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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 16-CR-474(FB)

:  
: United States Courthouse  
: Brooklyn, New York

-against- :  
: May 24, 2023  
: 3:00 p.m.

GENE BORRELLO, :  
: Defendant. :

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TRANSCRIPT OF CRIMINAL CAUSE FOR VIOLATION OF SUPERVISED  
RELEASE  
BEFORE THE HONORABLE FREDERIC BLOCK  
UNITED STATES SENIOR DISTRICT COURT JUDGE

A P P E A R A N C E S:

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Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.

1 THE COURTROOM DEPUTY: Criminal cause for a  
2 violation of supervised release, United States of America  
3 versus Gene Borrello.

4 I ask counsel if you can state your appearances.

5 THE COURT: Here's Mr. Galeotti.

6 So, Mr. Galeotti, I apologized to the marshals and  
7 to you and Ms. Ennis as well. I just was running about 20  
8 minutes late. I'm sorry if it's been an inconvenience for any  
9 of you.

10 MR. GALEOTTI: Not at all, Your Honor.

11 THE COURT: I know you have been working on making  
12 your recommendation to me in this matter, which has been  
13 consuming a good portion of my life over the last 28 years.  
14 So why don't I hear from either you or Ms. Ennis what it is  
15 you'd like to tell me right now.

16 MR. GALEOTTI: So I can start, Your Honor. I think  
17 there will be some overlap between what Ms. Ennis and I have  
18 to say and perhaps some differences.

19 To make a long story short, as Your Honor said,  
20 you're familiar with the posture of this case, the facts of  
21 this case and the last time we were here, we did -- the  
22 Government filed a fairly strongly-worded sentencing letter  
23 with respect to Mr. Borrello given his repeated conduct. At  
24 that time Your Honor did sentence --

25 THE COURT: Believe me, I am more than familiar with

1 this case.

2 MR. GALEOTTI: Excellent, Your Honor.

3 THE COURT: I'm probably more familiar with this  
4 case than any case in 28 years. I know that we took care of  
5 sentencing Mr. Borrello to jail for six months on Counts One  
6 and Two, and we had all these other remaining counts open.  
7 And when we left off, you were going to discuss this to see if  
8 we can reach some sort of accommodation and apparently you  
9 have.

10 Why don't you tell me what that is on the record  
11 now, Mr. Galeotti?

12 MR. GALEOTTI: Thank you, Your Honor. I will skip  
13 ahead to that. My understanding, and Ms. Ennis will correct  
14 me if I am wrong, is that the defendant is prepared today to  
15 plead guilty to Charges Eight, Nine, Ten, Eleven, Fifteen, and  
16 Sixteen. And if that happens, the Government would be  
17 prepared to dismiss Charges Five, Six, Seven, Twelve, Thirteen  
18 and Fourteen.

19 In connection with that, the parties have also  
20 discussed a proposed sentence fairly close together on this,  
21 between 12 and 13 months.

22 THE COURT: That sounds odd that it is between 12  
23 and 13 months. You couldn't agree to 12 or 13?

24 MR. GALEOTTI: Candidly, Your Honor, this is really  
25 a matter of the defendant would like to have the ability to

1 )get good time credit, so a year and a day even. In other  
2 words, the parties generally agree on a --

3 THE COURT: We usually give a year and a day so they  
4 can get good-time credit, and I guess that would apply here.  
5 But what about the fact that he's still is serving some  
6 unexpired term on the prior sentence, which I think has a few  
7 months to go?

8 MR. GALEOTTI: Yes, Your Honor. And I think the  
9 parties are prepared to address that. I think Ms. Ennis will  
10 argue that the term should run concurrently. The Government  
11 notes that provision 5G1.3(d) of the United States Sentencing  
12 Guidelines allow Your Honor to either run the sentences  
13 concurrently --

14 THE COURT: I have the discretion in that respect.

15 MR. GALEOTTI: Yes, Your Honor. And you can even do  
16 it partially.

17 THE COURT: I understand that, but you have not  
18 reached an accommodation or a collective recommendation  
19 between you and Ms. Ennis as to whether or not it should be  
20 concurrent, consecutive or combinations?

