERNARD T.

RAFFERTY conducted financial transactions involving property represented to them by undercover law enforcement officers and a cooperating witness (“CW”), working at the direction of federal officials, to be the proceeds of health care fraud and illegal drug trafficking, in violation of Title 18, United States Code, Section 1347, and Title 21, United States Code, Section 841, respectively.

3. On or about the dates set forth below, in the Eastern District of Pennsylvania, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPEES, and
BERNARD T. RAFFERTY,**

knowingly conducted, attempted to conduct, and aided and abetted the conducting of, the following financial transactions affecting interstate commerce:

COUNT	DATE	DESCRIPTION OF THE TRANSACTION
TWO	June 22, 2016	Defendants WALTMAN, HOOPEES, and RAFFERTY exchanged a check for \$80,000 drawn on RAFF’s CONSULTING’s account at PFCU for \$100,000 in cash, represented to them as proceeds of health care fraud. After taking a money laundering fee of \$20,000 in cash, defendants WALTMAN, HOOPEES, and RAFFERTY deposited \$80,000 in cash into RAFF’s CONSULTING’s account at PFCU.

THREE	July 6, 2016	Defendants WALTMAN, HOOPES, and RAFFERTY exchanged a check for \$160,000 drawn on RAFF's CONSULTING's account at PFCU for \$200,000 in cash, represented to them as proceeds of health care fraud. After taking a money laundering fee of \$40,000 in cash, defendants WALTMAN, HOOPES, and RAFFERTY deposited \$160,000 in cash into RAFF's CONSULTING's account at PFCU.
FOUR	August 24, 2016	Defendants WALTMAN, HOOPES, and RAFFERTY exchanged a check for \$80,000 drawn on RAFF's CONSULTING's account at PFCU for \$100,000 in cash, represented to them as proceeds of illegal drug trafficking. After taking a money laundering fee of \$20,000 in cash, defendants WALTMAN, HOOPES, and RAFFERTY deposited \$80,000 in cash into RAFF's CONSULTING's account at PFCU.

4. When conducting the financial transactions described in paragraph 3 above, defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY acted with the intent to conceal or disguise the nature, location, source, ownership, and control of property believed to be the proceeds of specified unlawful activities.

All in violation of Title 18, United States Code, Sections 1956(a)(3) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1956, set forth in this indictment, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES, and
BERNARD T. RAFFERTY**

shall forfeit to the United States of America any and all property involved in such offenses, and any property traceable to such property, including, but not limited to, the sum of \$80,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

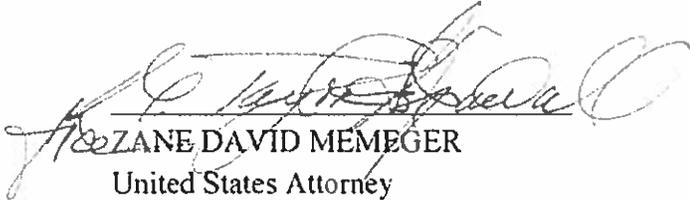
it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(1).

A TRUE BILL:

FOREPERSON



MAZANE DAVID MEMEGER
United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INDICTMENT

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar. 16cr509

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476

Post Office: Philadelphia

County: Philadelphia

City and State of Defendant: See Reverse Side, See Reverse Side

County: See Reverse Side

Register number: See Reverse Side

Place of accident, incident, or transaction: Eastern District of Pennsylvania

Post Office: Philadelphia, Pa

County: Philadelphia, Pa

RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same action or transaction, or in the same series of acts or transactions, constituting an offense or offenses?

YES/NO: No

Case Number: N.A

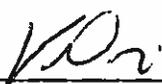
Judge: N/A

CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

- 1. Antitrust
- 2. Income Tax and other Tax Prosecutions
- 3. Commercial Mail Fraud
- 4. Controlled Substances
- 5. Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68) and Mail Fraud other than commercial
- 6. General Criminal

(U.S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED AND STATE ANY PREVIOUS CRIMINAL NUMBER FOR SPEEDY TRIAL ACT TRACKING PURPOSES)
18 U.S.C. § 1956(h) (conspiracy to commit money laundering – 1 count); 18 U.S.C. § 1956(a)(3) (money laundering – 3 counts); 18 U.S.C. § 2 (aiding and abetting); Notice of Forfeiture

DATE: 12/12/16



Vineet Gauri
Assistant United States Attorney

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 16-509-GEKP

v. : DATE FILED: August 1, 2017

JOHN I. WALTMAN : VIOLATIONS:

ROBERT P. HOOPES : 18 U.S.C. § 1956(h) (conspiracy to commit

BERNARD T. RAFFERTY : money laundering – 1 count)

KEVIN M. BIEDERMAN : 18 U.S.C. § 1956(a)(3) (money laundering

: – 3 counts)

: 18 U.S.C. §§ 1341 & 1346 (honest services

: wire fraud – 1 count)

: 18 U.S.C. §§ 1343 & 1346 (honest services

: mail fraud – 3 counts)

: 18 U.S.C. § 1951(a) (Hobbs Act extortion

: under color of official right – 1 count)

: 18 U.S.C. § 1512(b)(1) (witness tampering

: – 1 count)

: 18 U.S.C. § 215(a)(2) (bank bribery

: – 1 count)

: 18 U.S.C. § 2 (aiding and abetting)

: Notices of Forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

(Conspiracy to Commit Money Laundering)

THE GRAND JURY CHARGES THAT:

At all times material to this Superseding Indictment:

A. The Defendants

1. Defendant JOHN I. WALTMAN was a Magisterial District Judge in Bucks County, Pennsylvania, who presided over Bucks County District Court, Magisterial

District No. 07-01-06, located at 1500 Desire Avenue, Feasterville, Pennsylvania. Defendant WALTMAN was elected as a Bucks County Magisterial District Judge in 2011. Bucks County had 20 magisterial district courts comprising 20 judges and approximately 113 judicial clerks. Magisterial District courts were responsible for adjudicating all traffic and non-traffic citations as well as processing criminal and private criminal complaints, including arraignments and preliminary hearings, the handling of civil and landlord tenant complaints up to a jurisdictional limit of \$12,000, and parking violations.

2. Defendant ROBERT P. HOOPES had been the Director of Public Safety in Lower Southampton Township, Pennsylvania (“LST”) since February 10, 2016. In this position, defendant HOOPES had authority over all police, fire, and emergency operations in LST. Defendant HOOPES previously operated a legal practice in the Doylestown, Pennsylvania area.

3. Defendant BERNARD T. RAFFERTY had been a Pennsylvania Deputy Constable in Bucks County since about 1998. Under Pennsylvania law, deputy constables were public officials who are appointed by elected constables. Constables and deputy constables were considered law enforcement officers in Pennsylvania and could execute arrest warrants, among other powers. Defendant RAFFERTY controlled RAFF’S CONSULTING LLC, a corporation registered with the Pennsylvania Department of State on May 30, 2011.

4. Defendant KEVIN M. BIEDERMAN held the position of Business Development Manager at Philadelphia Federal Credit Union (“PFCU”) from about 2012 until about March 2016.

B. The Financial Institutions

5. PFCU was a financial institution engaged in interstate commerce and insured by the National Credit Union Administration.

6. Customers Bank was a financial institution engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation.

THE CONSPIRACY

7. From in or about June 2015 to in or about November 2016, in the Eastern District of Pennsylvania, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
BERNARD T. RAFFERTY, and
KEVIN M. BIEDERMAN**

conspired and agreed, together and with persons known and unknown to the grand jury, to commit offenses under Title 18, United States Code, Sections 1956(a)(3) and 2, that is, to conduct, attempt to conduct, and aid and abet the conducting of, financial transactions involving property represented to them by undercover law enforcement officers and a cooperating witness (“CW”), working at the direction of federal officials, to be the proceeds of health care fraud, illegal drug trafficking, and bank fraud, in violation of Title 18, United States Code, Section 1347, Title 21, United States Code, Section 841, and Title 18, United States Code, Section 1344, respectively, with the intent to conceal or disguise the nature, location, source, ownership, and control of property believed to be the proceeds of the specified unlawful activities.

MANNER AND MEANS

It was part of the conspiracy that:

8. Defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY conducted three money laundering transactions, totaling

approximately \$400,000 in cash, which undercover law enforcement officers and a CW, working at the direction of federal officials, had represented to defendants WALTMAN, HOOPES, and RAFFERTY to be the proceeds of health care fraud and illegal drug trafficking. As a result of these three money laundering transactions, defendants WALTMAN, HOOPES, and RAFFERTY pocketed money laundering fees totaling approximately \$80,000 in cash. Defendants WALTMAN, HOOPES, and RAFFERTY paid a small portion of these money laundering fees to defendant KEVIN M. BIEDERMAN, who prepared bogus documents for the money laundering transactions.

9. To execute each money laundering transaction:

a. Defendant ROBERT P. HOOPES withdrew funds from his account at Customers Bank and provided the funds for deposit into RAFF's CONSULTING's account at PFCU. Defendant BERNARD T. RAFFERTY then obtained a check drawn on RAFF's CONSULTING's account at PFCU in an amount equal to 80% of the total amount of cash to be laundered for undercover law enforcement officers.

b. At the direction of defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY, defendant KEVIN M. BIEDERMAN prepared bogus documents – including invoices to RAFF's CONSULTING, non-disclosure agreements, consulting agreements, zoning applications, land surveys, and other sham documents, all of which provided a pretext for the money laundering transactions – which defendant HOOPES provided to undercover law enforcement officers.

c. Defendant ROBERT P. HOOPES drove an unmarked LST Police Department car to an office building in Feasterville-Trevose, Pennsylvania, carrying with him the check from RAFF's CONSULTING and the bogus documents. Undercover law enforcement

officers arrived at this office building with a duffel bag full of at least \$100,000 in cash, which defendants JOHN I. WALTMAN, HOOPEs, and BERNARD T. RAFFERTY believed to be the proceeds of health care fraud and illegal drug trafficking.

d. Inside the office building, defendant ROBERT P. HOOPEs, whose LST Police Department badge was visible on his belt during at least one money laundering transaction, exchanged the RAFF's CONSULTING check and the bogus documents for the cash from the undercover law enforcement officers. Meanwhile, defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY waited in defendant RAFFERTY's car, which was parked outside the office building.

e. After taking this cash from undercover law enforcement officers, defendant ROBERT P. HOOPEs pocketed his agreed share of the money laundering fee. Defendant HOOPEs then walked outside the office building and handed a bag of the remaining cash to defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY.

f. Defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY drove the cash in defendant RAFFERTY's car to PFCU's headquarters at 12800 Townsend Road, Philadelphia, Pennsylvania. After defendants WALTMAN and RAFFERTY each pocketed their agreed share of the money laundering fee, defendant RAFFERTY carried the remaining cash into PFCU's headquarters and deposited it into RAFF's CONSULTING's account.

10. In addition, defendants JOHN I. WALTMAN, ROBERT P. HOOPEs, and BERNARD T. RAFFERTY attempted to broker the sale of a bar located in the Feasterville-Trevoze, Pennsylvania area to undercover law enforcement officers, whom defendants WALTMAN, HOOPEs, and RAFFERTY believed would use the bar to further launder proceeds

from health care fraud and illegal drug trafficking. Defendants WALTMAN, HOOPES, and RAFFERTY required a broker's fee of at least 10% of the bar's sales price.

11. Moreover, defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY planned to obtain a sham default judgment in a Bucks County court and then fraudulently enforce the sham default judgment in order to obtain purported funds represented by undercover law enforcement officers to be bank fraud proceeds that had been frozen in an overseas account. Defendants WALTMAN, HOOPES, and RAFFERTY required a money laundering fee of one-third of the bank fraud proceeds that they successfully repatriated from overseas to the United States.

All in violation of Title 18, United States Code, 1956(h).

COUNTS TWO THROUGH FOUR

(Money Laundering)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 11 of Count One are incorporated here.
2. Defendants JOHN I. WALTMAN, ROBERT P. HOOPES, BERNARD T. RAFFERTY, and KEVIN M. BIEDERMAN conducted financial transactions involving property represented to them by undercover law enforcement officers and a cooperating witness (“CW”), working at the direction of federal officials, to be the proceeds of health care fraud and illegal drug trafficking, in violation of Title 18, United States Code, Section 1347, and Title 21, United States Code, Section 841, respectively.
3. On or about the dates set forth below, in the Eastern District of Pennsylvania, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
BERNARD T. RAFFERTY, and
KEVIN M. BIEDERMAN**

knowingly conducted, attempted to conduct, and aided and abetted the conducting of, the following financial transactions affecting interstate commerce:

COUNT	DATE	DESCRIPTION OF THE TRANSACTION
TWO	June 22, 2016	Defendants WALTMAN, HOOPES, RAFFERTY, and BIEDERMAN exchanged a check for \$80,000 drawn on RAFF’s CONSULTING’s account at PFCU and bogus documents for \$100,000 in cash, represented to them as proceeds of health care fraud. After taking a money laundering fee of \$20,000 in cash, defendants WALTMAN, HOOPES, and RAFFERTY deposited \$80,000 in cash into RAFF’s CONSULTING’s account at PFCU.

THREE	July 6, 2016	Defendants WALTMAN, HOOPEs, RAFFERTY, and BIEDERMAN exchanged a check for \$160,000 drawn on RAFF's CONSULTING's account at PFCU and bogus documents for \$200,000 in cash, represented to them as proceeds of health care fraud. After taking a money laundering fee of \$40,000 in cash, defendants WALTMAN, HOOPEs, and RAFFERTY deposited \$160,000 in cash into RAFF's CONSULTING's account at PFCU.
FOUR	August 24, 2016	Defendants WALTMAN, HOOPEs, RAFFERTY, and BIEDERMAN exchanged a check for \$80,000 drawn on RAFF's CONSULTING's account at PFCU and bogus documents for \$100,000 in cash, represented to them as proceeds of illegal drug trafficking. After taking a money laundering fee of \$20,000 in cash, defendants WALTMAN, HOOPEs, and RAFFERTY deposited \$80,000 in cash into RAFF's CONSULTING's account at PFCU.

4. When conducting the financial transactions described in paragraph 3 above, defendants JOHN I. WALTMAN, ROBERT P. HOOPEs, BERNARD T. RAFFERTY, and KEVIN M. BIEDERMAN acted with the intent to conceal or disguise the nature, location, source, ownership, and control of property believed to be the proceeds of specified unlawful activities.

All in violation of Title 18, United States Code, Sections 1956(a)(3) and 2.

COUNT FIVE

(Honest Services Wire Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 11 of Count One are incorporated here.
2. At all times material to Count Five:
 - a. Bucks County, its citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court had an intangible right to the honest services of defendant JOHN I. WALTMAN. As a Magisterial District Judge in Bucks County, defendant WALTMAN owed Bucks County, its citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court a duty to, among other things, refrain from receiving bribes and kickbacks in exchange for defendant WALTMAN's official action and influence, and for violating his duties as a Magisterial District Judge.
 - b. Lower Southampton Township ("LST") and its citizens had an intangible right to the honest services of defendant ROBERT P. HOOPES. As the Director of Public Safety of LST, defendant HOOPES owed LST and its citizens a duty to, among other things, refrain from receiving bribes and kickbacks in exchange for defendant HOOPES' official action and influence, and for violating his duties as Director of Public Safety.
 - c. Bucks County, its citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court had an intangible right to the honest services of defendant BERNARD T. RAFFERTY. As a Deputy Constable in Bucks County, defendant RAFFERTY owed Bucks County, its citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court a duty to, among other things, refrain from receiving bribes

and kickbacks in exchange for defendant RAFFERTY's official action and influence, and for violating his duties as a Deputy Constable.

3. On or about September 30, 2016, the cooperating witness ("CW") met with defendants JOHN I. WALTMAN and ROBERT P. HOOPES and alerted them that an "associate" of an undercover law enforcement officer had been issued a traffic citation by the Pennsylvania State Police ("PSP"). Defendants WALTMAN and HOOPES reviewed the traffic citation and determined that the resulting traffic case would be within defendant WALTMAN's jurisdiction in Magisterial District No. 07-01-06. The CW offered \$1,000 in cash or "whatever it takes" for defendant WALTMAN to "fix" the traffic case for the "associate." In this meeting, defendants WALTMAN and HOOPES corruptly agreed to attempt to "fix" the traffic case for the "associate." In this meeting and in later conversations, the CW also discussed future money laundering fees and broker fees that could be paid to defendants WALTMAN and HOOPES if WALTMAN would "fix" the traffic case for the "associate."

THE SCHEME

4. From on or about September 30, 2016 through on or about November 3, 2016, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES, and
BERNARD T. RAFFERTY**

knowingly and intentionally devised and intended to devise a scheme and artifice to defraud and deprive through bribery the citizens of Bucks County and Lower Southampton Township, their citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court of their intangible right to the honest services of defendants WALTMAN, HOOPES, and RAFFERTY.

MANNER AND MEANS

It was part of the scheme to defraud that:

5. Defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY accepted a bribe of \$1,000 from a cooperating witness (“CW”), working at the direction of federal officials, and the promise of future money laundering fees and broker fees from undercover law enforcement officers, in exchange for defendants WALTMAN, HOOPES and RAFFERTY using their positions as public officials to “fix” the traffic case for the “associate.” Specifically, WALTMAN, HOOPES and RAFFERTY arranged to have WALTMAN, during court proceedings, dismiss the traffic citation issued to the “associate.”

