

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA ) 06CR6073  
 )  
vs. )  
 ) Rochester, New York  
 ) July 26, 2011  
 ) 1:30 p.m.  
 )  
----- X  
Defendant.

**SENTENCING**

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE CHARLES J. SIRAGUSA  
UNITED STATES DISTRICT JUDGE

WILLIAM J. HOCHUL, JR., ESQ.  
United States Attorney  
BY: TIFFANY LEE, ESQ.  
Assistant United States Attorney  
6200 Federal Building  
Rochester, New York 14614

HOWARD J. WEINTRAUB, ESQ.  
1355 Peachtree St. N.E., Suite 1250  
Atlanta, Georgia 30309  
Appearing on behalf of the Defendant

K. Lyons, USPO

COURT REPORTER: Karen J. Bush, Official Court Reporter  
(585) 613-4312  
100 State Street  
Rochester, New York 14614

1 USA VS. [REDACTED]

2 P R O C E E D I N G S

3 \* \* \*

4  
5  
6 THE COURT: For the record, this is the matter of  
7 the United States versus Danny Ray Price. Come on up, Mr.  
8 Price. You are Danny Ray Price?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And you're appearing with your  
11 attorney, Mr. Weintraub; is that correct? Mr. Weintraub, how  
12 are you doing?

13 MR. WEINTRAUB: I'm doing fine. Nice to see you.

14 THE COURT: How are you doing, Ms. Lee?

15 MS. LEE: I'm doing much better.

16 THE COURT: Thank you for another case. Mr. Lyons  
17 is here on behalf of probation. Mr. Weintraub, I would be  
18 remiss if I didn't say my secretary says that the people in  
19 your office are the nicest people she has ever dealt with.

20 MR. WEINTRAUB: That is what I say about your  
21 office in all candor.

22 THE COURT: But she said you should go back and  
23 give them all raises.

24 THE DEFENDANT: Everybody is getting paid but me,  
25 there is something wrong with that business concept. But

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

USA VS. [REDACTED]

seriously, before we start, this case has been going on for several years, and I just never have been treated the way you and your staff and Ms. Lee just been -- I would like to maybe move. My girlfriend went to Syracuse and I went to Buffalo. Maybe we'll reach a medium and move to Rochester. But I thank your staff very much.

THE COURT: That is nice to hear and it's mutual.

MR. WEINTRAUB: Thank you, sir.

[REDACTED]

1 USA VS. [REDACTED]  
2 [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED]  
10 [REDACTED] [REDACTED]  
11 [REDACTED] [REDACTED]  
12 THE DEFENDANT: Right.  
13 THE COURT: I understand. Mr. Weintraub, anything  
14 else you would like to say before I pass sentence?  
15 MR. WEINTRAUB: Well, I had a whole presentation.  
16 THE COURT: I certainly --  
17 MR. WEINTRAUB: I don't need to, your Honor.  
18 THE COURT: You know what, I was going to say  
19 this, but I'll say it at this point. Hopefully, and I'm sure  
20 Mr. Price appreciates all your efforts on his behalf. It's  
21 obvious from reading Mr. Weintraub's submissions the care and  
22 attention he has given to your case. He has detailed for me  
23 not only initially the objections that he saw at the time, but  
24 more recently he has detailed for me all your health issues as  
25 well. The prostate cancer, I assume --

1 USA VS. [REDACTED]  
2 daughters and the personal things in my life. We've kind of  
3 spent time together. I don't know why we're here. He closed  
4 his eyes. I mean, that is the problem with this case. A jury  
5 would be entitled to, when you give the instruction on  
6 deliberate ignorance that is tantamount to knowledge, and that  
7 is what bothered me. And it bothered [REDACTED] and his family when  
8 we decided that that was the appropriate way, and Ms. Lee gave  
9 us a good avenue to address this.

10 THE COURT: I think you absolutely correctly  
11 analyzed the case. If this went to trial, I'm sure the  
12 government would request, and the Court would give, a conscious  
13 avoidance charge. In other words, on the issue of knowledge,  
14 you can't deliberately close your eyes. I agree with Mr.  
15 Weintraub that a jury wouldn't have any trouble, especially  
16 someone with your background, and what you accomplished for  
17 whatever reason, friendship or not, you deliberately closed  
18 your eyes to what was pretty obvious. In any event, is there  
19 anything else you would like to say to me before I pass  
20 sentence, [REDACTED]?

21 THE DEFENDANT: Your Honor, even though I'm scared  
22 to death, I'm glad to be here before your court. I'm not the  
23 type of person that hurts people. I'm totally incapable of  
24 hurting another human being. It just saddens me so much,  
25 everything you do in your life and you come across one instance

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

USA VS. [REDACTED]

where you allow somebody to, I hate to say it, I was used a little bit because of my spirit. Any time people -- and I recognize now that if you are very caring and community minded, that if you're not careful, you can get used. And I regret it, your Honor. As far as the future, I will never ever, ever be involved in something like this again, never.

THE COURT: I believe you, [REDACTED]. The Court then is prepared to pass sentence on you. And in that regard, as I've indicated, I've had the chance to review the presentence investigation report and other submissions to which I referred. Additionally, I've listened to what Ms. Lee has said, I listened and read everything that Mr. Weintraub has submitted on your behalf including the character letters that spoke to your good qualities and contributions that you made, and I've listened to what you just said. And you stand before me, you are now, if I have this right, 65.

THE DEFENDANT: Yes, your Honor.

THE COURT: Just -- not just, but in, what, in March turned 65.

THE DEFENDANT: Yes, your Honor.

THE COURT: And you're here for sentencing after pleading guilty to one count of the felony of misprision of a felony, a class E felony, in violation of 18 U.S.C. Section 4. As we discussed when you pled guilty, this crime is punishable

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

USA VS. ██████████

consented, that is agreed, to give up your right to appeal or otherwise collaterally attack the sentence imposed. That is the sentence of the Court. Ms. Lee, anything need to be dismissed?

MS. LEE: I believe his first appearance was to actually plead before the Information.

THE COURT: Again, I'm sure you appreciate, as does your wife, all Mr. Weintraub's efforts on your behalf. It sounds like from the representation a friendship has developed, but certainly you should appreciate what he has done for you and not likely without his efforts you wouldn't be walking out of this courtroom with a sentence of probation. Good luck to you. Good luck to your wife. And I hope the medical conditions are resolved favorably.

MR. WEINTRAUB: Thank you, your Honor. Thank you, sir.

THE DEFENDANT: Your Honor, I deeply appreciate your sentence.

THE COURT: Good luck to you.

MR. WEINTRAUB: Thank you.