21 MR. GALEOTTI: That's correct.

22 THE COURT: You will leave that up to the discretion  
23 of the judge.

24 MR. GALEOTTI: From the Government's perspective,  
25 although I'm sure Mr. Ms. Ennis wants to be heard on that.

1 THE COURT: Let me get this straight. You're going  
2 to have plea here to Charges Eight, Nine -- keep going. What  
3 else?

4 MR. GALEOTTI: Eight, Nine, Ten, Eleven, Fifteen,  
5 and Sixteen.

6 THE COURT: Ten, Eleven, Fifteen, and Sixteen. And  
7 the others will all be dismissed?

8 MR. GALEOTTI: Correct, Your Honor.

9 THE COURT: Let me get Fifteen out.  
10 And the last was Sixteen?

11 MR. GALEOTTI: Yes.

12 THE COURT: Okay. So that's on my second sheet.

13 So Ms. Ennis, I guess we can proceed to handle the  
14 niceties of these pleas, and then we're going to have to  
15 decide consecutive, concurrent or someplace in between, and we  
16 can all talk about that.

17 MS. ENNIS: Yes, that's correct, Your Honor.

18 THE COURT: Anything else you would like to offer at  
19 this time before we proceed with taking the charge?

20 MS. ENNIS: I believe that the sentencing issues  
21 should be addressed, but Mr. Borrello and I have gone over  
22 extensively the charges that are pending against him and I  
23 wrote a letter earlier this week to the judge explaining in  
24 particular why a number of charges he will not plead guilty to  
25 and the Government is willing to dismiss because they emanate

1 from his relationship with his girlfriend.

2 THE COURT: I read your letter, but I think we are  
3 not communicating effectively and my apologies for that  
4 happening. Can I go forward and take the pleas now?

5 MS. ENNIS: Yes.

6 THE COURT: And we will discuss the sentence later.

7 MS. ENNIS: Okay, thank you.

8 THE COURT: At this time, please swear in Mr.  
9 Borrello.

10 THE COURTROOM DEPUTY: I ask you to raise your right  
11 hand.

12 (Defendant sworn.)

13 THE COURTROOM DEPUTY: Please state your name.

14 THE DEFENDANT: Gene Borrello.

15 THE COURTROOM DEPUTY: Keep your voice up.

16 THE COURT: All right. Mr. Borrello, so you've been  
17 around the bush before. You know exactly what's going to  
18 happen now because you have taken pleas to the other charges  
19 as well. You know the protocol, but I have to go through it  
20 all very carefully with you again, okay.

21 THE DEFENDANT: Okay.

22 THE COURT: All right. And at this time, I'm going  
23 to advise you that, once again, you have rights. You know  
24 exactly what they are. You can probably change places and you  
25 can give me the rights as well as I can give you by now,

1 correct?

2 THE DEFENDANT: Yes.

3 THE COURT: How are you feeling? Are you going okay  
4 there?

5 THE DEFENDANT: No.

6 THE COURT: Hanging in? You're not doing okay. You  
7 can't wait to get back to Florida again, right?

8 THE DEFENDANT: I hope.

9 THE COURT: Okay. So you know that you have the  
10 right to challenge all of these charges, every one of them,  
11 and you can put the Government to its proof, if you wish to do  
12 that. And if you decide that you don't want to plead to any  
13 of these charges, then the Government will have to produce  
14 evidence before me in support of all these charges, and I will  
15 then listen to all the evidence. The Government can produce  
16 live witnesses, can produce documentary evidence. And you can  
17 do that also, even though you don't have to; you're not  
18 compelled to do that.

19 You have the right to testify. You have the right  
20 to call witnesses on your behalf, to produce evidence on your  
21 behalf, and I will listen to it all. And I would then have to  
22 render a decision whether the Government met its burden of  
23 proof, which in these cases, as you know, is not proof beyond  
24 a all reasonable doubt, but is just the preponderance of the  
25 evidence, which means that the scales have to tip ever so

1 slightly in favor of the Government's case to support that  
2 lesser standard of culpability. I think you know all that,  
3 but I'm telling you that again.

4 So you have to decide that you have the right to do  
5 that, and you have to decide now knowing that you have those  
6 rights and that I will be making the decision whether or not  
7 you wish to go forward with these pleas or not.