6. To execute this scheme:

a. Defendant ROBERT P. HOOPES forged the purported signature of the “associate” on a paper copy of the traffic citation to plead not guilty and request a summary trial. Defendant JOHN I. WALTMAN then took possession of the paper copy of the traffic citation issued to the “associate.”

b. Defendants JOHN I. WALTMAN and ROBERT P. HOOPES selected Attorney #1, known to the grand jury, to represent the “associate” at the summary trial before defendant WALTMAN. Attorney #1 later designated Attorney #2, known to the grand jury, to represent the “associate” at the summary trial.

c. Defendants BERNARD T. RAFFERTY and ROBERT P. HOOPES provided status updates to the CW regarding whether PSP had electronically filed the traffic citation with the Magisterial District Court and the scheduling of a summary trial before defendant JOHN I. WALTMAN,

d. Defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY submitted to Magisterial District Court staff the paper copy of the traffic citation – carrying defendant ROBERT P. HOOPE'S forgery of the signature of the “associate” – to enter a plea of not guilty on behalf of the “associate” and to request a summary trial before defendant WALTMAN. Defendant RAFFERTY also submitted the \$50 court fee for the “associate.” In addition, defendant WALTMAN submitted the name of Attorney #1 as the attorney for the “associate.” As a result of these submissions by WALTMAN and RAFFERTY, Magisterial District Court staff mailed notices of the summary trial to the “associate,” PSP, and Attorney #1.

e. Defendants JOHN I. WALTMAN and ROBERT P. HOOPE'S provided assurances to the CW that defendant WALTMAN would dismiss the traffic citation issued to the “associate.” Further, defendants WALTMAN and HOOPE'S inquired with the CW when the next money laundering transactions with undercover law enforcement officers would take place, which would have resulted in additional money laundering fees for defendants WALTMAN, HOOPE'S, and RAFFERTY. Moreover, WALTMAN and HOOPE'S inquired with the CW whether the undercover law enforcement officers were going to purchase the bar located in the Feasterville-Trevo'se, Pennsylvania area, which would have resulted in broker's fees for WALTMAN, HOOPE'S, and RAFFERTY. The CW indicated to WALTMAN and HOOPE'S that the undercover law enforcement officers wanted to confirm that WALTMAN had “fixed” the traffic case for the “associate” before continuing such transactions with WALTMAN, HOOPE'S, and RAFFERTY.

f. Defendant ROBERT P. HOOPE'S collected the \$1,000 cash bribe from the CW in exchange for defendant JOHN I. WALTMAN “fixing” the traffic case on behalf of the “associate.”

g. Minutes before Attorney #2 walked into the courtroom for the summary trial for the “associate,” defendant ROBERT P. HOOPEES provided Attorney #2 with written instructions to make a particular argument that defendant JOHN I. WALTMAN would rely upon to dismiss the citation issued to the “associate.”

h. After presiding over the summary trial, defendant JOHN I. WALTMAN dismissed the traffic citation issued to the “associate” – over the objections of the PSP Trooper who issued the traffic citation – pursuant to the corrupt agreement to “fix” the traffic case. In dismissing the traffic citation, defendant WALTMAN relied on the specific argument that defendant ROBERT P. HOOPEES provided in written instructions to Attorney #2.

i. After the summary trial, defendant ROBERT P. HOOPEES sent a text message and called the CW to confirm that defendant JOHN I. WALTMAN had dismissed the traffic citation issued to the “associate” pursuant to the corrupt agreement to “fix” the traffic case. In addition, during this phone call, defendant HOOPEES again inquired with the CW as to when the next money laundering transactions with undercover law enforcement officers would take place.

THE WIRE

7. On or about October 5, 2016, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPEES, and
BERNARD T. RAFFERTY**

for the purpose of executing the scheme and artifice to defraud, attempting to do so, and aiding and abetting its execution, transmitted and caused to be transmitted in interstate commerce by means of wire communication the following writings, signs, signals, pictures, and sounds: a text

message from defendant HOOPES, in the Eastern District of Pennsylvania, to an undercover law enforcement officer, in New York, stating, “Anytime,” in response to the undercover law enforcement officer’s text message thanking defendants WALTMAN, HOOPES, and RAFFERTY for corruptly agreeing to “fix” the traffic case for the “associate,” and in anticipation of WALTMAN, HOOPES, and RAFFERTY receiving future money laundering fees and broker fees from undercover law enforcement officers.

In violation of Title 18, United States Code, Sections 1343, 1346, and 2.

COUNTS SIX THROUGH EIGHT

(Honest Services Mail Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 5, and 6 of Count Five are incorporated here.

THE MAILINGS

2. On or about the dates set forth below, in the Eastern District of Pennsylvania, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES, and
BERNARD T. RAFFERTY,**

for the purpose of executing the scheme and artifice to defraud described in the paragraphs incorporated in paragraph 1 of these Counts Six through Eight, attempting to do so, and aiding and abetting its execution, caused to be delivered by mail, according to the direction thereon, certain mail matter, as set forth below:

COUNT	DATE	DESCRIPTION OF WIRE TRANSMISSION OR MAILING
SIX	October 18, 2016	Mailing from Magisterial District No. 07-01-06 in Bucks County, Pennsylvania to the "associate" enclosing the notice of the summary trial, scheduled before defendant WALTMAN, regarding the traffic citation issued to the "associate"
SEVEN	October 18, 2016	Mailing from Magisterial District No. 07-01-06 in Bucks County, Pennsylvania to PSP enclosing the notice of the summary trial, scheduled before defendant WALTMAN, regarding the traffic citation issued to the "associate"

EIGHT	October 18, 2016	Mailing from Magisterial District No. 07-01-06 in Bucks County, Pennsylvania to Attorney #1 enclosing the notice of the summary trial, scheduled before defendant WALTMAN, regarding the traffic citation issued to the "associate"
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In violation of Title 18, United States Code, Sections 1341, 1346, and 2.

COUNT NINE

(Extortion under Color of Official Right)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 5, and 6 of Count Five are incorporated here.
2. From on or about September 30, 2016 through on or about November 3, 2016, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES, and
BERNARD T. RAFFERTY**

knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is, defendants WALTMAN, HOOPES, and RAFFERTY, while public officials, engaged in a course of conduct whereby WALTMAN, HOOPES, and RAFFERTY obtained, under color of official right, a bribe payment of \$1,000, and agreed to obtain future money laundering fees and broker fees from undercover law enforcement officers, which money was not due to WALTMAN, HOOPES, and RAFFERTY.

In violation of Title 18, United States Code, Sections 1951 and 2.

COUNT TEN

(Witness Tampering)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 5, and 6 of Count Five are incorporated here.
2. In or about January 2017, in the Eastern District of Pennsylvania,

defendant

ROBERT P. HOOPES,

knowingly attempted to corruptly persuade and engaged in misleading conduct toward Attorney #1, known to the grand jury, with the intent to influence the testimony of Attorney #1 in an official proceeding, that is, the federal grand jury, by advising Attorney #1 to lie and falsely testify to the federal grand jury that defendant HOOPES paid \$1,000 to Attorney #1 to represent the “associate” when HOOPES knew, in fact, that he did not pay this \$1,000 to Attorney #1.

In violation of Title 18, United States Code, Section 1512(b)(1).

COUNT ELEVEN

(Bank Bribery)

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 4, 2015, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

KEVIN M. BIEDERMAN,

an employee of Philadelphia Federal Credit Union (“PFCU”), a financial institution, corruptly solicited and demanded for the benefit of himself, and corruptly accepted and agreed to accept, approximately \$1,600 in United States currency, intending to be influenced and rewarded in connection with the business and transactions of PFCU, in that defendant BIEDERMAN offered and agreed to influence PFCU’s approval of a loan in exchange for the bribe.

All in violation of Title 18, United States Code, Section 215(a)(2).

NOTICE OF FORFEITURE No. 1

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1956, set forth in this Superseding Indictment, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
BERNARD T. RAFFERTY, and
KEVIN M. BIEDERMAN**

shall forfeit to the United States of America any and all property involved in such offenses, and any property traceable to such property, including, but not limited to, the sum of \$80,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):
- (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with, a third party;
 - (c) has been placed beyond the jurisdiction of the Court;
 - (d) has been substantially diminished in value; or
 - (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(1).

NOTICE OF FORFEITURE No. 2

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 1341, 1343, and 1951, set forth in this Superseding Indictment, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES, and
BERNARD T. RAFFERTY**

shall forfeit to the United States of America any and all property involved in such offenses, and any property traceable to such property, including, but not limited to, the sum of \$1,000.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- (f) cannot be located upon the exercise of due diligence;
- (g) has been transferred or sold to, or deposited with, a third party;
- (h) has been placed beyond the jurisdiction of the Court;
- (i) has been substantially diminished in value; or
- (j) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(1).

NOTICE OF FORFEITURE No. 3

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 215(a)(2), set forth in this Superseding Indictment, defendant

KEVIN M. BIEDERMAN

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this information, including but not limited to \$1,600.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):
- (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with, a third party;
 - (c) has been placed beyond the jurisdiction of the Court;
 - (d) has been substantially diminished in value; or
 - (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL:

FOREPERSON

LOUIS D. LAPPEN
Acting United States Attorney

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 16-509-GEKP
v.	:	DATE FILED: December 5, 2017
JOHN I. WALTMAN	:	VIOLATIONS:
ROBERT P. HOOPES	:	18 U.S.C. § 1956(h) (conspiracy to commit
BERNARD T. RAFFERTY	:	money laundering – 1 count)
KEVIN M. BIEDERMAN	:	18 U.S.C. § 1956(a)(3) (money laundering
	:	– 3 counts)
	:	18 U.S.C. §§ 1343 & 1346 (honest services
	:	wire fraud – 1 count)
	:	18 U.S.C. §§ 1341 & 1346 (honest services
	:	mail fraud – 3 counts)
	:	18 U.S.C. § 1951(a) (Hobbs Act extortion
	:	– 6 counts)
	:	18 U.S.C. § 1512(b)(1) (witness tampering
	:	– 1 count)
	:	18 U.S.C. § 215(a)(2) (bank bribery
	:	– 1 count)
	:	18 U.S.C. § 1952 (Travel Act – 3 counts)
	:	18 U.S.C. §§ 1343 & 1349 (wire fraud –
	:	2 counts)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notices of Forfeiture

SECOND SUPERSEDING INDICTMENT

COUNT ONE
(Conspiracy to Commit Money Laundering)

THE GRAND JURY CHARGES THAT:

At all times material to this Superseding Indictment:

A. The Defendants

1. Defendant JOHN I. WALTMAN was a Magisterial District Judge in Bucks County, Pennsylvania, who presided over Bucks County District Court, Magisterial District No. 07-01-06, located at 1500 Desire Avenue, Feasterville, Pennsylvania. Defendant WALTMAN was appointed as a Bucks County Magisterial District Judge in October 2010 and was elected in November 2011 to a six-year term in that position, which began in January 2012. During this time frame, Bucks County had 20 magisterial district courts comprising 20 judges and approximately 113 judicial clerks. Magisterial District courts were responsible for adjudicating all traffic and non-traffic citations as well as processing criminal and private criminal complaints, including arraignments and preliminary hearings, the handling of civil and landlord tenant complaints up to a jurisdictional limit of \$12,000, and parking violations.

2. Defendant ROBERT P. HOOPES had been the Director of Public Safety in Lower Southampton Township, Pennsylvania (“LST”) since February 10, 2016. In this position, defendant HOOPES had authority over all police, fire, and emergency operations in LST. Defendant HOOPES previously operated a legal practice in the Doylestown, Pennsylvania area.

3. Defendant BERNARD T. RAFFERTY had been a Pennsylvania Deputy Constable in Bucks County since about 1998. Under Pennsylvania law, deputy constables were public officials who are appointed by elected constables. Constables and deputy constables were considered law enforcement officers in Pennsylvania and could execute arrest warrants, among

other powers. Defendant RAFFERTY controlled RAFF'S CONSULTING LLC, a corporation registered with the Pennsylvania Department of State on May 30, 2011.

4. Defendant KEVIN M. BIEDERMAN held the position of Business Development Manager at Philadelphia Federal Credit Union ("PFCU") from about 2012 until about March 2016.

B. The Financial Institutions

5. PFCU was a financial institution engaged in interstate commerce and insured by the National Credit Union Administration.

6. Customers Bank was a financial institution engaged in interstate commerce and insured by the Federal Deposit Insurance Corporation.

THE CONSPIRACY

7. From in or about June 2015 to in or about November 2016, in the Eastern District of Pennsylvania, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
BERNARD T. RAFFERTY,
and
KEVIN M. BIEDERMAN**

conspired and agreed, together and with persons known and unknown to the grand jury, to commit offenses under Title 18, United States Code, Sections 1956(a)(3) and 2, that is, to conduct, attempt to conduct, and aid and abet the conducting of, financial transactions involving property represented to them by undercover law enforcement officers and a cooperating witness ("CW"), working at the direction of federal officials, to be the proceeds of health care fraud, illegal drug trafficking, and bank fraud, in violation of Title 18, United States Code, Section 1347, Title 21, United States Code, Section 841, and Title 18, United States Code, Section 1344,

respectively, with the intent to conceal or disguise the nature, location, source, ownership, and control of property believed to be the proceeds of the specified unlawful activities.

MANNER AND MEANS

It was part of the conspiracy that:

8. Defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY conducted three money laundering transactions, totaling approximately \$400,000 in cash, which undercover law enforcement officers and a CW, working at the direction of federal officials, had represented to defendants WALTMAN, HOOPES, and RAFFERTY to be the proceeds of health care fraud and illegal drug trafficking. As a result of these three money laundering transactions, defendants WALTMAN, HOOPES, and RAFFERTY pocketed money laundering fees totaling approximately \$80,000 in cash. Defendants WALTMAN, HOOPES, and RAFFERTY paid a small portion of these money laundering fees to defendant KEVIN M. BIEDERMAN, who prepared bogus documents for the money laundering transactions.

9. To execute each money laundering transaction:

a. Defendant ROBERT P. HOOPES withdrew funds from his account at Customers Bank and provided the funds for deposit into RAFF's CONSULTING's account at PFCU. Defendant BERNARD T. RAFFERTY then obtained a check drawn on RAFF's CONSULTING's account at PFCU in an amount equal to 80% of the total amount of cash to be laundered for undercover law enforcement officers.

b. At the direction of defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY, defendant KEVIN M. BIEDERMAN prepared bogus documents – including invoices to RAFF's CONSULTING, non-disclosure agreements,

consulting agreements, zoning applications, land surveys, and other sham documents, all of which provided a pretext for the money laundering transactions – which defendant HOOPES provided to undercover law enforcement officers.

c. Defendant ROBERT P. HOOPES drove an unmarked LST Police Department car to an office building in Feasterville-Trevose, Pennsylvania, carrying with him the check from RAFF's CONSULTING and the bogus documents. Undercover law enforcement officers arrived at this office building with a duffel bag full of at least \$100,000 in cash, which defendants JOHN I. WALTMAN, HOOPES, and BERNARD T. RAFFERTY believed to be the proceeds of health care fraud and illegal drug trafficking.

d. Inside the office building, defendant ROBERT P. HOOPES, whose LST Police Department badge was visible on his belt during at least one money laundering transaction, exchanged the RAFF's CONSULTING check and the bogus documents for the cash from the undercover law enforcement officers. Meanwhile, defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY waited in defendant RAFFERTY's car, which was parked outside the office building.

e. After taking this cash from undercover law enforcement officers, defendant ROBERT P. HOOPES pocketed his agreed share of the money laundering fee. Defendant HOOPES then walked outside the office building and handed a bag of the remaining cash to defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY.

f. Defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY drove the cash in defendant RAFFERTY's car to PFCU's headquarters at 12800 Townsend Road, Philadelphia, Pennsylvania. After defendants WALTMAN and RAFFERTY each pocketed their agreed share of the money laundering fee, defendant RAFFERTY carried the

remaining cash into PFCU's headquarters and deposited it into RAFF's CONSULTING's account.

10. In addition, defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY attempted to broker the sale of a bar located in the Feasterville-Trevose, Pennsylvania area to undercover law enforcement officers, whom defendants WALTMAN, HOOPES, and RAFFERTY believed would use the bar to further launder proceeds from health care fraud and illegal drug trafficking. Defendants WALTMAN, HOOPES, and RAFFERTY required a broker's fee of at least 10% of the bar's sales price.

11. Moreover, defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY planned to obtain a sham default judgment in a Bucks County court and then fraudulently enforce the sham default judgment in order to obtain purported funds represented by undercover law enforcement officers to be bank fraud proceeds that had been frozen in an overseas account. Defendants WALTMAN, HOOPES, and RAFFERTY required a money laundering fee of one-third of the bank fraud proceeds that they successfully repatriated from overseas to the United States.

All in violation of Title 18, United States Code, 1956(h).

COUNTS TWO THROUGH FOUR
(Money Laundering)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 11 of Count One are incorporated here.
2. Defendants JOHN I. WALTMAN, ROBERT P. HOOPES, BERNARD T. RAFFERTY, and KEVIN M. BIEDERMAN conducted financial transactions involving property represented to them by undercover law enforcement officers and a cooperating witness (“CW”), working at the direction of federal officials, to be the proceeds of health care fraud and illegal drug trafficking, in violation of Title 18, United States Code, Section 1347, and Title 21, United States Code, Section 841, respectively.
3. On or about the dates set forth below, in the Eastern District of Pennsylvania, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
BERNARD T. RAFFERTY,
and
KEVIN M. BIEDERMAN**

knowingly conducted, attempted to conduct, and aided and abetted the conducting of, the following financial transactions affecting interstate commerce:

COUNT	DATE	DESCRIPTION OF THE TRANSACTION
TWO	June 22, 2016	Defendants WALTMAN, HOOPES, RAFFERTY, and BIEDERMAN exchanged a check for \$80,000 drawn on RAFF’s CONSULTING’s account at PFCU and bogus documents for \$100,000 in cash, represented to them as proceeds of health care fraud. After taking a money laundering fee of \$20,000 in cash, defendants WALTMAN, HOOPES, and RAFFERTY deposited \$80,000 in cash into RAFF’s CONSULTING’s account at PFCU.