8 I assume the answer to that is yes, but you're going  
9 to have to tell me that.

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. Now, do you plan to -- you have  
12 to tell me a little bit about all of these charges. We're  
13 going to go through them one by one and you're going to have  
14 to allocute to give me a comfort level that you are indeed  
15 pleading guilty to these charges and you're not being  
16 compelled to do so.

17 The first one we have is charge No. 8, which reads  
18 that on or about July 14, 2022 you violated the following  
19 standard condition of supervision, namely, quote, if you are  
20 arrested or questioned by a law enforcement, you must notify  
21 the probation officer within 72 hours. And you are charged  
22 with not having given that notice on July 14, 2022; is that  
23 correct?

24 THE DEFENDANT: Yes.

25 THE COURT: And you agree that that's the correct



1 charge against you and that you got notice?

2 THE DEFENDANT: Yes.

3 THE COURT: All right.

4 And then on charge number nine, it says that you  
5 violated this condition of supervision, that the defendant may  
6 be limited to possessing only one personal internet-capable  
7 device to facilitate the probation officer's ability to  
8 effectively manage and monitor the device. And it says  
9 specifically that you failed to notify of an additional  
10 cellular phone.

11 I take it you had more than one phone?

12 THE DEFENDANT: Yes.

13 THE COURT: And is it true that you failed to notify  
14 the officer of the fact that you had an additional cellular  
15 telephone?

16 THE DEFENDANT: Yes.

17 THE COURT: I don't know exactly when that happened.  
18 It doesn't set forth in the charge when exactly that happened,  
19 but you can give me some sense. Was it sort of around the  
20 same time as the last charge in July of 2022 that that  
21 happened or was it different?

22 THE DEFENDANT: The device I believe was after that.

23 THE COURT: It was what?

24 THE DEFENDANT: It was after that.

25 THE COURT: A little after that.

1 THE DEFENDANT: Yes.

2 THE COURT: But there is no question that you did  
3 have the additional device?

4 THE DEFENDANT: Actually, yeah, it was October.

5 THE COURT: Let's go to charge 10. It says you  
6 violated this condition of supervision, quote, You must answer  
7 truthfully to questions asked by a probation officer, and it  
8 says that you lied to the probation officer regarding that  
9 cellular telephone.

10 I assume it's the same cellular telephone we were  
11 talking about; correct?

12 THE DEFENDANT: Yes.

13 THE COURT: So you told a fib? You told her you  
14 didn't have it, right?

15 THE DEFENDANT: Yes.

16 THE COURT: And you acknowledged that, and you knew  
17 that was wrong; right?

18 THE DEFENDANT: Yes. Yes.

19 THE COURT: Charge Eleven. Here's the next one,  
20 that you had this condition, installation of monitoring  
21 software hardware on the device, specifically failed to  
22 install the monitoring software on your cellular telephone.  
23 Is that true?

24 THE DEFENDANT: Yes, Your Honor, but can I explain  
25 something.

1 THE COURT: Go ahead.

2 THE DEFENDANT: The Florida probation officer said  
3 they didn't have the -- the app, whatever it is, so they were  
4 telling me not to do it and he was telling me to do it, so I  
5 was in a conflict. Somebody was telling me don't worry about  
6 it; somebody was telling me to do it. That's what happened  
7 with that one.

8 THE COURT: So you were confused as to whether you  
9 had to do it or not?

10 THE DEFENDANT: Yes. They would tell me to answer  
11 to Florida, answer to New York. I don't know -- it was both I  
12 was hearing.

13 THE COURT: It sounds like a defense to Charge  
14 Eleven. Do we have to proceed with Charge Eleven?

15 MR. GALEOTTI: No, Your Honor. If I could just say  
16 this and then we can, frankly, dismiss Charge Eleven, but just  
17 to put a little color on this.

18 So, on July 22, 2021, Mr. Borrello's Android  
19 cellular telephone was enrolled in Probation's monitoring  
20 program. On February 11, 2022, Mr. Borrello said a second  
21 cellular telephone on his T-Mobile plan was used by his  
22 brother, not him. He claimed to have terminated that second  
23 cell phone on February 16, 2022 and then denied it again on  
24 June 23, 2022. So for some period of time he was both using a  
25 second cell phone and lying to Probation about it.