THREE	July 6, 2016	Defendants WALTMAN, HOOPES, RAFFERTY, and BIEDERMAN exchanged a check for \$160,000 drawn on RAFF's CONSULTING's account at PFCU and bogus documents for \$200,000 in cash, represented to them as proceeds of health care fraud. After taking a money laundering fee of \$40,000 in cash, defendants WALTMAN, HOOPES, and RAFFERTY deposited \$160,000 in cash into RAFF's CONSULTING's account at PFCU.
FOUR	August 24, 2016	Defendants WALTMAN, HOOPES, RAFFERTY, and BIEDERMAN exchanged a check for \$80,000 drawn on RAFF's CONSULTING's account at PFCU and bogus documents for \$100,000 in cash, represented to them as proceeds of illegal drug trafficking. After taking a money laundering fee of \$20,000 in cash, defendants WALTMAN, HOOPES, and RAFFERTY deposited \$80,000 in cash into RAFF's CONSULTING's account at PFCU.

4. When conducting the financial transactions described in paragraph 3 above, defendants JOHN I. WALTMAN, ROBERT P. HOOPES, BERNARD T. RAFFERTY, and KEVIN M. BIEDERMAN acted with the intent to conceal or disguise the nature, location, source, ownership, and control of property believed to be the proceeds of specified unlawful activities.

All in violation of Title 18, United States Code, Sections 1956(a)(3) and 2.

COUNT FIVE
(Honest Services Wire Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6 and 8 through 11 of Count One are incorporated here.
2. At all times material to Count Five:
 - a. Bucks County, its citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court had an intangible right to the honest services of defendant JOHN I. WALTMAN. As a Magisterial District Judge in Bucks County, defendant WALTMAN owed Bucks County, its citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court a duty to, among other things, refrain from receiving bribes and kickbacks in exchange for WALTMAN's official action and influence, and for violating his duties as a Magisterial District Judge. Moreover, under Pennsylvania's Code of Judicial Conduct ("CJC"), defendant WALTMAN had a legal duty to, among other things: (1) comply with the law, including the CJC; (2) not abuse the prestige of judicial office to advance his or others' personal or economic interests, or allow others to do so; (3) uphold and apply the law, and perform all duties of judicial office fairly and impartially; (4) not permit financial interests to influence his judicial conduct or judgment; (5) not convey or permit others to convey the impression that anyone was in a position to influence him; (6) not initiate, permit, or consider ex parte communications concerning a pending or impending matter; (7) not make pledges, promises, or commitments in cases that are inconsistent with the impartial performance of the adjudicative duties of his judicial office; (8) not participate in activities that would reasonably appear to undermine his independence, integrity, or impartiality; (9) engage in conduct that would reasonably appear to be coercive; (10) not consult with an executive or legislative body;

and (11) not accept any gifts, loans, benefits, or other things of value, if acceptance is prohibited by law or would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

b. Lower Southampton Township ("LST") and its citizens had an intangible right to the honest services of defendant ROBERT P. HOOPES. As the Director of Public Safety of LST, defendant HOOPES owed LST and its citizens a duty to, among other things, refrain from receiving bribes and kickbacks in exchange for defendant HOOPES' official action and influence, and for violating his duties as Director of Public Safety.

c. Bucks County, its citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court had an intangible right to the honest services of defendant BERNARD T. RAFFERTY. As a Deputy Constable in Bucks County, defendant RAFFERTY owed Bucks County, its citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court a duty to, among other things, refrain from receiving bribes and kickbacks in exchange for defendant RAFFERTY's official action and influence, and for violating his duties as a Deputy Constable.

3. On or about September 30, 2016, the cooperating witness ("CW") met with defendants JOHN I. WALTMAN and ROBERT P. HOOPES and alerted them that an "associate" of an undercover law enforcement officer had been issued a traffic citation by the Pennsylvania State Police ("PSP"). Defendants WALTMAN and HOOPES reviewed the traffic citation and determined that the resulting traffic case would be within defendant WALTMAN's jurisdiction in Magisterial District No. 07-01-06. The CW offered \$1,000 in cash or "whatever it takes" for defendant WALTMAN to "fix" the traffic case for the "associate." In this meeting, defendants WALTMAN and HOOPES corruptly agreed to attempt to "fix" the traffic case for

the “associate.” In this meeting and in later conversations, the CW also discussed future money laundering fees and broker fees that could be paid to defendants WALTMAN and HOOPES if WALTMAN would “fix” the traffic case for the “associate.”

THE SCHEME

4. From on or about September 30, 2016 through on or about November 3, 2016, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
and
BERNARD T. RAFFERTY**

knowingly and intentionally devised and intended to devise a scheme and artifice to defraud and deprive through bribery the citizens of Bucks County and Lower Southampton Township, their citizens, Magisterial District No. 07-01-06, and the litigants of Magisterial District Court of their intangible right to the honest services of defendants WALTMAN, HOOPES, and RAFFERTY.

MANNER AND MEANS

It was part of the scheme to defraud that:

5. Defendants JOHN I. WALTMAN, ROBERT P. HOOPES, and BERNARD T. RAFFERTY accepted a bribe of \$1,000 from a cooperating witness (“CW”), working at the direction of federal officials, and the promise of future money laundering fees and broker fees from undercover law enforcement officers, in exchange for defendants WALTMAN, HOOPES and RAFFERTY using their positions as public officials to “fix” the traffic case for the “associate.” Specifically, WALTMAN, HOOPES and RAFFERTY arranged to have WALTMAN, during court proceedings, dismiss the traffic citation issued to the “associate.”

6. To execute this scheme:

a. Defendant ROBERT P. HOOPES forged the purported signature of the “associate” on a paper copy of the traffic citation to plead not guilty and request a summary trial. Defendant JOHN I. WALTMAN then took possession of the paper copy of the traffic citation issued to the “associate.”

b. Defendants JOHN I. WALTMAN and ROBERT P. HOOPES selected Attorney #1, known to the grand jury, to represent the “associate” at the summary trial before defendant WALTMAN. Attorney #1 later designated Attorney #2, known to the grand jury, to represent the “associate” at the summary trial.

c. Defendants BERNARD T. RAFFERTY and ROBERT P. HOOPES provided status updates to the CW regarding whether PSP had electronically filed the traffic citation with the Magisterial District Court and the scheduling of a summary trial before defendant JOHN I. WALTMAN.

d. Defendants JOHN I. WALTMAN and BERNARD T. RAFFERTY submitted to Magisterial District Court staff the paper copy of the traffic citation – carrying defendant ROBERT P. HOOPES’s forgery of the signature of the “associate” – to enter a plea of not guilty on behalf of the “associate” and to request a summary trial before defendant WALTMAN. Defendant RAFFERTY also submitted the \$50 court fee for the “associate.” In addition, defendant WALTMAN submitted the name of Attorney #1 as the attorney for the “associate.” As a result of these submissions by WALTMAN and RAFFERTY, Magisterial District Court staff mailed notices of the summary trial to the “associate,” PSP, and Attorney #1.

e. Defendants JOHN I. WALTMAN and ROBERT P. HOOPES provided assurances to the CW that defendant WALTMAN would dismiss the traffic citation issued to the “associate.” Further, defendants WALTMAN and HOOPES inquired with the CW

when the next money laundering transactions with undercover law enforcement officers would take place, which would have resulted in additional money laundering fees for defendants WALTMAN, HOOPES, and RAFFERTY. Moreover, WALTMAN and HOOPES inquired with the CW whether the undercover law enforcement officers were going to purchase the bar located in the Feasterville-Trevese, Pennsylvania area, which would have resulted in broker's fees for WALTMAN, HOOPES, and RAFFERTY. The CW indicated to WALTMAN and HOOPES that the undercover law enforcement officers wanted to confirm that WALTMAN had "fixed" the traffic case for the "associate" before continuing such transactions with WALTMAN, HOOPES, and RAFFERTY.

f. Defendant ROBERT P. HOOPES collected the \$1,000 cash bribe from the CW in exchange for defendant JOHN I. WALTMAN "fixing" the traffic case on behalf of the "associate."

g. Minutes before Attorney #2 walked into the courtroom for the summary trial for the "associate," defendant ROBERT P. HOOPES provided Attorney #2 with written instructions to make a particular argument that defendant JOHN I. WALTMAN would rely upon to dismiss the citation issued to the "associate."

h. After presiding over the summary trial, defendant JOHN I. WALTMAN dismissed the traffic citation issued to the "associate" – over the objections of the PSP Trooper who issued the traffic citation – pursuant to the corrupt agreement to "fix" the traffic case. In dismissing the traffic citation, defendant WALTMAN relied on the specific argument that defendant ROBERT P. HOOPES provided in written instructions to Attorney #2.

i. After the summary trial, defendant ROBERT P. HOOPES sent a text message and called the CW to confirm that defendant JOHN I. WALTMAN had dismissed

the traffic citation issued to the “associate” pursuant to the corrupt agreement to “fix” the traffic case. In addition, during this phone call, defendant HOOPES again inquired with the CW as to when the next money laundering transactions with undercover law enforcement officers would take place.

THE WIRE

7. On or about October 5, 2016, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
and
BERNARD T. RAFFERTY**

for the purpose of executing the scheme and artifice to defraud, attempting to do so, and aiding and abetting its execution, transmitted and caused to be transmitted in interstate commerce by means of wire communication the following writings, signs, signals, pictures, and sounds: a text message from defendant HOOPES, in the Eastern District of Pennsylvania, to an undercover law enforcement officer, in New York, stating, “Anytime,” in response to the undercover law enforcement officer’s text message thanking defendants WALTMAN, HOOPES, and RAFFERTY for corruptly agreeing to “fix” the traffic case for the “associate,” and in anticipation of WALTMAN, HOOPES, and RAFFERTY receiving future money laundering fees and broker fees from undercover law enforcement officers.

In violation of Title 18, United States Code, Sections 1343, 1346, and 2.

COUNTS SIX THROUGH EIGHT
(Honest Services Mail Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 5, and 6 of Count Five are incorporated here.

THE MAILINGS

2. On or about the dates set forth below, in the Eastern District of Pennsylvania, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
and
BERNARD T. RAFFERTY,**

for the purpose of executing the scheme and artifice to defraud described in the paragraphs incorporated in paragraph 1 of these Counts Six through Eight, attempting to do so, and aiding and abetting its execution, caused to be delivered by mail, according to the direction thereon, certain mail matter, as set forth below:

COUNT	DATE	DESCRIPTION OF WIRE TRANSMISSION OR MAILING
SIX	October 18, 2016	Mailing from Magisterial District No. 07-01-06 in Bucks County, Pennsylvania to the "associate" enclosing notice of the summary trial, scheduled before defendant WALTMAN, regarding the traffic citation issued to the "associate"
SEVEN	October 18, 2016	Mailing from Magisterial District No. 07-01-06 in Bucks County, Pennsylvania to PSP enclosing notice of the summary trial, scheduled before defendant WALTMAN, regarding the traffic citation issued to the "associate"
EIGHT	October 18, 2016	Mailing from Magisterial District No. 07-01-06 in Bucks County, Pennsylvania to Attorney #1 enclosing notice of the summary trial, scheduled before defendant WALTMAN, regarding the traffic citation issued to the "associate"

In violation of Title 18, United States Code, Sections 1341, 1346, and 2.

COUNT NINE
(Hobbs Act Extortion under Color of Official Right)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 5, and 6 of Count Five are incorporated here.
2. From on or about September 30, 2016 through on or about November 3, 2016, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
and
BERNARD T. RAFFERTY**

knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by extortion, as those terms are defined in Title 18, United States Code, Section 1951, and aided and abetted that conduct; that is, defendants WALTMAN, HOOPES, and RAFFERTY, while public officials, engaged in a course of conduct whereby WALTMAN, HOOPES, and RAFFERTY obtained, under color of official right, a bribe payment of \$1,000, and agreed to obtain future money laundering fees and broker fees from undercover law enforcement officers, which money was not due to WALTMAN, HOOPES, and RAFFERTY.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT TEN
(Witness Tampering)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, 5, and 6 of Count Five are incorporated here.
2. In or about January 2017, in the Eastern District of Pennsylvania,

defendant

ROBERT P. HOOPES

knowingly attempted to corruptly persuade and engaged in misleading conduct toward Attorney #1, known to the grand jury, with the intent to influence the testimony of Attorney #1 in an official proceeding, that is, the federal grand jury, by advising Attorney #1 to lie and falsely testify to the federal grand jury that defendant HOOPES paid \$1,000 to Attorney #1 to represent the “associate” when HOOPES knew, in fact, that he did not pay this \$1,000 to Attorney #1.

In violation of Title 18, United States Code, Section 1512(b)(1).

COUNT ELEVEN
(Bank Bribery)

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 4, 2015, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

KEVIN M. BIEDERMAN,

an employee of Philadelphia Federal Credit Union (“PFCU”), a financial institution, corruptly solicited and demanded for the benefit of himself, and corruptly accepted and agreed to accept, approximately \$1,600 in United States currency, intending to be influenced and rewarded in connection with the business and transactions of PFCU, in that defendant BIEDERMAN offered and agreed to influence PFCU’s approval of a loan in exchange for the bribe.

All in violation of Title 18, United States Code, Section 215(a)(2).

COUNT TWELVE
(Hobbs Act Extortion Under Color of Official Right)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One and Paragraph 2.a. of Count Five are incorporated here.
2. At all times relevant to Count Twelve:
 - a. As the Magisterial District Judge in Bucks County and the former chair of the Lower Southampton Republican Committee, defendant JOHN I. WALTMAN had actual and perceived influence over actions taken by and on behalf of LST by LST's Board of Supervisors, Solicitor, officers, and/or employees.
 - b. Business Owner #1 operated an engineering and land surveying firm, located in Bucks County, that was engaged in and affecting interstate commerce. Business Owner #1's firm frequently performed engineering and surveying work for LST.
 - c. In or about the summer of 2014, defendant JOHN I. WALTMAN visited Business Owner #1's engineering and land surveying firm and extorted Business Owner #1 for approximately \$2,000, which defendant WALTMAN collected the following day.
 - d. In or about the summer of 2015, defendant JOHN I. WALTMAN visited Business Owner #1's engineering and land surveying firm and extorted Business Owner #1 for approximately \$2,000, which defendant WALTMAN collected the following day.

3. From in or about June 2014 to in or about August 2015, in the Eastern District of Pennsylvania, defendant

JOHN I. WALTMAN

knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is, defendant WALTMAN, while a public official, engaged in a course of conduct whereby WALTMAN obtained, under color of official right, payments of \$4,000 from Business Owner #1, which money was not due to WALTMAN.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT THIRTEEN
(Hobbs Act Extortion Under Color of Official Right)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 2.a. of Count Twelve are incorporated here.
2. At all times relevant to Count Thirteen:
 - a. As the incoming Director of Public Safety of LST, defendant ROBERT P. HOOPES had actual and perceived influence over actions taken by and on behalf of LST by LST's Board of Supervisors, Solicitor, officers, and/or employees.
 - b. Person #1 was a resident of Philadelphia who was engaged in interstate commerce.
 - c. In or about August 2015, defendants JOHN I. WALTMAN and ROBERT P. HOOPES, in anticipation of defendant HOOPES becoming LST's new Director of Public Safety, offered Person #1 a new towing contract with LST to replace one of the towing companies that then did business with LST. Defendants WALTMAN and HOOPES instructed Person #1 to pay WALTMAN and HOOPES a "kickback" of Person #1's towing income.
3. In or about August 2015, in the Eastern District of Pennsylvania, defendants

JOHN I. WALTMAN
and
ROBERT P. HOOPES

knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by extortion, as those terms are defined in Title 18, United States Code, Section 1951, and aided and abetted that conduct; that is, defendants WALTMAN and HOOPES, while a public official and incoming public official, respectively, engaged in a course of conduct whereby WALTMAN and HOOPES attempted to

obtain, under color of official right, payments from Person #1, which money was not due to WALTMAN and HOOPES.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FOURTEEN
(Hobbs Act Extortion Under Color of Official Right)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 2.a. of Count Twelve are incorporated here.
2. At all times relevant to Count Fourteen:
 - a. Business Owner #2 was a resident of Bucks County who was engaged in interstate commerce.
 - b. Business Owner #3 has owned and operated several businesses in or around Bucks County that were engaged in and affected interstate commerce.
 - c. In or about October 2015, in defendant JOHN I. WALTMAN's chambers at the Bucks County District Court, defendant WALTMAN met with Business Owner #2 and Business Owner #3. In this meeting, defendant WALTMAN stated that he would grant Business Owner #2 a new towing contract with LST to replace one of the towing companies that then did business with LST. Defendant WALTMAN instructed Business Owner #2 to pay WALTMAN a "kickback" of approximately 25% of Business Owner #2's towing income. In addition, WALTMAN instructed Business Owner #2 to place this new towing company in the name of Business Owner #3, for which Business Owner #2 would pay approximately \$25,000 to Business Owner #3.
3. In or about October 2015, in the Eastern District of Pennsylvania, defendant

JOHN I. WALTMAN

knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by extortion, as those terms are defined in Title 18, United States Code, Section 1951; that is, defendant WALTMAN, while a public

official, engaged in a course of conduct whereby WALTMAN attempted to obtain, under color of official right, payments from Business Owner #2, which money was not due to WALTMAN.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT FIFTEEN
(Hobbs Act Extortion Under Color of Official Right)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 2.a. of Count Twelve and Paragraph 2.a. of Count Thirteen are incorporated here.
2. At all times relevant to Count Fifteen:
 - a. Business Owner #4 led an investment firm, headquartered in Florida, that was engaged in and affecting interstate commerce. Business Owner #4 investment firm owned commercial property in LST which it wanted to redevelop.
 - b. From in or about July 2014 to in or about July 2015, defendants JOHN I. WALTMAN and ROBERT P. HOOPES extorted Business Owner #4 to have Business Owner #4's firm sell its commercial property in LST to a specific buyer in order for Business Owner #4's firm to avoid zoning and/or regulatory obstacles in LST for any redevelopment of Business Owner #4's firm's commercial property.
3. From in or about July 2014 to in or about July 2015, in the Eastern District of Pennsylvania, defendants

JOHN I. WALTMAN
and
ROBERT P. HOOPES

knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by extortion, as those terms are defined in Title 18, United States Code, Section 1951, and aided and abetted that conduct; that is, defendants WALTMAN and HOOPES, while a public official and incoming public official, respectively, engaged in a course of conduct whereby WALTMAN and HOOPES attempted to

obtain, under color of official right, payments and property from Business Owner #4, which money and property were not due to WALTMAN and HOOPES.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNTS SIXTEEN THROUGH EIGHTEEN
**(Use of Interstate Facilities to Promote
and Facilitate Bribery Contrary to Pennsylvania Law)**

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 and 2 of Count One and Paragraphs 1 and 2.a. of Count Twelve are incorporated here.

2. At all times relevant to Counts Sixteen through Eighteen:

a. As Public Safety Director of LST, defendant ROBERT P.

HOOPEES had actual and perceived influence over actions taken by and on behalf of LST by LST's Board of Supervisors, Solicitor, officers, and employees.

b. Solicitor #1 was an attorney who practiced in the fields of municipal law, land use, and zoning at a law firm with offices in Bucks County and Montgomery County, Pennsylvania. From in or about January 2014 through in or about December 2016, Solicitor #1 also served as the Solicitor in LST, a Second Class Township under Pennsylvania law. As LST's chief legal adviser, Solicitor #1 had actual and perceived authority over legal matters in LST and had actual and perceived influence over actions taken by and on behalf of LST by LST's Board of Supervisors, officers, and employees. The Commonwealth of Pennsylvania's Second Class Township Code, P.L. 103, No. 69, 53 P.S. § 65101, *et. seq.* provided, in pertinent part: "The township solicitor, when directed or requested to do so, shall prepare or approve any bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the township may be a party. The township solicitor shall ... do every professional act incident to the office which the township solicitor may be authorized or required to do by the board of supervisors or by any resolution. The township solicitor shall furnish the board of supervisors, upon request, with an opinion in writing upon any question of law."

c. Salesman #1 was a vice president of an outdoor advertising company headquartered in Delaware County, Pennsylvania (“Company #1”).

d. Person #2 was a Bucks County businessman and an associate of defendant WALTMAN and Salesman #1.

Company #1’s Efforts to Place a Two-Sided Digital Billboard in LST

3. Beginning in at least March 2016, Salesman #1 and Company #1 (through its subsidiary) were seeking to place a two-sided digital advertising billboard in LST’s Russell Elliott Memorial Park. On or about May 6, 2016, Salesman #1 sent a term sheet to Solicitor #1 in which Company #1 offered LST annual payments of \$48,000 over a lease term of approximately 30 years for Company #1’s rights to construct the billboard in Russell Elliott Memorial Park.

4. In or about May 2016, Solicitor #1 and LST’s Board of Supervisors and officers agreed that Company #1’s offer of \$48,000 per year was too low. Specifically, they agreed that Company #1’s offer should at least approach \$68,000 per year, which was the lease rate that LST was then receiving from another company for a one-sided digital advertising billboard in LST. Further, Solicitor #1 and LST’s Board of Supervisors and officers discussed using lease revenues from Company #1’s proposed billboard for both capital improvements to LST’s municipal parks and LST’s general funds.

5. On or about November 8, 2016, Salesman #1 sent a revised term sheet to Solicitor #1 in which Company #1 increased its offer to LST to annual payments of \$60,000 over

a lease term of approximately 30 years for Company #1's proposed billboard in Russell Elliott Memorial Park.

Formation of the Unlawful Bribery Arrangement

6. From at least in or about November 8, 2016 to in or about December 16, 2016, defendants JOHN I. WALTMAN and ROBERT P. HOOPES solicited and entered into an unlawful arrangement with Salesman #1 pursuant to which defendants WALTMAN and HOOPES would solicit, accept, and agree to accept concealed bribe payments – through RAFF's CONSULTING – from Company #1 and, as consideration and in exchange for these bribe payments, defendants WALTMAN and HOOPES would reciprocate by agreeing to influence actions taken by and on behalf of LST's Board of Supervisors, LST's officers, and Solicitor #1 to accept Company #1's lease offer for Company #1's proposed billboard in LST's Russell Elliott Memorial Park.

7. Specifically, on or about November 8, 2016, Salesman #1 asked defendant ROBERT P. HOOPES if someone could influence LST's Board of Supervisors to take a favorable view of Company #1's increased lease offer of \$60,000 per year for Company #1's proposed billboard. Defendant HOOPES stated, "Yeah, I can do that," and "I'll make it happen." Defendant HOOPES asked Salesman #1, "We're in on that, right?" In addition, defendant HOOPES asked, "We talked, and when that happens, right, we met with the Judge, and there is a trickle-down, right?" Defendant HOOPES further stated, "There was going to be trickle-down. We were going to get money if we make it happen." Defendant HOOPES confirmed that defendants JOHN I. WALTMAN and HOOPES would use RAFF's CONSULTING to receive payments from Company #1 in exchange for WALTMAN and

HOOPEES to use their influence with LST's Board of Supervisors to accept Company #1's increased lease offer.

8. Later on or about November 8, 2016, in another discussion between defendant ROBERT P. HOOPEES and Salesman #1, Salesman #1 offered a one-time payment of \$3,000 to RAFF's CONSULTING. Salesman #1 stated that he could make RAFF's CONSULTING a "vendor" on the billboard construction project, which "keeps it nice and clean." Defendant HOOPEES stated that he believed RAFF's CONSULTING would receive annual payments from Company #1. After Salesman #1 balked at the prospect of annual payments to RAFF's CONSULTING, defendant HOOPEES instructed Salesman #1 to call defendant JOHN I. WALTMAN to determine whether Company #1 could instead make a one-time payment to RAFF's CONSULTING.

9. Also later on or about November 8, 2016, Salesman #1 called defendant JOHN I. WALTMAN to discuss the amount of Company #1's payment to RAFF's CONSULTING. During this call, defendant WALTMAN stated his expectation that there would be an annual payment to RAFF's CONSULTING. Salesman #1 stated that the \$3,000 payment to RAFF's CONSULTING was "a good thing" because he could "bake this in as a line item, as part of our build cost, which is nice and neat, and nice and clean. What I didn't want to do is make a separate, like, referral payment outside of the build costs." Defendant WALTMAN stated, "Right, right, because it shows bells and alarms. I get it." Salesman #1 stated, "Exactly." Defendant WALTMAN stated that someone from a local organization was objecting to Company #1's proposed billboard project. Salesman #1 stated, "I'm trying to get you guys." Defendant WALTMAN later stated, "Try to do more than three. Try to do it around, probably four or five, it's a done deal." Defendant WALTMAN further instructed Salesman #1 to "try to

get it closer to five, and then we will be good, alright?” Salesman #1 stated that increasing the payment to RAFF’s CONSULTING would be difficult. Defendant WALTMAN stated, “We kept our word. You know, we delivered on this. Let me think about it, and I’ll get back to you, alright?” Defendant WALTMAN stated “the agreement” was that Company #1’s lease offer was supposed to be voted on and supported by LST’s Board of Supervisors the following evening. Defendant WALTMAN further stated, “Let me talk it over with the gang, and make sure everybody is happy. And try to make them swallow that pill, okay?” Salesman #1 thanked defendant WALTMAN.

The Charges

10. On or about the dates listed below, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOHN I. WALTMAN
and
ROBERT P. HOOPES**

knowingly and intentionally used and caused, procured, aided, abetted, and induced the use of facilities in interstate commerce, as set forth below, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of unlawful activity – namely, bribery contrary to 18 Pa. C. S. § 4701 – and, thereafter, performed and attempted to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of the unlawful activity, and caused, procured, aided, abetted, and induced such conduct, as set forth below:

COUNT	USE OF FACILITY IN INTERSTATE COMMERCE	SUBSEQUENT ACTS
SIXTEEN	<p>On or about November 8, 2016, at approximately 3:12 p.m., defendant WALTMAN sent a text message in interstate commerce to Salesman #1 stating, "Hey [Salesman #1] sounds like you did a really good job sorry to say that the opposition from certain leaders from [local organizations] have decided to combat your sign location I don't think the board will want to make that decision with all the controversy starting to come your way Good luck for trying"¹</p>	<p>(a) On November 8, 2016, at approximately 4:12 p.m., defendant WALTMAN called Person #2. During this call, WALTMAN stated that Salesman #1 "was not keeping his obligation because "he changed his conditions on what he was going to do to take care of everybody." Defendant WALTMAN stated that Salesman #1 was "playing games with the money situation" because Salesman #1 "decided to pay us three instead of five." Defendant WALTMAN stated "forget it" because "we have a guy who's willing to pay more." Defendant WALTMAN stated that LST's Board of Supervisors was going to "rubber stamp it." Defendant WALTMAN instructed Person #2 to tell Salesman #1 that someone from a local organization would show up to LST's Board of Supervisors meeting and oppose Company #1's billboard. Defendant WALTMAN stated, "I guarantee that's going to change things."</p> <p>(b) On November 8, 2016, at approximately 5:20 p.m., defendant WALTMAN called Salesman #1 and stated that a local organization was not comfortable with Company #1's proposed billboard. During this conversation, Salesman #1 asked if the sticking point was the "consulting fee" for RAFF'S CONSULTING. Defendant WALTMAN confirmed that Company #1's payment to RAFF'S CONSULTING had to be \$5,000.</p>

¹ All of the text messages and other materials quoted in this Second Superseding Indictment bear the same spelling, punctuation, and grammar as found in the originals of these records. Unless specifically indicated, all conversations and statements described in this Second Superseding Indictment are related in substance and in part.

COUNT	USE OF FACILITY IN INTERSTATE COMMERCE	SUBSEQUENT ACTS
		<p>Defendant WALTMAN stated that he would tell "RAFF'S CONSULTING to forget about it." Salesman #1 asked, "Where is [Solicitor #1] in all of this?" Defendant WALTMAN stated that Solicitor #1 was "one of us." Salesman #1 stated, "Let's shake hands" and that he would "do five."</p> <p>(c) On November 9, 2016, beginning at approximately 9:19 a.m., defendant WALTMAN and Salesman #1 exchanged text messages. Defendant WALTMAN stated that he would meet with Solicitor #1 later that day. Salesman #1 asked to speak to defendant WALTMAN before WALTMAN spoke to Solicitor #1.</p>
SEVENTEEN	<p>On November 9, 2016, at approximately 12:03 p.m., defendant WALTMAN used a facility in interstate commerce to call Salesman #1 to further discuss Company #1's payment to RAFF'S CONSULTING. Salesman #1 described "two buckets" of offers: an offer from Company #1 to RAFF'S CONSULTING for \$7,000 and an offer from Company #1 to LST for \$58,000 per year in lease payments. Salesman #1 asked defendant WALTMAN if there was a way to increase Company #1's payment to RAFF'S CONSULTING while decreasing Company #1's annual lease payments to LST. Defendant WALTMAN responded, "You're sweetening the pot. I like it." During the call, Salesman #1 offered a payment of up to \$15,000 to RAFF'S CONSULTING if</p>	<p>(a) On November 9, 2016, at approximately 12:18 p.m., defendant WALTMAN called Solicitor #1. Defendant WALTMAN and Solicitor #1 agreed to meet at the Buck Hotel at 4 p.m. that afternoon.</p> <p>(b) On November 9, 2016, at approximately 1:54 p.m., defendant WALTMAN called defendant HOOPEES. Defendant WALTMAN stated that he was meeting Solicitor #1 at the Buck Hotel at 4 p.m. that afternoon. Defendant WALTMAN stated that it would only take five minutes to tell Solicitor #1 what was going on.</p> <p>(c) On November 9, 2016, at approximately 4:50 p.m., defendant WALTMAN called Salesman #1. Defendant WALTMAN stated that Company #1 was getting special zoning for its billboard. Defendant</p>

COUNT	USE OF FACILITY IN INTERSTATE COMMERCE	SUBSEQUENT ACTS
	<p>defendant WALTMAN could lower Company #1's lease payments to LST to \$36,000 per year. Defendant WALTMAN stated that he would talk to Solicitor #1 about these offers.</p>	<p>WALTMAN stated that LST wanted to keep the billboard around the original price. Defendant WALTMAN stated, "It's trickle-down economics, so everybody will be happy." Defendant WALTMAN and Salesman #1 discussed possible payments to both LST and RAFF's CONSULTING. Defendant WALTMAN stated that he would try to get LST to agree to "56." Salesman #1 offered to pay RAFF's CONSULTING "eight" if LST agreed to "56." Defendant WALTMAN balked at the offer of \$8,000 to RAFF's CONSULTING. Defendant WALTMAN stated that Solicitor #1 would generally clear Company #1's billboard project that evening with an LST officer and LST's Board of Supervisors, and then WALTMAN and Salesman #1 would talk specific numbers the following day.</p> <p>(d) On November 12, 2016, at approximately 2:12 p.m., defendant WALTMAN and Solicitor #1 exchanged text messages. Solicitor #1 stated that LST's Board of Supervisors was "good with moving on Russell Elliott sign" and "We should talk numbers soon." Defendant WALTMAN stated "I appreciate it keep your eye on the ball" and "This year I'm back in the box we take as much ground as we can"</p> <p>(e) On November 15, 2016, beginning at approximately 12:14 p.m., defendant WALTMAN and Solicitor #1 exchanged text messages. Solicitor #1 stated that he spoke to Salesman #1. Defendant WALTMAN and Solicitor</p>

COUNT	USE OF FACILITY IN INTERSTATE COMMERCE	SUBSEQUENT ACTS
		<p>#1 agreed to meet for lunch the following day for further discussions.</p> <p>(f) On November 16, 2016, at approximately 10:03 a.m., defendant WALTMAN called defendant HOOPES to ask HOOPES to attend the lunch meeting with Solicitor #1. Defendant HOOPES agreed to attend the lunch meeting.</p> <p>(g) On or about November 16, 2016, at approximately 12:50 p.m., Solicitor #1 sent a text message to Salesman #1, stating, “[Salesman #1]: At lunch with JW. Lower South lease should be for \$55k. Revise and send me term sheet. \$10k to consultant. Any questions let me know.”</p> <p>(h) On November 16, 2016, at approximately 2:06 p.m., Solicitor #1 sent a text message to Salesman #1, stating, “We need to talk tomorrow about the consultant deal. Nothing bad. Just need to iron out details.”</p> <p>(i) On or about November 17, 2016, at approximately 2:37 p.m., Solicitor #1 sent a text message to defendant WALTMAN, stating, “Spoke to [Salesman #1]. Let me know when we can talk.”</p>
EIGHTEEN	<p>On November 17, 2016, at approximately 3:15 p.m., defendant WALTMAN used a facility in interstate commerce to call Solicitor #1, who stated that he was “not happy” with Salesman #1. According to Solicitor #1, Salesman #1 raised Company #1’s offer to</p>	<p>(a) On November 18, 2016, at approximately 8:39 a.m., Salesman #1 sent an email to Solicitor #1 attaching a “Display Lease Agreement,” in which Company #1 offered \$55,020 per year to LST for the billboard in Russell Elliott Memorial Park for a lease term of approximately 30 years.</p>

COUNT	USE OF FACILITY IN INTERSTATE COMMERCE	SUBSEQUENT ACTS
	<p>\$60,000 per year to LST. Solicitor #1 stated, "Then we get into the discussion about, he's got to do some consulting thing. Fine, no problem. He's willing to do it, but he wants to start jiggling the numbers. So then he starts talking about what we talked about yesterday: 55, 10." Defendant WALTMAN stated, "Yeah." Solicitor #1 later stated, "I am assuming, because he now wants to take the Township's rent from \$60,000 a year to \$55,000 a year over 30 years, John, that's \$150,000 that I'm putting back in his pocket." Defendant WALTMAN stated, "Right." Solicitor #1 stated, "And he wants to give you 10. Period." Defendant WALTMAN laughed. Solicitor #1 stated that he told Salesman #1, "Do you think I was born yesterday? Do you think I don't have a simple calculator? I can't do math? Why would I agree, if you are now only going to take out 10,000 in the, in the consulting, finder fee, whatever, in the first year. Then why am I not talking about reducing the first year's rent and then going back to the 60,000 that I know you can pay because you already offered it to me?" Defendant WALTMAN stated, "That's right." Solicitor #1 stated that he told Salesman #1, "Why would you think that I would give you back 150,000 so you can keep 140. Fuck you. I'm not ever going to do that." Defendant WALTMAN stated, "Yeah." Solicitor #1 also stated that he told Salesman #1, "Why would I ever agree to reduce</p>	<p>(b) On December 2, 2016, at approximately 8:28 a.m., defendant HOOPES met Solicitor #1 to discuss payments from Company #1 to RAFF's CONSULTING and the pending federal investigation of defendant WALTMAN, HOOPES, and others.</p> <p>(c) On December 6, 2016, at approximately 12:32 p.m., Person #2 called defendant WALTMAN. Person #2 stated, "I just talked to the sign guy." Person #2 stated that he told Salesman #1 that Person #2 heard a rumor that Salesman #1 "may have said something to [Solicitor #1] about the FBI and extortion, and what have you." According to Person #2, Salesman #1 was "real nervous" and denied speaking to the FBI. Person #2 stated that Salesman #1 was expecting LST's Board of Supervisors to meet on December 14, 2016 to approve Company #1's billboard project. Defendant WALTMAN stated, "I don't know where that extortion and other shit came from. That kind of pissed me off." Person #2 again stated that Salesman #1 was now "real nervous." Defendant WALTMAN stated, "Alright, good."</p>

COUNT	USE OF FACILITY IN INTERSTATE COMMERCE	SUBSEQUENT ACTS
	<p>my rent for 30 years, so you can give my, give John one payment? Why would I ever fucking do that?" Defendant WALTMAN asked, "And what'd he say?" After mocking Salesman #1's response, Solicitor #1 stated that he told Salesman #1, "Fine, you don't want to pay him on a long-term contract, I'll go back and I'll talk to John, but I'm not reducing this rent for every year for the next 30 years." Defendant WALTMAN stated, "Agreed." Solicitor #1 stated that he told Salesman #1, "If you want to only carve out one payment, then I am not reducing the rent for forever. Period." Defendant WALTMAN instructed, "Stay on him. He'll come back. Shut him down, and he'll come back." Defendant WALTMAN further stated, "You have complete control of this. You make the decision, okay? Alright." Solicitor #1 stated, "I am going to squeeze his balls, John." Defendant WALTMAN stated, "Okay, good. I have faith in you. Alright? We'll talk..." Solicitor #1 stated, "I mean, you're okay, you're okay if..." Defendant WALTMAN stated, "I'm okay with you." Solicitor #1 stated, "If it's only a one-time..." Defendant WALTMAN stated, "You do your, well, if he does a one-time deal..." Solicitor #1 stated, "It's gotta be bigger." Defendant WALTMAN agreed, "It's gotta be bigger than that, you know what I mean?" Solicitor #1 stated, "Yeah. Well, that's what I'm thinking. And what I might squeeze him to do is, we do maybe two</p>	

COUNT	USE OF FACILITY IN INTERSTATE COMMERCE	SUBSEQUENT ACTS
	payments: maybe the first year it's at 20, and the second year, it's at 10, or something. We do something, we, I gotta get you more than a one-shot, fucking five or seven thousand dollars that he's trying to do. That's bullshit." Defendant WALTMAN stated, "Stay on him. Stay on him. Thank you." Solicitor #1 stated, "I will. I will."	