1 THE COURT: Well, we got that. He already pled  
2 guilty to Charge Ten.

3 MR. GALEOTTI: I know. I just want to make sure  
4 there was factual support for the --

5 THE COURT: What are we doing about Charge Eleven?  
6 He said that he had mixed information about it.

7 MR. GALEOTTI: We can dismiss Charge Eleven, Your  
8 Honor.

9 THE COURT: Do you want to withdraw that one?

10 MR. GALEOTTI: We withdraw it.

11 THE COURT: Okay. So we're not going to deal with  
12 Charge Eleven. Okay.

13 Let's move on now to the two last ones.

14 Charge 15, on or about January 18, 2023 -- that's  
15 just a few months ago -- you violated the following mandatory  
16 condition of supervision, quote, The defendant shall not  
17 commit another federal, state, or local crime and you  
18 committed the crime of fleeing to elude law enforcement  
19 officers in violation of Florida State Penal Law.

20 So you have to tell me a little bit about what  
21 happened there.

22 THE DEFENDANT: I don't even know how to explain  
23 that, Your Honor, but I'll plead guilty to it.

24 THE COURT: I understand that, but did you, in fact,  
25 leave to elude a law enforcement officer?

1 MS. ENNIS: May I confer with him for a moment?

2 THE COURT: A little louder.

3 MS. ENNIS: I'm sorry. May I confer with him for a  
4 moment, Your Honor?

5 THE COURT: Let's move on. I already cut him a  
6 little bit of a break on the prior one.

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: You have to tell me what you did.

9 THE DEFENDANT: They're saying they tried to pull me  
10 over. I guess the cops are saying they tried to pull me over  
11 and I took off on them.

12 THE COURT: So you had pulled over for some reason  
13 and you took off?

14 THE DEFENDANT: I was never pulled over, Your Honor,  
15 but yes.

16 THE COURT: You know, we got to decide whether you  
17 are culpable or not, because I don't want to force you into  
18 any of this stuff.

19 THE DEFENDANT: Yeah. I plead guilty, yes.

20 THE COURT: I know you're pleading guilty, but I  
21 want to make sure that you're pleading guilty intentionally,  
22 with knowledge of the fact that you really are guilty. And if  
23 you really have a defense, you don't have to plead guilty.

24 THE DEFENDANT: Yeah, I plead guilty, Your Honor.

25 THE COURT: What did you do?

1 THE DEFENDANT: I was being pulled over and I took  
2 off.

3 THE COURT: When you were being pulled over for  
4 something, right?

5 THE DEFENDANT: Yes.

6 THE COURT: What were you being pulled over for?

7 THE DEFENDANT: I guess my girlfriend.

8 THE COURT: The police wanted you to stop and you  
9 just did not stop?

10 THE DEFENDANT: Yes.

11 THE COURT: You knew that you were supposed to stop  
12 and you decided not to do that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Are you clear about that?

15 THE DEFENDANT: Yes.

16 THE COURT: And the last one, No. 16, says that you  
17 violated this condition of supervision: You must follow the  
18 instructions of the probation officer related to the  
19 conditions of supervision. It says specifically you failed to  
20 follow instructions from the Probation Department.

21 I don't have a clue what that means.

22 MR. GALEOTTI: Yes, Your Honor. Mr. Borrello was  
23 instructed not to live with a particular individual with whom  
24 he was engaged in, and I know he will dispute this, but there  
25 was domestic violence, at the very least --

1 THE COURT: That is his love/hate relationship?

2 MR. GALEOTTI: Yes, Your Honor. And so he was  
3 instructed not to live with that person. He did live with  
4 that person.

5 Putting aside whatever happened in the underlying  
6 conduct, it is still a violation insofar as it was --

7 THE COURT: So, Mr. Borrello, I know you have this  
8 very interesting relationship with this young lady.

9 THE DEFENDANT: Right.

10 THE COURT: One of you might kill each other one  
11 day, but such as love, right?

12 THE DEFENDANT: Right.

13 THE COURT: But you were told that you cannot live  
14 with her; correct?

15 THE DEFENDANT: I was not told that, Your Honor, but  
16 they told me -- when I went to Florida, my probation went to  
17 the house and met her and said that was fine, so -- but, okay.

18 THE COURT: Well, look, if you want to say not  
19 guilty, I'm here to give you your rights.

20 THE DEFENDANT: Yes, Your Honor. I was told that,  
21 yes.

22 THE COURT: Were you told not to live with her --

23 THE DEFENDANT: Yes.

24 THE COURT: -- or not to come into her premises?

25 THE DEFENDANT: Uh-hum. Yes, Your Honor.

1 THE COURT: And did you do that?

2 THE DEFENDANT: Yes.

3 THE COURT: And when did you do that? Was that  
4 about in September of --

5 THE DEFENDANT: Yes.

6 THE COURT: -- 2022?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: So what specifically happened? You went  
9 to see her, to visit her?

10 THE DEFENDANT: Yes. I was living with her.

11 THE COURT: Look, I know you were going back and  
12 forth with her.

13 THE DEFENDANT: Yes.

14 THE COURT: I know you have an operatic  
15 relationship. And if Mozart were alive today or any of the  
16 great operatic composers, you would be a candidate for one of  
17 his great operas.

18 THE DEFENDANT: Yes, I was --

19 THE COURT: But I have to know for this proceeding  
20 whether or not --

21 THE DEFENDANT: Yes, I was going to the house.

22 THE COURT: -- you did go into her house?

23 THE DEFENDANT: Yes.

24 THE COURT: And you knew you should not do that?

25 THE DEFENDANT: Yes.



1 THE COURT: So, are you making those guilty pleas of  
2 your own knowledge and voluntarily, each one?

3 THE DEFENDANT: Yes.

4 THE COURT: Has anyone coerced or forced you to do  
5 that, including the judge?

6 THE DEFENDANT: No.

7 THE COURT: Absolutely clear that you are doing this  
8 voluntarily?

9 THE DEFENDANT: Yes.

10 THE COURT: And of your own freewill?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. I will accept the pleas then  
13 and I make the finding that as a consequence of this  
14 interesting colloquy we've had in court, that Mr. Borrello is  
15 acting voluntarily, of his own freewill and he wants to  
16 dispose of all of these many charges against him and he has  
17 pled guilty to those particular charges in satisfaction of all  
18 of the remaining charges.

19 And the Government is going to make the requisite  
20 motion at this time in respect to those other charges, I take  
21 it.

22 MR. GALEOTTI: Yes, Your Honor. We move to dismiss  
23 the remainder of the charges.

24 THE COURT: So we have taken care of that, Mr.  
25 Borrello, all right.

1           And now we are up to sentencing.

2           Do you want to go forward with sentencing today or  
3 do you need some time? We can have you come back again if you  
4 need more time or if you want to go forward with sentencing  
5 today. Whatever your wishes, I'm here to accommodate it.

6           THE DEFENDANT: Your Honor, today, please. I'm  
7 stuck in the box, in the hole.

8           THE COURT: I think you have four months to go.

9           THE DEFENDANT: Two, three.

10          THE COURT: Three?

11          THE DEFENDANT: Yes.

12          THE COURT: And you're in the SHU?

13          THE DEFENDANT: Yes.

14          THE COURT: Right now?

15          THE DEFENDANT: Yes, Your Honor.

16          THE COURT: Is he there for his own safety?

17          MR. GALEOTTI: Your Honor, so this is a Bureau of  
18 Prisons' decision, not a Government decision. The Government  
19 did inquire to see if there's a safe place for Mr. Borrello to  
20 be, and our understanding is the Bureau of Prisons is working  
21 on it.

22                 What's being done right now is for his safety not  
23 because he committed a disciplinary violation, just to be  
24 clear. And my understanding, based on my communications with  
25 individuals at the Bureau of Prisons, is they're looking for a

1 place to safely house Mr. Borrello.

2 THE COURT: I understand the degrees of difficulty,  
3 but nonetheless, he has been exposed to severe restrictions on  
4 his freedom, et cetera, for violating two conditions of  
5 supervised release, which are not the worst that I have seen  
6 in my career and that troubles me a little bit.