All in violation of Title 18, United States Code, Sections 1952(a)(3) and 2.

COUNT NINETEEN
(Hobbs Act Extortion Under Color of Official Right)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 and the Uses of Facilities in Interstate Commerce and Subsequent Acts in Paragraph 10 of Counts Sixteen through Eighteen are incorporated here.

2. From at least in or about November 8, 2016 to in or about December 16, 2016, in the Eastern District of Pennsylvania, and elsewhere, defendants

JOHN I. WALTMAN
and
ROBERT P. HOOPES

knowingly obstructed, delayed, and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by extortion, as those terms are defined in Title 18, United States Code, Section 1951, and aided and abetted that conduct; that is, defendants WALTMAN and HOOPES, while public officials, engaged in a course of conduct whereby WALTMAN and HOOPES, attempted to obtain, under color of official right, bribe payments paid to RAFF's CONSULTING from Company #1, which money was not due to WALTMAN and HOOPES.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNTS TWENTY AND TWENTY-ONE
(Wire Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 9 and the Uses of Facilities in Interstate Commerce and Subsequent Acts in Paragraph 10 of Counts Sixteen through Eighteen are incorporated here.
2. Defendants JOHN I. WALTMAN and ROBERT P. HOOPES attempted to defraud LST by lowering the amount of annual lease payments Company #1 would pay to LST for Company #1's billboard project in LST's Russell Elliott Memorial Park in exchange for one or more bribe payments from Company #1 to defendants WALTMAN and HOOPES through RAFF's CONSULTING.
3. On or about the below dates, in the Eastern District of Pennsylvania, and elsewhere, defendants

JOHN I. WALTMAN
and
ROBERT P. HOOPES,

together and with others known and unknown to the grand jury, devised and intended to devise a scheme to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations and promises, and for the purpose of executing the scheme to defraud, attempting to do so, and aiding and abetting its execution, knowingly caused to be transmitted, by means of wire communication in interstate commerce, the writings, signs, signals, pictures, and sounds described below:

COUNT	DATE	DESCRIPTION OF WIRE TRANSMISSION
TWENTY	November 8, 2016	Defendant WALTMAN sent a text message from Bucks County, Pennsylvania via at least one of Apple's iMessage servers, located outside Pennsylvania, to Salesman #1 stating, "Hey [Salesman #1] sounds like you did a really good job sorry to say that the opposition from certain leaders from [local organizations] have decided to combat your sign location I don't think the board will want to make that decision with all the controversy starting to come your way Good luck for trying"
TWENTY-ONE	November 9, 2016	Defendant WALTMAN sent a text message from Bucks County, Pennsylvania via at least one of Apple's iMessage servers, located outside Pennsylvania, to Salesman #1, stating, "Meeting with [Solicitor #1] today"

All in violation of Title 18, United States Code, Sections 1343, 1349, and 2.

NOTICE OF FORFEITURE No. 1

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1956, set forth in this Second Superseding Indictment, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
BERNARD T. RAFFERTY,
and
KEVIN M. BIEDERMAN**

shall forfeit to the United States of America any and all property involved in such offenses, and any property traceable to such property, including, but not limited to, the sum of \$80,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):
- (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with, a third party;
 - (c) has been placed beyond the jurisdiction of the Court;
 - (d) has been substantially diminished in value; or
 - (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(1).

NOTICE OF FORFEITURE No. 2

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 1341, 1343, and 1951, set forth in this Second Superseding Indictment, defendants

**JOHN I. WALTMAN,
ROBERT P. HOOPES,
and
BERNARD T. RAFFERTY**

shall forfeit to the United States of America any and all property involved in such offenses, and any property traceable to such property, including, but not limited to, the sum of \$1,000.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- (f) cannot be located upon the exercise of due diligence;
- (g) has been transferred or sold to, or deposited with, a third party;
- (h) has been placed beyond the jurisdiction of the Court;
- (i) has been substantially diminished in value; or
- (j) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

NOTICE OF FORFEITURE No. 3

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 215(a)(2), set forth in this Second Superseding Indictment, defendant

KEVIN M. BIEDERMAN

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this information, including but not limited to \$1,600.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

4. cannot be located upon the exercise of due diligence;
5. has been transferred or sold to, or deposited with, a third party;
6. has been placed beyond the jurisdiction of the Court;
7. has been substantially diminished in value; or
8. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

NOTICE OF FORFEITURE No. 4

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1951, set forth in this Second Superseding Indictment, defendant

JOHN I. WALTMAN

shall forfeit to the United States of America any and all property involved in such offenses, and any property traceable to such property, including, but not limited to, the sum of \$4,000.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant(s):

- (k) cannot be located upon the exercise of due diligence;
- (l) has been transferred or sold to, or deposited with, a third party;
- (m) has been placed beyond the jurisdiction of the Court;
- (n) has been substantially diminished in value; or
- (o) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461, incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON

LOUIS D. LAPPEN
United States Attorney

EXHIBIT D

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION
vs. :
JOHN I. WALTMAN : NO. 16-509-1

PHILADELPHIA, PENNSYLVANIA

JANUARY 18, 2019

BEFORE: THE HONORABLE GENE E.K. PRATTER, J.
CHANGE OF PLEA HEARING

APPEARANCES:

OFFICE OF THE UNITED STATES ATTORNEY
BY: LOUIS J. LAPPEN, ESQUIRE
Deputy United States Attorney
RICHARD P. BARRETT, ESQUIRE
Assistant United States Attorney
Eastern District of Pennsylvania
Suite 1250 - 615 Chestnut Street
Philadelphia, PA 19106
Counsel for the Government

LAW OFFICE OF LOUIS R. BUSICO
BY: LOUIS R. BUSICO, ESQUIRE
133 N. State Street
Newton, PA 18940
Counsel for the Defendant

KATHLEEN FELDMAN, CSR, CRR, RPR, CM
Official Court Reporter
U.S. Courthouse
601 Market Street
Philadelphia, PA 19106
(215) 779-5578

(Transcript produced by machine shorthand via C.A.T.)

1 (Deputy Clerk opened court)

2 THE COURT: Hello, everybody. Please take your
3 seats.

4 ALL COUNSEL: Good morning, Your Honor.

5 THE COURT: Make yourselves as comfortable as
6 possible.

7 So this is a Change of Plea hearing in the case of
8 the United States of America versus John Waltman, which is
9 docketed on the criminal docket here at 16-509-1.

10 If those of you who are up front here could please
11 identify yourselves for the record, we'll get going.

12 MR. BARRETT: Good morning, Your Honor. Rich
13 Barrett for the Government. I'm joined by my colleague --

14 MR. LAPPEN: Good morning, Your Honor. Lou Lappen
15 for the Government as well.

16 THE COURT: Good to see you both.

17 MR. LAPPEN: Thank you, Your Honor.

18 MR. BUSICO: Good morning, Your Honor. Lou Busico
19 for Mr. Waltman.

20 THE COURT: Mr. Busico, nice to see you, and Mr.
21 Waltman is here, of course.

22 All right, Mr. Waltman, we've met before and you
23 know I'm Judge Pratter and I know Mr. Busico has told you
24 quite correctly that what we're going to do here today is
25 primarily for you. Certainly our proceedings focus on you and

1 your conduct, but principally the focus is to make sure that
2 you understand that every decision you make here today is
3 quite important and has long-lasting consequences. It's my
4 job to make sure that we move ahead in a way that's fair to
5 you as well as, of course, importantly to the people of the
6 United States.

7 So are you ready to start?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. Do you want to move the
10 microphone up there a little closer to you. Thanks.

11 As I mentioned, the purpose here is to give you an
12 opportunity to change a previously-entered plea and enter a
13 plea here today to what is a Second Superseding Indictment in
14 which you have been charged with a number of federal crimes.

15 Specifically, in Count One, you've been charged with
16 conspiracy to commit money laundering. That would be a
17 violation of Section 1956(h) of Title 18 of the United States
18 Code.

19 You've also been charged with a number of counts of
20 Hobbs Act extortion under color of official right which would
21 be a violation of Section 1951(a) of the same Title 18. This
22 is Counts Nine, Thirteen, Fourteen, Fifteen, and Nineteen of
23 the Second Superseding Indictment.

24 This all comes from or arises out of what has been
25 alleged as a course of conduct in which you participated that

1 included money laundering, case fixing, and public corruption
2 schemes. It's all been described in the Indictment, but we
3 are going to talk a little bit more about that in a moment.

4 My understanding is that your decision today is also
5 based on a Guilty Plea Agreement which we will talk about in
6 some detail. That's why we're here, right?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. I need you to stand up and Mr.
9 Coyle is going to swear you in.

10 THE DEPUTY CLERK: Would you please raise your right
11 hand.

12 JOHN I. WALTMAN, DEFENDANT, SWORN

13 THE DEPUTY CLERK: Would you please have a seat and
14 state your full name and spell your last name for the record.

15 THE DEFENDANT: My full name is John I. Waltman.

16 THE COURT: W-A-L-T-M-A-N?

17 THE DEFENDANT: Yes.

18 THE COURT: All righty. Now, you've given me this
19 name. Have you ever used any other names?

20 THE DEFENDANT: No.

21 THE COURT: So as far as you know, this is the name
22 you got when you were born?

23 THE DEFENDANT: Yes. The I stands for Ivan.

24 THE COURT: Okay. Your primary language appears to
25 be English, is that correct?

1 THE DEFENDANT: That's correct, Your Honor.

2 THE COURT: All right. As I said, I'm going to be
3 explaining a lot of things to you and I'm going to be asking
4 you a boatload of questions. If, at any time, you do not hear
5 me or you do not understand me, tell me that. I'll just do my
6 best to speak more loudly, more slowly, or use different words
7 because, frankly, sir, all I really care about here is that
8 you hear me and understand me before you answer me, okay?

9 THE DEFENDANT: Okay.

10 THE COURT: Now, you're sitting there next to Mr.
11 Busico so you can talk to him any time you want. If you wish
12 to speak privately with him, that's fine, tell me, we'll take
13 a break, and you may do so.

14 We are speaking into these microphones so that Ms.
15 Feldman up here can hear us all because she's creating a
16 written record of everything that is said here in court.

17 As far as I know, we are not filming these
18 proceedings. These little things here may or may not be
19 working, but it's important that you answer my questions out
20 loud. You cannot shake your head or nod your head in response
21 to my questions, okay?

22 THE DEFENDANT: Okay.

23 THE COURT: Now, do you understand you're under
24 oath? That means you have given me your word that you're
25 going to tell me nothing but the truth, right?

1 THE DEFENDANT: Correct, Your Honor.

2 THE COURT: All right. And that means also that I'm
3 going to assume that all of your answers are completely
4 truthful, right?

5 THE DEFENDANT: Correct, Your Honor.

6 THE COURT: And because you're under oath, you
7 understand if you answer any of my questions falsely, then
8 your answers can and very likely will be used against you in
9 another prosecution for perjury or making a false statement.
10 Do you understand that?

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

12 THE COURT: Has anybody instructed you, told you,
13 suggested or even hinted that you could or should answer any
14 of my questions falsely?

15 THE DEFENDANT: No.

16 THE COURT: And do you understand that I'm asking
17 you these questions so I can be satisfied that you are
18 competent and able to change your prior plea and enter a plea
19 here today and that you are knowingly and voluntarily giving
20 up some extremely important rights that you have by doing so?

21 THE DEFENDANT: Correct.

22 THE COURT: All right. Of what country are you a
23 citizen?

24 THE DEFENDANT: The United States.

25 THE COURT: How old are you, sir?

1 THE DEFENDANT: 61 years old.

2 THE COURT: What's your most recent home address?

3 THE DEFENDANT: 530 Avenue B, Trevoise, PA.

4 THE COURT: How long have you lived there?

5 THE DEFENDANT: Since 1987.

6 THE COURT: Who else lives there with you, if
7 anyone?

8 THE DEFENDANT: My wife lives with me.

9 THE COURT: And what's her name?

10 THE DEFENDANT: Nicole Waltman.

11 THE COURT: Is she here today?

12 THE DEFENDANT: No, she is not.

13 THE COURT: Is anybody in your family here today?

14 THE DEFENDANT: No.

15 THE COURT: Do you have any children?

16 THE DEFENDANT: Yes.

17 THE COURT: How old are they and where are they?

18 THE DEFENDANT: My oldest daughter is Lee Waltman.

19 She is 38 years old. She's in New York. She lives in New
20 York. My next daughter is Sarah Carson. I don't know where
21 she's at. She's in Philadelphia somewheres with an opioid
22 problem. I have my youngest daughter, who is Judith Waltman,
23 and she's in Santa Barbara, California.

24 THE COURT: Okay. You are not presently in federal
25 custody, correct?

1 THE DEFENDANT: Correct.

2 THE COURT: Have you been in custody at all in
3 connection with these charges?

4 MR. BUSICO: Your Honor, excuse me. May I have one
5 moment?

6 THE COURT: Yes.

7 MR. BUSICO: Your Honor, may we respectfully revisit
8 the question about children? I believe there was an omission.

9 THE COURT: Sure.

10 MR. BUSICO: It's a difficult subject for Mr.
11 Waltman. I think the Court will understand why.

12 THE DEFENDANT: Your Honor, I did have a son who
13 passed away at eight years old in the year 2000. So I
14 apologize for not bringing that up.

15 THE COURT: No, there's nothing to apologize for.
16 I'll tell you why I'm asking. While you are out on some kind
17 of a release status, my interest is in finding out where you
18 might be located at any given time and sometimes people go and
19 visit knowingly or surreptitiously with family members so
20 that's why I ask.

21 THE DEFENDANT: Oh, okay.

22 THE COURT: Okay, but thank you for supplementing
23 the information.

24 Going back to the fact that you're not presently in
25 custody, you've not ever been in custody in connection with

1 these charges, is that right?

2 THE DEFENDANT: The original arrest, I was in
3 custody.

4 THE COURT: When was that and for how long were you
5 in custody?

6 THE DEFENDANT: That was the beginning of all this,
7 Your Honor.

8 THE COURT: August of 2018?

9 THE DEFENDANT: No.

10 THE COURT: 2017, 2016?

11 THE DEFENDANT: No, it was December 16th, 19 -- I'm
12 sorry, 2016. For two years I've been under house arrest -- or
13 not house arrest, but pretrial.

14 THE COURT: You haven't been in a jail, is that
15 right?

16 THE DEFENDANT: Well, no, I was in jail when I was
17 arrested.

18 THE COURT: For how long?

19 THE DEFENDANT: 24 hours.

20 THE COURT: Okay. Any further time in a jail
21 facility --

22 THE DEFENDANT: No.

23 THE COURT: -- in connection with these charges?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: All right. How far did you go in

1 school, sir?

2 THE DEFENDANT: Repeat that question.

3 THE COURT: How far did you go along in school?

4 THE DEFENDANT: I graduated from high school.

5 THE COURT: When was that?

6 THE DEFENDANT: 1975.

7 THE COURT: What high school?

8 THE DEFENDANT: Neshaminy High School.

9 THE COURT: Any formal schooling after high school?

10 THE DEFENDANT: I went into the military. I was in
11 the military for six years. Starting in the Army, the Army
12 National Guard, I was trained as a surveyor, military surveyor
13 engineer. From that point on, any education I received was
14 certifications. I was certified as a state constable. I was
15 certified as a magisterial district judge. I didn't receive
16 any other schooling besides that for the updates.

17 THE COURT: Are you currently employed?

18 THE DEFENDANT: I'm employed as a laborer for Ed
19 Heil Construction doing tile work for kitchens and bathrooms.

20 THE COURT: How long have you been doing that?

21 THE DEFENDANT: Since 2016 --

22 THE COURT: Since --

23 THE DEFENDANT: -- the end of the year. Actually,
24 2017, the beginning.

25 THE COURT: All right. Before that, what was your

1 job?

2 THE DEFENDANT: I was a magisterial district judge.

3 THE COURT: Any other job at the same time?

4 THE DEFENDANT: No.

5 THE COURT: How long have you been a magisterial
6 district judge?

7 THE DEFENDANT: I was a magisterial district judge
8 for six years.

9 THE COURT: So that goes back to 2010?

10 THE DEFENDANT: Correct. October of 2010.

11 THE COURT: Before then, what did you do?

12 THE DEFENDANT: I was a constable for 24 years.

13 THE COURT: For what municipality?

14 THE DEFENDANT: Lower Southampton Township.

15 THE COURT: Have you had any medicine, drugs, or
16 pills of any kind in the last couple of days?

17 THE DEFENDANT: No. I have a prescription for high
18 blood pressure and that's it.

19 THE COURT: Presumably you have a prescription for
20 medicine to deal with high blood pressure?

21 THE DEFENDANT: Yes. But, no, I have had no other
22 pills.

23 THE COURT: Have you been taking your medicine?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. Any alcohol beverages in the

1 last 24 hours?