7 It almost motivates me to give him concurrent time.

8 MR. GALEOTTI: Your Honor, I certainly can  
9 re-approach this with BOP. The Government also tried to take  
10 into consideration, based on Ms. Ennis' representations that  
11 the defendant prefers to be in the MDC because he's closer to  
12 family members as opposed to at a facility that is further  
13 away. All I can say, Your Honor, is that we are trying to --  
14 I don't think -- it's certainly not the Government's purpose  
15 that he be placed in special housing.

16 THE COURT: I'm not faulting you. It's just the  
17 circumstances that we are dealing with on the ground in the  
18 real world.

19 MR. GALEOTTI: Understood.

20 THE COURT: And you know that the Court is concerned  
21 about the MDC. It's kind of an embarrassment that we have  
22 consistently given relief to prisoners who otherwise may not  
23 have wanted it because of the harsh conditions at the MDC. I  
24 think we still are dealing with that to some extent. And this  
25 is a manifestation, I'm afraid, of it also.

1 MR. GALEOTTI: Well, to be fair, Your Honor, I think  
2 some of the separations are -- there are separations in place  
3 that are in place because of Mr. Borrello's historical  
4 conduct.

5 THE COURT: I guess so.

6 Is it that you don't want to be there, do you?

7 THE DEFENDANT: That's not true.

8 THE COURT: If he doesn't want to be there, it's his  
9 life.

10 THE DEFENDANT: They have a separation on me, Your  
11 Honor, yes, but I didn't want a separation; they just put it  
12 on.

13 THE COURT: He's willing to run the risk.

14 MR. GALEOTTI: That's unfortunately, A, not  
15 Government's call; it's the Bureau of Prisons. And in any  
16 event, Your Honor, what inmates necessarily want to do is not  
17 appropriate necessarily for them to make decisions on the  
18 safety of the institution.

19 THE COURT: We're having an open discussion. I  
20 understand. I understand. And it's difficult sometimes to  
21 really get a good commonsense handle on these things.

22 Anyway, the recommendation is between 12 and 13  
23 months. I get it. But let's hear from Ms. Ennis whether I  
24 should tack on a little bit additional time under all of these  
25 circumstances.

1           You're going to make an eloquent plea why it should  
2 be concurrent. I think I have to add something here, but  
3 certainly not 12 months.

4           MS. ENNIS: Yes, thank you, Your Honor.

5           What Mr. Borrello was trying to say is that he was  
6 put -- he has been told that he is in the SHU -- which is  
7 extremely uncomfortable and difficult for anyone to navigate,  
8 and when I went to see him on Sunday, it was very difficult  
9 for me just to get access to visiting him because he's in the  
10 SHU and he had to be moved from one building to another just  
11 to see his attorney for an hour.

12           He has been told that the reason he is in the SHU is  
13 because there are other people associated with crime families  
14 against whom he has testified or cooperated, I should say, in  
15 the past, and that's going to follow him wherever he goes. As  
16 an example, for some reason the MDC decided to transfer him --  
17 I should say the Bureau of Prisons decided to transfer him  
18 down to Butner in North Carolina despite the pendency of this  
19 case and despite the good efforts of the U.S. Attorney. Mr.  
20 Galeotti tried to reverse that and for quite awhile was  
21 ignored.

22           THE COURT: Well, Mr. Galeotti has represented the  
23 office very well and professionally. The Court has a lot of  
24 respect for that. I'm thinking after today maybe he can be  
25 sent somewhere else. I have no control. Maybe I can make a

1 recommendation to that, right?

2 MS. ENNIS: The difficulty that he found in being  
3 transported first to Philadelphia and then to Virginia and  
4 finally to Butner was that in each place he encountered people  
5 that were identified with organized crime who posed a  
6 potential threat to him that he had to worry about if they  
7 discovered that he had be placed in their midsts even  
8 temporarily as he was being transported, and that is the kind  
9 of condition for someone who did cooperate against 20 -- more  
10 than 20 people. That's the kind of thing he is going to face  
11 throughout the pendency of whatever term that he serves and it  
12 just doesn't strike me as fair that he should end up being in  
13 the SHU as a result of his own cooperation.

14 So for that reason, I would ask the Court to take  
15 the severity of that into account.

16 Also, he is particularly eager, as- he just  
17 indicated to the Court, he is eager to get back to Florida,  
18 yes, because he has a job there. He had a job that satisfied  
19 him that he could do, as a managerial partner in a car wash  
20 service, actually, a fancy car wash service. It was a valet  
21 car cleaning and car tending and he really wants to do that  
22 job and it will wait for him, but not indefinitely.

23 THE COURT: Tell me specifically when his term of  
24 imprisonment ends in respect to the sentence I rendered as to  
25 Counts One and Two. Give me the exact date.

1 THE DEFENDANT: August 4th.

2 MS. ENNIS: Thank you.

3 THE COURT: When?

4 THE DEFENDANT: August 4th.

5 MR. GALEOTTI: Yes, Your Honor. That strikes the  
6 Government as correct. He was sentenced in February on six  
7 months.

8 THE COURT: So you have two months, 10 days to go,  
9 thereabouts?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right. Does the Government wish to  
12 say anything?

13 MR. GALEOTTI: We will be brief. I think Your Honor  
14 was kind of enough to hear us out at length last time. What  
15 we can say is from the Government's perspective the last  
16 sentencing letter was filed because we are not just dealing  
17 with technical violations or podcasts or radio, which are  
18 serious in and of themselves, but there were things on the  
19 defendant's phone, in the defendant's conduct that are  
20 troubling. At the same time, Your Honor, as Your Honor  
21 emphasizes, and we do take into account, we want get a  
22 sentence that is necessary but not greater than what is  
23 sufficient to achieve the ends of justice here. And I think  
24 in particular with this defendant what we do don't want to see  
25 is this defendant getting out and violating again. What we

1 want to see is the defendant learning from these mistakes and  
2 not being back here and not being back in front of Your Honor  
3 for more years than Your Honor has already described and so  
4 what we've tried to do is --

5 THE COURT: I have to confess, I will miss Mr.  
6 Borrello.

7 MR. GALEOTTI: Well, I don't know what to say to  
8 that.

9 THE COURT: I'm saying that facetiously.

10 MR. GALEOTTI: I understand. And frankly, maybe  
11 Your Honor recognizes something in Mr. Borrello that he has  
12 something to contribute to the community and hopefully he does  
13 do that after he gets out.

14 Part of what is happening in this sentencing package  
15 is no one is requesting additional supervision for Mr.  
16 Borrello and I think that it's important to note that. And  
17 Your Honor may wonder why.

18 First of all, the idea is not to catch Mr. Borrello  
19 on some small technical violations. The idea is to see if he  
20 can sink or swim on his own at this point. But in order to do  
21 that, he needs to do two things: One, he needs to have  
22 learned a lesson that this kind of conduct is not going to be  
23 tolerated; and number two, he needs to serve his time for  
24 breaching his trust to the Court with respect to this series  
25 of repeated violations. Once those two things can be done,



1 hopefully Mr. Borrello can sort of put this chapter behind him  
2 and move on and not have to appear before Your Honor.

3 THE COURT: It seems a lot of his problems are  
4 because of this rather unusual relationship he has with this  
5 woman. That is something that might perpetuate. I don't  
6 know. That can cause him a lot of additional problems. But  
7 he can talk about that. I mean, it's kind of hard to really  
8 understand these types of love/hate relationships, but we know  
9 they exist.

10 Let me hear from Ms. Ennis. I'm going to tack on  
11 some additional time. I'm not going to give him an additional  
12 12 months, but something to signify the fact that he has pled  
13 to these charges. And I agree with the Government, I just  
14 hope that I'm not going to see him again, actually. I was  
15 saying that before facetiously. He's a complex person, a  
16 person of some talent and ability and intelligence, obviously.  
17 He doesn't need any more lectures from me. We're going to  
18 read about him again in Mr. Capeci's articles for sure, right.

19 I think you have to try to deal with this  
20 relationship that you have with this woman because that has  
21 been the source of a lot of problems and then they will really  
22 put you in additional risk again in the future. I'm not going  
23 to tell you how to manage that, but you may well have other  
24 problems if you cannot manage them.

25 The podcast, we have gone through that before. You

1 understand you were just punished because of that.