2 THE DEFENDANT: Yes. Last night, I came home and
3 had a cold beer. My wife made me grouper and part of our
4 thing for having grouper, we usually have a cold beer with it.

5 THE COURT: It doesn't affect what you're doing
6 today, though, does it?

7 THE DEFENDANT: No. That was at 6 o'clock
8 yesterday.

9 THE COURT: Have you ever had or been treated for
10 any mental illness or drug, narcotic, or alcohol addiction?

11 THE DEFENDANT: No.

12 THE COURT: Ever been in the hospital for anything
13 like that?

14 THE DEFENDANT: No.

15 THE COURT: Are you currently or have you recently
16 in the last three months or so been under the care of any kind
17 of a doctor, psychiatrist, or psychologist other than
18 monitoring your blood pressure issues?

19 THE DEFENDANT: No.

20 THE COURT: And you, as I understand it, have some
21 slight -- some impairment hearing in one ear, but you seem to
22 hear me okay as long as I keep my voice up, is that right?

23 THE DEFENDANT: Yes. I do have a major hearing
24 impairment in my left ear.

25 THE COURT: Okay. Well, the good news is that

1 that's the part that's close to Mr. Busico.

2 THE DEFENDANT: That's fine. I turn my ear when I
3 talk to him.

4 THE COURT: Okay, but you can hear me okay, right?

5 THE DEFENDANT: Yes, I can.

6 THE COURT: How do you feel today?

7 THE DEFENDANT: Upset, nervous.

8 THE COURT: It seems pretty natural, doesn't it?

9 THE DEFENDANT: Yes.

10 THE COURT: Are you, though, able to go forward and
11 you understand what's going on?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. Do you know and understand
14 that you've got the right to be represented by a lawyer at
15 every step of these proceedings? It doesn't matter what your
16 plea is, guilty or not guilty, you still have a right to a
17 lawyer, right?

18 THE DEFENDANT: Correct.

19 THE COURT: Now, if it were to be that you could not
20 afford the services of a lawyer and if you met certain
21 financial criteria, do you understand that a lawyer would be
22 appointed to represent you?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Now, as we've discussed, you
25 do indeed have a lawyer for this case and it's Mr. Busico

1 who's sitting there right next to you, right?

2 THE DEFENDANT: Correct, Your Honor.

3 THE COURT: Have you had enough time and an
4 opportunity to talk about this case with him?

5 THE DEFENDANT: A lot of time.

6 THE COURT: And that's enough?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. Are you satisfied with his
9 representation of you and with his advice?

10 THE DEFENDANT: Oh, yes.

11 THE COURT: All right. Now, I mentioned that you've
12 been charged by way of what we call a Second Superseding
13 Indictment. These are the written charges from the grand jury
14 against you. Have you read the document?

15 THE DEFENDANT: Yes.

16 THE COURT: And did you read the ones that preceded
17 it as well?

18 THE DEFENDANT: Yes.

19 THE COURT: And you had the opportunity to talk with
20 your lawyer and ask him any questions you might have about the
21 charges, is that correct?

22 THE DEFENDANT: That's correct, Your Honor.

23 THE COURT: And you understand that, in summary, the
24 charges against you are what I summarized at the beginning of
25 this hearing?

1 THE DEFENDANT: Correct.

2 THE COURT: Okay. Now, if you plead guilty to these
3 charges, do you understand that you will be giving up any
4 right that you might have or any idea that you might have
5 about challenging the Indictment procedures or documents?

6 THE DEFENDANT: Correct.

7 THE COURT: And that would include any kind of an
8 argument or an idea or a claim that the Government lawyers,
9 the prosecutors, did anything wrong? Do you understand?

10 THE DEFENDANT: I understand, Your Honor.

11 THE COURT: Okay. And you understand that you've
12 been charged with the commission of serious felonies.
13 Felonies are crimes that are punishable by a year or more in
14 jail. Do you understand that?

15 THE DEFENDANT: I understand that, Your Honor.

16 THE COURT: Okay. Now, if you plead guilty to a
17 felony, and if I accept your plea, do you understand that you
18 will then be found guilty of one or more felonies and that can
19 have a number of extremely serious negative long-lasting
20 consequences?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. Given the fact that you're
23 an American citizen, for example, being adjudicated a felon
24 means you lose the right to vote. Here in Pennsylvania, it
25 means and currently the law is that when somebody's in jail or

1 in a halfway house, they are not permitted to vote. Some
2 states have a different attitude about that. Some states say
3 it's okay to vote no matter where you are. Other states say
4 somebody convicted of a felony can never vote again. Do you
5 understand?

6 THE DEFENDANT: I understand.

7 THE COURT: Okay. It also means that you lose the
8 right to serve on a jury if you've been convicted of a felony.

9 You will lose the right to hold a public office in
10 most respects.

11 You will be denied the right to possess any kind of
12 a firearm.

13 There are many professional licenses that are no
14 longer available to somebody who's been convicted of a felony.

15 There are other important rights that one loses or
16 has cut back on as a result of being convicted of a felony.

17 Do you understand all that?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. As I mentioned, my
20 understanding is that part of this process in this case is
21 that your willingness to plead guilty is a result of
22 discussions that you, your lawyer, and the Government's lawyer
23 have had where those discussions resulted in a Guilty Plea
24 Agreement. Is that correct?

25 THE DEFENDANT: Correct.

1 THE COURT: All right, just in passing, folks, I've
2 not been given any reason to think that there's any kind of a
3 seal order here or restriction on who's in the courtroom, but
4 I just want to document that nobody has a problem with that.

5 MR. BARRETT: That's correct, Your Honor.

6 THE COURT: Okay. Then I'd like to ask the
7 Government's counsel, either Mr. Barrett or Mr. Lappen,
8 whoever's drawn the short or long stick here today, to please
9 state the material terms of the Plea Agreement.

10 MR. BARRETT: Yes, Your Honor. Your Honor, under
11 the terms of the Plea Agreement, Mr. Waltman is agreeing to
12 plead guilty to Counts One, Nine, Thirteen, Fourteen, Fifteen,
13 and Nineteen of the Superseding Indictment.

14 The Government agrees that in return for his guilty
15 plea, at time of sentencing, we will dismiss Counts Two
16 through Eight, Counts Sixteen, Seventeen, Eighteen, Count
17 Twenty and Twenty One.

18 The defendant, under the terms of the Plea
19 Agreement, is made aware of what the statutory maximum
20 sentences are and the total statutory maximum sentences that
21 he may be subject to.

22 THE COURT: Which we will address specifically in a
23 bit.

24 MR. BARRETT: Yes. Your Honor, it also provides
25 that Mr. Waltman, in advance of the sentencing, agreed to

1 complete and submit certain financial statements that are of
2 interest to the Government and perhaps to the Court. He
3 specifies that he is forfeiting his right and interest under
4 the notice, the two notices of forfeiture, and states that he
5 will not oppose those.

6 The parties have also, Your Honor, entered into
7 certain stipulations about how the Guidelines are calculated.

8 Would you like me to elaborate on those or --

9 THE COURT: Yes, please.

10 MR. BARRETT: Your Honor, the parties --

11 THE COURT: With respect to any Guidelines where the
12 Plea Agreement could have either a removal of the right of the
13 defendant to challenge or make the Government prove any
14 element, that would then trigger movement of the Guidelines up
15 or down.

16 MR. BARRETT: Right. Yes, Your Honor.

17 Your Honor, the parties have reached a stipulation
18 as to the Guidelines applicable to Count One, which is the
19 conspiracy to commit money laundering, and the stipulations
20 arise out of an understanding that the value of the funds that
21 were laundered here was \$400,000. That's what drives the
22 Guidelines on there.

23 There is also an acknowledgement in 13a iii about
24 certain applicability of specific events characteristics,
25 notably that the defendant was convicted under Section 1956 of

1 18 U.S.C., and that there's a specific events increase in
2 that; that the defendant understands there's an increase
3 pursuant to 13a ii because the increase relates to the amount
4 of proceeds.

5 The parties, I'd say, Your Honor, are stipulating
6 that there should be no increase which is specified in
7 Section 13a iv.

8 As it relates to the Hobbs Act, Your Honor, I'd note
9 that the parties agree that there's stipulations as to what
10 the correct base offense level here is. There's a stipulation
11 that that level should be increased two levels because the
12 offense involved two or more bribes or attempted bribes.

13 The defendant is put on notice under 13b iii that
14 the Government will take a certain position as to how the
15 offense level should be increased based upon the payments, the
16 bribe payments that were allegedly made here.

17 And one thing in particular Your Honor should be
18 aware of, and I know Mr. Waltman's aware of this, is that the
19 parties are leaving no stipulation as to the proper amount of
20 the loss under the Guidelines that would be applied in Count
21 Nineteen. That would be the extortion related to the signage
22 in Lower Southampton. It's specified the position that the
23 Government will take, put Mr. Waltman and his attorney on
24 notice, and they, of course, reserve the right to challenge
25 the correct loss under that --

1 THE COURT: What's the high and low on that one?

2 MR. BARRETT: I believe the high and low, Your
3 Honor, would put Mr. Waltman subject to \$400,000, in that
4 range. I know from discussions with Mr. Busico that they
5 don't agree with the way that we were thinking about
6 calculating it. I understand and appreciate where they're
7 coming from and I understand their reason for reserving a
8 reason to challenge that. So that's why we're allowing --
9 we're not stipulating to anything. Your Honor will be, of
10 course, the final judge of that. Okay --

11 THE COURT: All right.

12 MR. BARRETT: Your Honor, it does -- there are
13 additional stipulations as to the Hobbs Act Extortion
14 Guidelines, that the two levels should be added because the
15 defendant operated as an organizer or leader. We understand
16 that he'll say that there should be no increase under certain
17 Chapter 3 Guidelines here that would apply to him.

18 We also stipulate that pursuant to our discussions
19 in reaching this agreement, Mr. Waltman would qualify for a
20 three-level downward adjustment based upon his acceptance of
21 responsibility and his timely notification that he would plead
22 guilty.

23 Thank you, Your Honor.

24 THE COURT: Thank you. Well, and with respect to
25 appellate waivers, we'll go through that in some detail in a

1 moment as well, but as explained so far, Mr. -- well, Mr.
2 Busico, are you in agreement that Mr. Barrett has stated the
3 essential terms of the Plea Agreement?

4 MR. BUSICO: I am, Your Honor.

5 THE COURT: And are there any agreements or
6 conditions other than those that are set forth in the Plea
7 Agreement?

8 MR. BUSICO: There are not, Your Honor.

9 THE COURT: Mr. Waltman, is what Mr. Barrett tells
10 me what you understand your deal to be as well?

11 THE DEFENDANT: Correct, Your Honor.

12 THE COURT: All right, may I see the original signed
13 Guilty Plea Agreement, please?

14 I smile, Mr. Waltman, because I look at these kinds
15 of agreements all week long every week and I find it
16 remarkable how many different ways people have of appearing to
17 handwrite.

18 But it appears to me that I've got this document
19 here and it's called a Guilty Plea Agreement. It has the
20 title of your case on it. Attached to it is a shorter
21 document called an Acknowledgment of Rights. The last page of
22 these documents seem to have a number of signatures including
23 yours on each of them.

24 So I'm going to ask Mr. Coyle to return the original
25 to you so I can ask you some questions about it.

1 Did you sign each of those documents, sir?

2 THE DEFENDANT: Yes, I did, Your Honor.

3 THE COURT: So your signature is on the Agreement
4 and on the Acknowledgment, right?

5 THE DEFENDANT: Yes, it is, Your Honor.

6 THE COURT: Did you read each one before you signed
7 it?

8 THE DEFENDANT: Repeat that.

9 THE COURT: Did you read each document before you
10 signed it?

11 THE DEFENDANT: Yes.

12 THE COURT: And did you believe you understood each
13 document before you signed it?

14 THE DEFENDANT: Yes.

15 THE COURT: Did you discuss each one thoroughly with
16 your lawyer before you signed it?

17 THE DEFENDANT: Oh, yes.

18 THE COURT: And did you have enough time to talk
19 about the agreement with him before you signed it?

20 THE DEFENDANT: Yes.

21 THE COURT: Any question about that?

22 THE DEFENDANT: No.

23 THE COURT: All right. Did anybody make any threats
24 or promises or assurances to you of any kind other than what's
25 set forth in that agreement to get you to sign it?

1 THE DEFENDANT: No.

2 THE COURT: Are you signing it or did you sign it in
3 order to save somebody else a problem?

4 THE DEFENDANT: No.

5 THE COURT: And is it your intention to plead guilty
6 of your own free will?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. We're going to talk now
9 about the idea of waivers or waiving certain rights and I want
10 to make sure that you and I are on the same wavelength, so to
11 speak, when I use that word.

12 For purposes of these proceedings, the word waiver
13 means to abandon voluntarily and intentionally or to give up
14 some right or claim or privilege that you have or even the
15 opportunity to take advantage of a right, claim, or privilege
16 that you have or that you might have. In effect, although, of
17 course, it's spelled differently, you are waving goodbye
18 forever when you waive a right.

19 Do you understand that?

20 THE DEFENDANT: I understand that.

21 THE COURT: And you understand then that by entering
22 a guilty plea, you are waiving any challenge that you think
23 you might have to the manner by which you were arrested here?

24 THE DEFENDANT: Correct.

25 THE COURT: And if you plead guilty, you are also

1 waiving any challenge to any failure on the Government's part
2 to obtain or the manner by which the Government may have
3 obtained a search warrant or arrest warrant?

4 THE DEFENDANT: Correct.

5 THE COURT: Likewise, if you plead guilty, you are
6 waiving, meaning giving up forever, any challenge to the
7 Government's method of investigating you, your conduct,
8 collecting evidence against you and others, including taking
9 statements from you and others. Agree?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. And if you think you've got a
12 dispute with the Government about discovery, if you plead
13 guilty, you're giving that up, too, do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: And if you think that anything was wrong
16 when you first appeared before the magistrate judge and
17 entered your plea, if you plead guilty, you're giving up any
18 argument about that too.

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. And do you understand, sir, that
21 you've got an absolute right to continue to plead not guilty
22 and make the Government prove the case against you?

23 THE DEFENDANT: Yes.

24 THE COURT: All of this conduct took place in the
25 Eastern District, right?

1 MR. BARRETT: That's correct, Your Honor, yes.

2 THE COURT: All right. Mr. Waltman, you know that
3 you've got the right to be tried by a jury if you do not plead
4 guilty, correct?

5 THE DEFENDANT: Correct.

6 THE COURT: And then if you continue to plead not
7 guilty, you could choose to ask to be tried by a judge alone
8 with no jury, right?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, if you do not plead guilty and
11 decide to go to trial, and if you choose to have a jury trial,
12 do you understand that you can participate through your lawyer
13 in selecting the people to serve on the jury?

14 THE DEFENDANT: Yes.

15 THE COURT: And do you understand that at trial, you
16 would be presumed to be 100 percent innocent at the start?

17 THE DEFENDANT: Yes.

18 THE COURT: Then the Government would be required to
19 prove that you are guilty beyond a reasonable doubt using only
20 competent evidence before you could ever be found guilty,
21 right?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that if you have a
24 trial, the witnesses for the Government have to come here in
25 court, testify in your presence, and your lawyer can

1 cross-examine every single one of those witnesses, can object
2 to the evidence offered by the Government, and can offer
3 evidence on your behalf?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you understand if you went to
6 trial, you would have the right to subpoena and compel the
7 attendance of witnesses on your behalf?

8 THE DEFENDANT: Yes.

9 THE COURT: And you through your lawyer, of course,
10 would then have the right to present witnesses, including
11 character witnesses, whose testimony, when you consider all of
12 the other evidence, could raise a reasonable doubt about your
13 guilt.

14 THE DEFENDANT: Yes.

15 THE COURT: Now, do you also understand that at a
16 trial, while you would have the right to testify if you chose
17 to, you also have a right not to testify?

18 THE DEFENDANT: Yes.

19 THE COURT: And then if you choose not to testify,
20 no inference or suggestion of your guilt whatsoever can be
21 drawn from the fact that you choose not to testify, right?

22 THE DEFENDANT: Right.

23 THE COURT: In other words, the fact that you do not
24 testify cannot be used against you. Understood?

25 THE DEFENDANT: I understand.

1 THE COURT: Now, are you also aware that if you went
2 to trial, your lawyer can argue against the Government of the
3 United States?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you understand that if you went
6 to trial before a jury, you could only be convicted by a jury
7 that unanimously found you guilty?

8 THE DEFENDANT: Yes.

9 THE COURT: What that means, of course, is that
10 there would be 12 people sitting over there. Every single one
11 of them would have to agree that you are guilty beyond a
12 reasonable doubt before you could be convicted. Right?

13 THE DEFENDANT: Correct.

14 THE COURT: And then, of course, if the trial was
15 with a judge only and no jury, the judge would have to be
16 convinced of your guilt beyond a reasonable doubt before
17 convicting you, right?

18 THE DEFENDANT: Yes.

19 THE COURT: Now, in the absence of this guilty plea,
20 if you chose to have a trial and if, at the trial, you were
21 found guilty, do you understand that you would have the right
22 to appeal the verdict to an appellate court and to do so with
23 the help of a lawyer?

24 THE DEFENDANT: Yes.

25 THE COURT: And, again, if you could not afford a

1 lawyer for an appeal and if you meet the criteria, a lawyer
2 would be appointed to represent you in connection with an
3 appeal, right?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you understand that an appellate
6 court might reverse a conviction?

7 THE DEFENDANT: Yes.

8 THE COURT: Now, by pleading guilty, do you
9 understand that you are giving up your right to appeal from a
10 conviction following a trial?

11 THE DEFENDANT: Yes.

12 THE COURT: The only appeal, according to this deal
13 that you've entered into with the Government, that you're
14 allowed to take are in a very few limited rather rare
15 circumstances, in fact. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. Under the deal that you've got,
18 if the Government appealed your sentence, which I want you to
19 know doesn't happen all that often, you could take an appeal
20 under those circumstances.

21 If I were to impose an illegal or an unreasonably
22 high sentence above the Guidelines, you could take an appeal,
23 but I want you to know, and I'm sure Mr. Busico has told you,
24 that this doesn't happen too much. So that's pretty unusual
25 or rare.

1 If there are any errors in today's proceedings that
2 are of a material fundamental nature, you might be able to
3 take an appeal, but the reason this hearing takes long, and
4 I'm watching the lawyers roll their eyes, is because I try to
5 avoid making a mistake. Understood?

6 THE DEFENDANT: I understand. You're very thorough.

7 THE COURT: Well, there are a lot of important
8 things to discuss at these hearings.

9 If you were to argue that Mr. Busico failed to
10 provide you effective assistance of counsel when compared to
11 what the Constitution expects, then you could also perhaps
12 take an appeal based on that.

13 Do you understand?

14 THE DEFENDANT: I understand that.

15 THE COURT: But, basically, the point here, sir, is
16 this is pretty much the end of the road.

17 Do you understand?

18 THE DEFENDANT: Yes.

19 THE COURT: Now, in terms of giving up your
20 appellate rights, it also means you are giving up your rights
21 to pursue an indirect appeal.

22 Are you a football fan?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. So a direct appeal would be
25 straight up the middle of the field, right? An indirect

1 appeal is like trying to run around on the edge of the field
2 before you fall out of bounds.

3 THE DEFENDANT: Outside sweep, yes.

4 THE COURT: What?

5 THE DEFENDANT: Outside sweep, yes.

6 THE COURT: Well, just up the edge, an indirect
7 appeal, trying to get to the same goal line, right?

8 THE DEFENDANT: Right.

9 THE COURT: You're giving up both ways to get to the
10 goal of an appeal, direct and along the edge, right?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. As I was just saying the other
13 day, I've got to move into a different season, I've got to
14 come up with a different metaphor, but you understand the
15 point here?

16 THE DEFENDANT: I understand.

17 THE COURT: Okay. So if you plead guilty and if I
18 accept your plea, do you understand that you're waiving,
19 meaning giving up forever, your right to a further trial of
20 any kind in this case as well as all these appellate rights
21 that I've just discussed with you?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Do you have any question
24 about what you're giving up so far? Do you need to talk with
25 Mr. Busico about anything?

1 THE DEFENDANT: No.

2 THE COURT: Okay. And do you understand that you
3 are pleading guilty to Counts One, Nine, Thirteen, Fourteen,
4 Fifteen, and Nineteen in the Second Superseding Indictment,
5 right?

6 THE DEFENDANT: Yes.

7 THE COURT: So, Mr. Barrett or Mr. Lappen, would you
8 please outline the essential elements that would have to be
9 proven at trial and the basic factual predicate for the plea.

10 MR. BARRETT: Very well, Your Honor.

11 Your Honor, as it relates to Count One which charges
12 Mr. Waltman with conspiracy to commit money laundering, the
13 defendant -- we would have to show through the presentation of
14 evidence beyond a reasonable doubt for each element that the
15 defendant agreed with one or more of his coconspirators to
16 knowingly conduct a financial transaction involving funds that
17 the defendant knew to be the proceeds of some unlawful
18 activity; secondly, that the funds were the proceeds or were
19 represented to be the proceeds of what's called specified
20 unlawful activity; and, three, that the defendant knew the
21 transactions to be designed in whole or in part to conceal the
22 nature -- conceal or disguise the nature, location, source,
23 ownership or control of the proceeds of the unlawful activity.

24 As it relates to the Hobbs Act charges here, Your
25 Honor, the Government would have to show for each element of

1 the Hobbs Act beyond a reasonable doubt the following
2 elements: That defendant took or attempted to take from a
3 victim alleged in the Superseding Indictment counts the
4 property that's described in the count. It would be money.

5 Secondly, that the defendant did so knowingly and
6 wilfully by extortion or an attempted extortion under the
7 color of official right which means that he used his position
8 or his influence that arises out of his official position.

9 And, last, that the defendant -- as the result of
10 the defendant's actions, interstate commerce or an item moving
11 in interstate commerce was obstructed, delayed, or affected in
12 some fashion.

13 THE COURT: And the factual predicate.

14 MR. BARRETT: Yes. If I may, Your Honor, thank you
15 for reminding me that. That's important.

16 I have set forth a factual basis in the Government's
17 Plea Memorandum. My understanding is that Mr. Busico and Mr.
18 Waltman have reviewed that. I believe Mr. Busico represented
19 that they have no objections to that factual basis, but I can
20 supplement it if Your Honor would like.

21 THE COURT: Well, first, let's do this in baby steps
22 then.

23 Mr. Busico and Mr. Waltman, do you both agree,
24 number one, that you've read the Government's Change of Plea
25 Memorandum in which there is a fairly fullsome -- not a

1 fairly, a fullsome recitation of the factual background of
2 this case and that it is accurate?

3 MR. BUSICO: I agree to both, Your Honor, yes.

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. Nonetheless, Mr. Barrett, just
6 for purposes of the transcript and without going into specific
7 step-by-step detail, do you want to state like a two-paragraph
8 description of what the allegations are --

9 MR. BARRETT: Yes, Your Honor.

10 THE COURT: -- as they relate to Mr. Waltman.

11 MR. BARRETT: Yes. Your Honor, as it relates to Mr.
12 Waltman, on Count One, charging the conspiracy to launder
13 money, the factual basis would be that Mr. Waltman acting in a
14 conspiracy with Mr. Hoopes, a codefendant in this matter, and
15 Mr. Rafferty met with some undercover agents who played the
16 role of some businessmen from New York who were interested in
17 laundering proceeds from some drug activity they were involved
18 in as well as some health care fraud. And as a result of
19 these meetings on three different occasions, Mr. Waltman, Mr.
20 Hoopes, Mr. Rafferty, knowing what the purported source of the
21 money was, arranged a series of transactions designed to
22 conceal what they believed the money to be and those, in
23 essence, were representing that the money was related to some
24 underlying transactions. Mr. Rafferty provided documentation
25 to suggest that his Rafferty Consulting Company had performed

1 some type of service and that the so-called two-year business
2 people were paying him. And there were documents that one of
3 the coconspirators created to make it appear that there was a
4 transaction that would warrant this. And as a result of these
5 three transactions that all took place in the Eastern District
6 of Pennsylvania, the defendants concealed it and each of them
7 took a portion of the proceeds that were given to them by the
8 undercover agents as their sort of payment of arranging, being
9 involved in the arrangement of these transactions. A small
10 percentage, I believe it's in the nature of 10 to 20 percent
11 for each of the transactions, they got a portion of that cash
12 money that was presented.

13 Your Honor, with respect to the Counts charging the
14 Hobbs Act extortion, there's several involved here, I would
15 note that on Count Nine which involves Hobbs Act extortion
16 under color of official right, during the course of this
17 undercover operation with the FBI, there was an associate
18 played by the role of an FBI agent who purportedly had
19 received and did, in fact, receive a moving violation up in
20 Lower Bucks County in an area that Mr. Waltman was the
21 district magistrate judge and one of the cooperating sources
22 here had asked Mr. Waltman and Mr. Hoopes if they could assist
23 him in getting rid of the traffic ticket. There was a \$1,000
24 payment that was made to the codefendant, Mr. Hoopes, who at
25 the time was the Public Safety Director in Lower Southampton

1 Township. There was a meeting in which they discussed how the
2 ticket could be wiped clean and, in fact, that's what
3 happened. There was a traffic court proceeding before Mr.
4 Waltman in his capacity as a judge and a state trooper who had
5 issued the underlying ticket had appeared at that hearing and
6 argued in favor of having the ticket enforced against the
7 associate of the two businessmen from Russia and Mr. Waltman
8 dismissed that traffic ticket.

9 If I can move on, Your Honor, with respect to Counts
10 Thirteen and Fourteen, these are matters that involved Mr.
11 Waltman using his position and influence in Lower Southampton
12 to possibly arrange a contractual relationship from some
13 individuals who may have been interested in securing towing
14 contracts with Lower Southampton Township.

15 In the first instance, Mr. Waltman had proposed to a
16 person who's identified in the Indictment as Person Number One
17 that he would make arrangements that he could secure a towing
18 contract with Lower Southampton and arrange for a kickback
19 where Mr. Waltman would receive a portion of that contractual
20 relationship.

21 Your Honor, with respect to the other two matters,
22 there was an instance where Mr. Waltman, again, using his
23 position and influence in Lower Southampton because he was a
24 district magistrate, proposed to two individuals that they
25 could achieve a contract, a towing contract with Lower

1 Southampton Township if the two of them would pay him a
2 percentage, a kickback on the contract had they chosen to go
3 through with it. Again, an understanding that he would be
4 receiving a portion of the contract that was arranged.

5 Your Honor, in the last matter that's involved here
6 that's set forth in the Government's Change of Plea Memo, this
7 related to a company that is responsible for installing signs
8 along the highway, the Pennsylvania highway, in some
9 municipalities. There was a location in Lower Southampton
10 that one of the salespeople of this company was interested in
11 posting the sign, and through some intercepted conversations
12 via a Title III intercept that was placed on the phones, the
13 agents monitoring were able to intercept conversations where
14 Mr. Waltman and Mr. Hoopes were arranging to extort money from
15 the salesperson at this company. Made an arrangement that, if
16 carried through, would have had Mr. Hoopes and Mr. Waltman
17 receiving a side portion of money in return for the cost that
18 would have ordinarily been paid to Lower Southampton to be
19 driven down, and this would, if carried out, have been a
20 continuing arrangement where each year the signage company
21 would make a payment on the one hand to Lower Southampton and
22 on the other hand to Mr. Hoopes and Mr. Waltman's plan through
23 this consulting arrangement. And those are the -- the
24 transaction never followed through, but those were the
25 discussions.

1 THE COURT: Thank you.

2 Now, Mr. Waltman -- go ahead.

3 THE DEFENDANT: I'm sorry, Your Honor.

4 THE COURT: No, no, if you need to talk, go ahead.

5 MR. BUSICO: Thank you, Judge.

6 Thank you, Judge.

7 THE DEFENDANT: Thank you, Your Honor.

8 THE COURT: Mr. Waltman, nothing you say in response
9 to my next several questions can be used against you if you
10 decide to plead not guilty, but on the assumption that you
11 want to keep going forward here today, do you agree that what
12 Mr. Barrett has told me and what is set forth in the Change Of
13 Plea Memorandum from the Government accurately sets forth the
14 facts in this case?

15 THE DEFENDANT: Yes. Yes, Your Honor.

16 THE COURT: So you did what he tells me you did?

17 THE DEFENDANT: Yes.

18 THE COURT: You fully admit all of those facts?

19 THE DEFENDANT: Yes.

20 THE COURT: Is there anything that Mr. Barrett has
21 said or has presented in the sentencing memorandum that you
22 think is not accurate?

23 MR. BUSICO: Judge, may I have a moment?

24 THE COURT: Yes. Sure.

25 MR. BUSICO: Your Honor, may I have one moment with

1 the Government, please?

2 THE COURT: Yes.

3 MR. BUSICO: Your Honor, the only minor discrepancy
4 which we plan to present at sentencing is -- there's no issue
5 as to each and every element of the crimes to which brings us
6 here today for the change of plea. Mr. Waltman unequivocally
7 acknowledges his guilt.

8 There is one minor factual component on the money
9 laundering that, candidly, is a distinction without a
10 difference for sentencing purposes, but, factually speaking,
11 Mr. Waltman's position has remained that on the money
12 laundering, while he absolutely was a willing and knowing
13 coconspirator there, too, in terms of actually receiving
14 United States currency from the scheme, he was involved with
15 the currency being taken into the conspiracy, but he did not
16 personally pocket any of the money.

17 I discussed that with Mr. Barrett. We both agree
18 that that in no way affects the plea, his complicity in this
19 or the Guidelines, but it is somewhat of an important point
20 emotionally and intellectually to Mr. Waltman.

21 THE COURT: Okay. Mr. Waltman, did Mr. Busico
22 correctly --

23 THE DEFENDANT: Yes.

24 THE COURT: -- outline your concerns?

25 THE DEFENDANT: Yes. Yes, Your Honor.

1 THE COURT: Do you understand that simply because
2 you didn't have dollar bills in your personal pocket is not
3 the focus of the crime?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. With that distinction that your
6 lawyer has aptly described as a distinction without a material
7 difference, do you agree that what I have been told about what
8 you did is what happened?

9 THE DEFENDANT: Yes, Your Honor, and so described as
10 what you described earlier.

11 THE COURT: Okay. When we get together in a few
12 months in connection with sentencing, you will have an
13 opportunity to tell me about these events.

14 What I care about right now is that the actual
15 chronological actions or omissions occurred. Is that right?

16 THE DEFENDANT: Correct.

17 THE COURT: Okay. Do you understand what Mr.
18 Barrett has said in terms of the essential elements that as a
19 matter of law would have to be proven?

20 THE DEFENDANT: Yes. Yes, I have, Your Honor.

21 THE COURT: All right. So, as I said, we're going
22 to talk about sentencing in the future and, in fact, we're
23 going to talk a bit about it today, but, at this point, does
24 anybody have any suggestion for the Court to consider about
25 asking questions in terms of either the factual premise for

1 the plea or the essential elements?

2 MR. BARRETT: No, Your Honor.

3 MR. BUSICO: No, Your Honor.

4 THE COURT: Okay. Now, speaking of sentencing, Mr.
5 Waltman, do you understand that if you end up in my view, in
6 the Court's view, earning a longer or a tougher sentence than
7 you might expect or if you are sent to prison and you find
8 prison to be worse than thought it was going to be, you will
9 still be stuck with your plea?

10 THE DEFENDANT: I understand, Your Honor.

11 THE COURT: And the same would go for the length of
12 the conditions of supervision or if, for some reason, this
13 were to be a probation sentence, the conditions of probation,
14 or the amount of a fine. If you don't like it, that's too
15 bad, right? You cannot withdraw your plea?

16 THE DEFENDANT: Yes. I understand that, Your Honor.

17 THE COURT: All right. And do you understand that
18 nobody -- nobody -- can guarantee you what sentence I will
19 determine you have earned?

20 THE DEFENDANT: Nobody has, Your Honor.

21 THE COURT: Well, nobody can in the future either.

22 THE DEFENDANT: I know.

23 THE COURT: And do you understand that if you plead
24 guilty, I will, in fact, enter a judgment of guilty and later
25 sentence you on the basis of your guilty plea after I look at

1 the Sentencing Guidelines that there has been some discussion
2 about, the other applicable law. I'm going to get a whole
3 bunch of information and I'm going to get what we call a
4 presentence investigation report.

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And I'm going to look at all of that.

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And do you understand on the basis of a
9 guilty plea, you could indeed earn yourself a sentence up to
10 the maximum permitted by law?

11 THE DEFENDANT: Yes.

12 THE COURT: Mr. Barrett or Mr. Lappen, would you
13 please state the maximum penalties, including any mandatory
14 minimum if there is one in this case, which I don't believe
15 there is.

16 MR. BARRETT: There is not, Your Honor.

17 THE COURT: The possible fines, special assessments,
18 et cetera.

19 MR. BARRETT: Your Honor, for Count One, charging
20 conspiracy to commit money laundering, the maximum penalty
21 available there would be 20 years imprisonment, a three-year
22 period of supervised release, a \$250,000 fine, and \$100
23 special assessment.

24 For each count on the Hobbs Act that Mr. Waltman
25 is pleading guilty to, there's a maximum penalty of 20 years

1 imprisonment, a three-year period of supervised release, a
2 \$250,000 fine, and a \$100 assessment.

3 To aggregate those, Your Honor, would bring a total
4 maximum statutory sentence of 120 years imprisonment, a
5 three-year period of supervised release, a \$1.5 million fine,
6 and a \$600 special assessment.

7 THE COURT: And in this case, there's also been a
8 notice of forfeiture, is there?

9 MR. BARRETT: Yes.

10 THE COURT: Is there something specific, a specific
11 property?

12 MR. BARRETT: I believe it's substitute assets, Your
13 Honor. It's cash. It would be cash.

14 THE COURT: There is, in fact, some understanding
15 with respect to not spending cash between now and sentencing,
16 right?

17 MR. BARRETT: There is. There is as specified in
18 the discussion of the Plea Agreement. Let me find that
19 provision.

20 THE COURT: And are there steps that have been put
21 into place for assuring everybody that there is no dissipation
22 of those assets?

23 MR. BARRETT: Well, I think that relates to the
24 financial statement that Mr. Waltman would be preparing and we
25 would be reviewing. That's not been completed, but the forms

1 have certainly been provided to him and our asset forfeiture
2 unit would be the folks to step in and monitor that.

3 THE COURT: Okay, but between now and then, is there
4 anything that controls what Mr. Waltman can and cannot do with
5 his assets?

6 MR. BARRETT: I believe it's covered in the Plea
7 Agreement, Your Honor, if I may?

8 THE COURT: Which basically tells him that he can't
9 spend money other than for essentials, right?

10 MR. BARRETT: Yes. Correct, Your Honor. Yes.

11 THE COURT: All right. Do you understand that, Mr.
12 Waltman?

13 THE DEFENDANT: Yes, I do, Your Honor.

14 THE COURT: And speaking of understanding, first
15 off, Mr. Busico, has Mr. Barrett correctly stated the
16 potential maximum penalties?

17 MR. BUSICO: He has.

18 THE COURT: And do you, Mr. Waltman, understand that
19 the maximum penalties are just as set forth by Mr. Barrett?

20 THE DEFENDANT: Yes, I do, Your Honor.

21 THE COURT: And have you and Mr. Busico talked about
22 the Sentencing Guidelines?

23 THE DEFENDANT: A lot.

24 THE COURT: And you acknowledge and agree, do you
25 not, that your sentence will, in fact, be determined by the

1 Court after considering the Sentencing Guidelines?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Now, no matter -- do you realize that no
4 matter what the Assistant U.S. Attorneys and you and your
5 lawyer might think the Guidelines say or how they might relate
6 to your case, what you all say about the Guidelines is not
7 binding on the Court. That's because I have to be the one to
8 decide how the Guidelines relate to your case, right?