2           There's not going to be any constraints on that at  
3 all. So I guess he can have a podcast and do whatever, right?

4           MR. GALEOTTI: Your Honor, this is one thing that  
5 Probation, the Government and defense counsel all agree on,  
6 that the time for supervision is over, Mr. Borrello should be  
7 free to act in accordance with law, all state, local, and  
8 federal laws. And if he can do that, he'll have a chance to  
9 succeed.

10           THE COURT: So if he wants to have a podcast, he can  
11 do it, I guess, as long as he doesn't violate any laws in the  
12 process.

13           So you have to be a little careful about that,  
14 right? You can say good things about Judge Block. You can  
15 say good things about your lawyer. You can say good things  
16 about the government lawyer. Watch about crossing the line  
17 and talking about things which can get you in real trouble  
18 again. You have to understand that.

19           THE DEFENDANT: Yes, Your Honor.

20           THE COURT: Do you think you can do that?

21           THE DEFENDANT: Yeah.

22           THE COURT: Ms. Ennis, anything else that you want  
23 to say before I ask Mr. Borrello if he wants to make any  
24 parting comments?

25           MS. ENNIS: I have spoken at length with Mr.

1 Borrello about his relationship, which has given him a lot of  
2 anxiety and a lot of stress. He knows that he has to contain  
3 that relationship somehow. He is not certain that he will be  
4 able to prosper once he has been released from jail. He cares  
5 for this woman a great deal, still, despite the very difficult  
6 time that she has given him. But she has acknowledged that  
7 she has mental health issues and if he were to continue a  
8 relationship, which is not at all certain, that he would  
9 require her to seek some kind of mental health treatment  
10 because she has made self-destructive gestures in the past  
11 that I don't want to elaborate on here at this point.

12 THE COURT: It's tough. He has to sort this all out  
13 without violating the law.

14 Mr. Borrello, do you want to say anything before I  
15 impose sentence?

16 I'm going to give you some additional time. I'm  
17 thinking of saying 12 months of which -- not 12 months. I'm  
18 thinking about giving you four months to run concurrent, which  
19 will take you past August 4th by a month or so. I think  
20 that's about right. That does represent the fact that there  
21 is some punishment that you have to pay for these additional  
22 violations and I think you get the message by now.

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Do you want to say anything though  
25 before I sentence you?

1           THE DEFENDANT: Yes, Your Honor. I'm sorry to the  
2 Courts, everybody, and I'm going to try to do my best. You  
3 are a good judge. Thank you.

4           THE COURT: So the sentence is going to be four  
5 months to run concurrent with the present sentence that you're  
6 serving on Counts One and Two.

7           There is nothing else. You're not going to have any  
8 further supervision. Your life is your own. I hope you're  
9 going to live it constructively. We have spoken enough about  
10 it and I don't think there's anything else I have to say other  
11 than to tell you of your right to appeal. If you wish to do  
12 so, you can file a Notice of Appeal within 14 days from the  
13 date the judgment is going to be entered. The order is going  
14 to be entered and you have to perfect it within 30 days  
15 thereafter unless you get an extension of time from the proper  
16 authorities. I have to advise you of your rights.

17           And I don't think there's anything else.

18           Mr. Galeotti, is there anything else you need to  
19 tend to today?

20           MR. GALEOTTI: No, nothing further from the  
21 Government at this time, Your Honor. And like you said, we  
22 wish Mr. Borrello the best of luck but hope not to see him  
23 again.

24           THE DEFENDANT: Right.

25           THE COURT: We have gotten some good reports from

1 Probation here.

2 THE DEFENDANT: Yeah.

3 THE COURT: My parting comment is you're an  
4 interesting, complex personality, but you have to stay clear  
5 of the law and use good common sense. That's the last advice  
6 that Judge Block can give you.

7 With that, I wish you well.

8 Anything else, Ms. Ennis?

9 MS. ENNIS: No. Thank you very much, Your Honor.

10 THE DEFENDANT: Thank you.

11 THE COURT: All right. Good luck. That completes  
12 the sentence.

13 (Matter concluded.)

14 \* \* \* \* \*

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

17 /s/ Michele D. Lucchese

May 30, 2023

18 \_\_\_\_\_  
Michele D. Lucchese

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