9 THE DEFENDANT: You make that decision, Your Honor.

10 THE COURT: Okay, and you know that?

11 THE DEFENDANT: I know that.

12 THE COURT: In fact, you also know, I'm sure you do,
13 that there are certain facts that can make the Guidelines
14 operate one way or another. Some of those facts, such as your
15 job and your status and your title, at the time of these bad
16 acts have already been agreed to.

17 There were a couple of other issues in this case
18 that are still open to be proven or agreed to at the time of
19 sentencing, such as the amount of the intended loss that there
20 was the reference to, the \$400,000 or something other than
21 that. A determination as to the amount of money involved for
22 the intended loss can have an effect on what Guidelines apply
23 to you in your case, and if there is going to be a hearing on
24 that issue or a dispute about it, the Government's obligation
25 is to prove its argument on that point by a preponderance of

1 the evidence, not by beyond a reasonable doubt.

2 Do you understand?

3 THE DEFENDANT: Yes, I understand that, Your Honor.

4 THE COURT: And it's possible that you all will
5 reach an agreement on that component part before the
6 sentencing hearing, but even if you guys do reach an agreement
7 on it, I don't have to accept your agreement if I determine
8 that it's not rational or appropriate.

9 Do you understand?

10 THE DEFENDANT: I understand that, Your Honor.

11 THE COURT: Okay. I'm not going to decide what your
12 sentence should be or even how the Guidelines work in your
13 case until after I see the presentence report and after you
14 and your lawyer and the Government's lawyers all have a chance
15 to review that report, make objections, and then we have a
16 hearing, but I want you to understand that even if you don't
17 like what's in the report, your plea cannot be withdrawn
18 because you don't like what the Probation Office tells me.

19 Do you understand that?

20 THE DEFENDANT: I understand that, Your Honor.

21 THE COURT: Okay. And you know that the Court can
22 and may very well impose a sentence that is more severe or
23 less severe than what the Guidelines recommend?

24 THE DEFENDANT: Yes.

25 THE COURT: Have you ever been on supervision,

1 probation, or parole for a crime before?

2 THE DEFENDANT: Never.

3 THE COURT: The reason I ask is that if you were on
4 supervision, probation, or parole when you committed these
5 offenses, your plea of guilty would essentially be saying,
6 Yes, I also broke the rules of supervision, and that can have
7 a doubly negative effect on you, right?

8 THE DEFENDANT: I understand, Your Honor.

9 THE COURT: Okay. And do you also understand that
10 parole has been abolished in the federal system. If you're
11 sent to prison, you will not be released on parole, right?

12 THE DEFENDANT: I understand that.

13 THE COURT: Do you have a record of a prior
14 conviction for anything?

15 THE DEFENDANT: I have no record of a prior
16 conviction.

17 THE COURT: All right. If you do, I want you to be
18 completely aware of the fact that a prior record can have a
19 negative effect on what your sentence could be.

20 THE DEFENDANT: I understand that, Your Honor.

21 THE COURT: Okay, and if you plead guilty here and
22 if I accept the plea, you're going to have some very serious
23 convictions on your record, and if you get in trouble in the
24 future, these convictions very likely would make your
25 punishment for a future crime more serious because of this on

1 your record.

2 THE DEFENDANT: Oh, yeah. Yes, Your Honor, I
3 understand that.

4 THE COURT: It makes sense, doesn't it?

5 THE DEFENDANT: (Defendant nods in the affirmative.)

6 THE COURT: Now, at the time of sentencing, you
7 understand that your lawyer and the Government's lawyer can
8 come in here and they can be asking me to do all sorts of
9 things. They can make motions, they can make recommendations,
10 they can come in here singing the very same song. I do not
11 have to sing along. I don't have to do what they ask me to
12 do.

13 Do you understand that?

14 THE DEFENDANT: I understand that, Your Honor.

15 THE COURT: All righty. And although there's no
16 restitution here, there is a forfeiture, a notice of
17 forfeiture that the Government is going to be asking for you
18 to make certain payments that are not simply exclusively in
19 the nature of a fine.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: All righty. So, in summary, you've
23 talked with your lawyer about the charges against you, sir.
24 You know about your right to contest those charges. You know
25 about the maximum possible penalties, right?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: And do you understand that by pleading
3 guilty and by waiving all these rights, you cannot later come
4 to any court anywhere, including any appeals court, and claim
5 you are not guilty or that your rights have been violated?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. Waltman, having heard from me what
8 your rights are if you continue to plead not guilty and what
9 might happen if you do plead guilty, do you still really want
10 to give up your right to a trial and plead guilty?

11 THE DEFENDANT: I want to plead guilty, Your Honor.

12 THE COURT: Do you want to do this?

13 THE DEFENDANT: Yes.

14 THE COURT: Why?

15 THE DEFENDANT: Because I'm guilty, Your Honor.

16 THE COURT: Has anybody threatened you, coerced you,
17 or forced you in any way to do this?

18 THE DEFENDANT: No.

19 THE COURT: And you understand that your only deal
20 is the one that I've been told about and that I've seen here
21 today, is that right?

22 THE DEFENDANT: Yes.

23 THE COURT: Are there any state charges pending?

24 MR. BARRETT: No, Your Honor.

25 THE COURT: Well, let me ask some questions of the

1 lawyer here, Mr. Waltman.

2 Do any of the counsel have any doubt as to Mr.
3 Waltman's competence to change his prior plea and enter a plea
4 here today?

5 MR. BARRETT: No, Your Honor.

6 MR. BUSICO: No, Your Honor.

7 THE COURT: Okay. If you go up and down, you're
8 going to really give yourself -- your thigh muscles are going
9 to hurt tomorrow. So you can just stay up.

10 MR. BARRETT: I'll stand, okay.

11 THE COURT: Are counsel satisfied with Mr.
12 Waltman's willingness to plead guilty as something that he's
13 voluntarily doing?

14 MR. BARRETT: Yes, Your Honor.

15 MR. BUSICO: Yes, Your Honor.

16 THE COURT: Are you satisfied that a guilty plea is
17 not based on any plea agreement except as disclosed here on
18 the record?

19 MR. BUSICO: I'm satisfied, Your Honor.

20 MR. BARRETT: Yes, Your Honor.

21 THE COURT: Are you also satisfied that a guilty
22 plea by him is being made with a full understanding by Mr.
23 Waltman of the nature of the charges, the maximum possible
24 penalties provided by law, and his legal rights to contest the
25 charges?

1 MR. BARRETT: Yes, Your Honor.

2 MR. BUSICO: Yes, Your Honor.

3 THE COURT: And are you satisfied that there is a
4 full factual basis for such a plea?

5 MR. BARRETT: Yes, Your Honor.

6 MR. BUSICO: Yes, Your Honor.

7 THE COURT: Now you can sit down.

8 And, Mr. Waltman, you should stand up and the deputy
9 clerk is going to read the charges and take your plea.

10 THE DEPUTY CLERK: John I. Waltman, you have
11 heretofore pled not guilty to the Second Superseding
12 Indictment at Number 16-509-1, charging you with Count One,
13 conspiracy to commit money laundering, in violation of
14 Title 18, United States Code, Section 1956(h); Counts Nine,
15 Thirteen, Fourteen, Fifteen, and Nineteen, Hobbs Act extortion
16 and aiding and abetting, in violation of Title 18, United
17 States Code, Section 1951(a), and 2.

18 As to Counts One, Nine, Thirteen, Fourteen, Fifteen,
19 and Nineteen of the Second Superseding Indictment, how do you
20 plead now, guilty or not guilty?

21 THE DEFENDANT: I plead guilty.

22 THE COURT: Are you pleading guilty, sir, because
23 you are, in fact, guilty as charged?

24 THE DEFENDANT: I'm guilty, Your Honor.

25 THE COURT: So that would be a yes?

1 THE DEFENDANT: Yes. I'm sorry.

2 THE COURT: Then your Guilty Plea Agreement and the
3 Acknowledgment of Rights are made part of the record and it is
4 the finding of the Court in the case of the United States of
5 America versus John I. Waltman, docketed at Criminal Action
6 16-509-1, that Mr. Waltman is fully alert and he's competent
7 and capable of changing his previous plea and entering an
8 informed plea here today.

9 Second, I find that his plea of guilty is knowing,
10 voluntary, and intelligently made. It is not the result of
11 ignorance, fear, force, threats, or any promises apart from
12 the Plea Agreement that's been disclosed on the record.

13 Third, I find that there is an independent basis in
14 fact for his plea of guilty.

15 I also find that the defendant has admitted those
16 facts that prove each of the essential elements attendant to
17 the crimes alleged and to which he is pleading guilty.

18 Fifth, I find that Mr. Waltman understands the
19 charges, he understands his legal rights, as well as the
20 maximum possible penalties.

21 I also find that he understands that he's waiving
22 his right to a trial.

23 And, finally, I find his waiver of his other
24 constitutional and statutory rights, including his right to a
25 direct or an indirect appeal, is knowing and voluntary and

1 will not result in any miscarriage of justice.

2 So, therefore, Mr. Waltman, I do accept your guilty
3 plea and you are adjudged guilty of the offenses as charged.

4 You can now sit down.

5 Sir, I'm going to order that a presentence
6 investigation report be prepared by the Probation Department.
7 You should by all means cooperate with the officer whose job
8 it is to prepare that report. Your lawyer may be present if
9 you wish when you give information to the officer. You and
10 your lawyer will have the opportunity to read and comment on
11 the report and to do so before the sentencing hearing.

12 In my view, it is only my personal view, it is not a
13 matter of law, but I think you and your lawyer should sit down
14 together face to face when you get the report and review it.

15 Under the Rules of Criminal Procedure, you and the
16 Government have to tell each other in writing if you've got
17 any objections to the report. You have to tell the probation
18 officer. If you wait longer than two weeks after you get the
19 report to make these objections, you lose the right to make
20 objections.

21 All right, with respect to sentencing in this case
22 for now, and I understand there have been some discussions
23 about scheduling and sequencing of this, but for now,
24 sentencing in this case is set for May 2nd, 2019, at
25 10 o'clock here in Courtroom 10B in the courthouse.

1 Sentencing memoranda, that's plural, and that means
2 I expect one from the Government and one from the defense,
3 should be mailed or delivered to the Court so that I have a
4 hard copy no later than one seven-day calendar week before
5 sentencing. It's tricky because May 2nd, it makes it harder
6 to do the math here, but seven days earlier is April 25th.

7 Mr. Waltman, these lawyers are all real smart, but
8 when it comes to this date for getting the sentencing
9 memoranda to me, I have to do it like this so that nobody
10 misunderstands and that's because I find the sentencing
11 memoranda to be very helpful as part of this process.

12 Okay, as we know, Mr. Waltman has been on pretrial
13 release under certain conditions. Are there any issues I need
14 to be aware of on that particular point between now and
15 sentencing?

16 MR. BARRETT: No, Your Honor. The same conditions
17 would be appropriate.

18 THE COURT: My information is that things have been
19 going okay.

20 MR. BARRETT: Yes. Fine.

21 MR. BUSICO: That is the situation.

22 THE COURT: Okay, Mr. Waltman, do you understand the
23 conditions you've been enjoying on release status?

24 THE DEFENDANT: Yes, I do, Your Honor.

25 THE COURT: Any of them a problem for you or

1 anything hard to understand?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: All right. Well, continue to abide by
4 the rules and the conditions, all right?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Because now, for example -- you can sit
7 down, gentlemen -- if you were to somehow not show up here for
8 the sentencing, if you think you're in trouble now, it goes
9 from bad to really bad because I'll send somebody out to go
10 collect you and then that alone, failure to show up when
11 you've been told to, carries with it some serious penalties.

12 THE DEFENDANT: I'll be here, Your Honor.

13 THE COURT: Okay. Good. So I'm going to continue
14 your release status under the very same conditions on the
15 understanding that everybody understands that, but just so you
16 know, if you fail to appear in court on the day of sentencing,
17 that failure is a criminal offense for which you are subject
18 to up to another ten years in jail and another \$25,000 fine.

19 Okay?

20 THE DEFENDANT: Okay, Your Honor.

21 THE COURT: Any questions, any issues for me?

22 MR. BARRETT: No, Your Honor.

23 MR. BUSICO: No, Your Honor. Thank you.

24 THE COURT: All right. Then we're adjourned. Take
25 care, everybody. Oh, and those of you who are appearing here

1 and working without current pay, thank you very much.

2 ALL COUNSEL: Thank you, Your Honor.

3 THE COURT: Okay, take care.

4 (Court adjourned)

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 the proceedings in the above-entitled

10 matter.

11

12

13

Kathleen Feldman, CSR, CRR, RPR, CM
Official Court Reporter

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15 Date: _____

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\$	2nd [2] - 52:24, 53:5	20:13, 31:24, 32:1, 34:14, 34:15, 41:24, 50:15	37:4	aptly [1] - 39:6
3	3	acting [1] - 33:13	aiding [1] - 50:16	area [1] - 34:20
\$1,000 [1] - 34:23	3 [1] - 20:17	Action [1] - 51:5	alcohol [2] - 11:25, 12:10	argue [2] - 27:2, 29:9
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EXHIBIT E

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

UNITED STATES OF AMERICA

v.

JOHN I. WALTMAN

JUDGMENT IN A CRIMINAL CASE

FILED

JUN 12 2019

Case Number: DPAE2:16CR000509-001

USM Number: 75757-066

KATE BASKMAN, Clerk
By _____ Dep. Clerk

Louis R. Busico, Esquire
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1, 9, 13, 14, 15 and 19 of the Second Superseding Indictment

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1956(a)(3) and (h)	Conspiracy to commit money laundering	11/2016	1
18:1951 (b) and 2	Hobbs Act extortion under color of official right and aiding and abetting	12/2016	9, 13, 15, and 19
18:1951(b)	Hobbs Act extortion under color of official right	10/2015	14

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) 2-8, 12, 16-18, and 20, 21 is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

June 10, 2019

Date of Imposition of Judgment

Signature of Judge

GENE E.K. PRATTER, USDJ

Name and Title of Judge

Date

Gene E.K. Pratter
June 11, 2019

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DEFENDANT: JOHN I. WALTMAN
CASE NUMBER: DP AE2:16CR000509-001

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
78 months on each of counts 1, 9, 13, 14, 15, and 19, all such terms to be served concurrently.

The court makes the following recommendations to the Bureau of Prisons:
Defendant be designated to an institution in close proximity to Philadelphia, Pennsylvania where his family resides.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. before _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on July 18, 2019

or as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

DEFENDANT: JOHN I. WALTMAN
CASE NUMBER: DPAE2:16CR000509-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:
2 years on each of counts 1, 9, 13, 14, 15, and 19, all such terms to run concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable)
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)
5. You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
7. You must participate in an approved program for domestic violence. (check if applicable)

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: JOHN I. WALTMAN
CASE NUMBER: DPAE2:16CR000509-001

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: JOHN I. WALTMAN
CASE NUMBER: DPAE2:16CR000509-001

ADDITIONAL SUPERVISED RELEASE TERMS

While the Defendant is on supervised release, he shall serve 75 hours of community service per year. The community service shall be performed at a nonprofit organization to be determined by the Defendant in consultation with the Probation Officer.

The Defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The Defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income.

The Defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the Defendant is in compliance with any payment schedule for any fine or restitution obligation. The Defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the fine or restitution obligation or otherwise has the express approval of the Court.

DEFENDANT: JOHN I. WALTMAN
CASE NUMBER: DPAE2:16CR000509-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 600.00	\$ N/A	\$ 5,000.00	\$ 0.00

- The determination of restitution is deferred _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered until after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	---------------------	----------------------------	-------------------------------

TOTALS \$ _____ \$ _____

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for fine restitution.
 - the interest requirement for fine restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
 ** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JOHN I. WALTMAN
 CASE NUMBER: DPAE2:16CR000509-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 5,600.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
 The fine is due immediately. It is recommended that the defendant participate in the Bureau of Prisons Inmate Financial Responsibility Program and provide a minimum payment of \$25 per quarter towards the fine. In the event the entire fine is not paid prior to the commencement of supervision, the defendant shall satisfy the amount due in monthly installments of not less than \$100 to commence 60 days after release from confinement.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several
 Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:
 1. the sum of \$20,000 (Count 1); and
 2. the sum of \$500 (Count 9)

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

John I. Waltman	:	
Former Magisterial District Judge	:	
Magisterial District Court 07-1-06	:	1 JD 2019
7 th Judicial District	:	
Bucks County	:	

VERIFICATION

I, James P. Kleman, Jr., Deputy Counsel, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in this Board Complaint. I understand that the statements made in this Board Complaint are subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

DATE: July 16, 2018

By:



JAMES P. KLEMAN, JR.

Deputy Counsel

Pa. Supreme Court ID No. 87637

Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

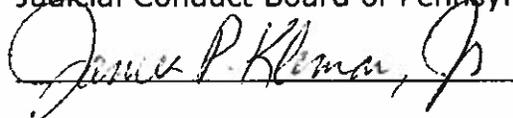
John I. Waltman :
Former Magisterial District Judge :
Magisterial District Court 07-1-06 : 1 JD 2019
7th Judicial District :
Bucks County :

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature:



Name:

James P. Kleman, Jr.
Deputy Counsel

Attorney No.:

87637

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

John I. Waltman :
Former Magisterial District Judge :
Magisterial District Court 07-1-06 : 1 JD 2019
7th Judicial District :
Bucks County :

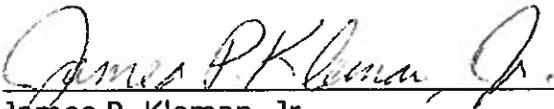
PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on July 16, 2019, a copy of the Board Complaint was personally served by Board Investigator Paul A. Fontanes upon former MDJ John I. Waltman at the following address:

Former Magisterial District Judge John I. Waltman
530 Avenue B
Trevose, PA 19053

Respectfully submitted,

DATE: July 16, 2019


James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637

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