

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON, KENTUCKY

UNITED STATES OF AMERICA,) Lexington Criminal
) Action No. 15-87
 Plaintiff,)
) At Lexington, Kentucky
-vs-)
) June 30, 2017
SAMUEL A. GIROD,) 10:15 a.m.
)
 Defendant.)

TRANSCRIPT OF SENTENCING HEARING PROCEEDINGS
BEFORE THE HONORABLE DANNY C. REEVES
UNITED STATES DISTRICT JUDGE

Appearances of Counsel:

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 U.S. District Court
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Proceedings recorded by mechanical stenography,
transcript produced by computer.

1 (Whereupon, the Sentencing Hearing proceedings
2 commenced on Friday, June 30, 2017, at 10:15 a.m., on the
3 record in open court, as follows.)

4 THE COURT: All right. Thank you.

5 Madam Clerk, if you would call the matter
6 scheduled for 10 o'clock, please.

7 THE CLERK: Yes, Your Honor.

8 Lexington Criminal Action Number 15-87,
9 United States of America versus Samuel Girod, called for
10 sentencing.

11 THE COURT: Thank you.

12 And if counsel would state their appearances,
13 please.

14 MS. SMITH: Kate Smith on behalf of the
15 United States.

16 THE COURT: Thank you. And the Court --

17 MR. FOX: Good morning, Your Honor.

18 THE COURT: -- recognizes Mr. Fox. Yes.

19 MR. FOX: Michael Fox.

20 THE COURT: All right. Mr. Fox is appearing as
21 stand-by counsel in the case. My understanding is that
22 Mr. Girod continues to wish to represent himself in the
23 matter.

24 Is that correct?

25 MR. FOX: That is correct, Your Honor.

1 THE COURT: All right. Thank you.

2 This matter is scheduled for a sentencing
3 hearing this morning.

4 Before we proceed with the hearing, let me
5 first confirm information in the report, which indicates
6 that the probation office has provided a copy of the
7 Presentence Investigation Report to counsel. Counsel has
8 attempted to provide that to Mr. Girod. He's refused to
9 accept it.

10 Is that correct?

11 MR. FOX: Yes, Your Honor. I mailed Mr. Girod
12 copies, but also took copies to the Fayette County
13 Detention Center, had a conversation with Mr. Girod,
14 and he indicated that he did not wish to review the
15 document.

16 THE COURT: All right. And the report also
17 indicates through an addendum that the probation officer
18 responsible for preparing the report also attempted to
19 deliver a copy to Mr. Girod and attempted to review it
20 with him, and he refused that review as well.

21 Is that correct, Mr. Girod?

22 DEFENDANT GIROD: It was done, yes.

23 THE COURT: All right. The Court is obligated
24 to ensure that the defendant had the opportunity to
25 review the report but can't force him to do so.

1 There are no objections that have been filed to
2 the presentence report; and, therefore, I will adopt the
3 findings that are contained in the report, as well as the
4 guideline calculations.

5 I will review those with the parties in just a
6 moment.

7 Before I do so let me remind counsel and
8 Mr. Girod if there are any additional factors that you
9 would like to call to my attention that are relevant to
10 sentencing under Title 18, Section 3553, of course, you
11 may to do so during allocution in the case.

12 And, Mr. Girod, if you'd like for me to explain
13 what some of those factors are that I have to consider in
14 sentencing, I will certainly do so upon request.

15 Turning to the report itself, the offense level
16 calculation, the defendant proceeded to trial and was
17 convicted by a jury of 13 separate counts. The
18 presentence report groups those counts of conviction
19 into -- into five separate groups.

20 The first group includes Count 3 and Counts 4
21 through 11.

22 And Count 3 is the failure to register with the
23 FDA in violation of Title 21, Section 331(p).

24 And Counts 4 through 11 are causing misbranded
25 drugs to be introduced in interstate commerce in

1 violation of Title 21, Section 331(a).

2 The base offense level is a level 6. There's a
3 12-level increase based upon the loss amount as set forth
4 in paragraph 34.

5 There's also an increase of two levels based
6 upon the number of victims, and a two-level increase
7 because the offense involved a violation of a prior
8 specific injunction, and that's the injunction that was
9 issued by the United States District Court for the
10 Western District of Missouri in September of 2013.

11 And then finally a two-level -- I'm sorry,
12 there's also a two-level increase for a sophisticated
13 means, and a two-level increase for obstruction of
14 justice.

15 As to the sophisticated means enhancement, the
16 factual basis is outlined in paragraph 23.

17 And for the obstruction of justice enhancement,
18 it's outlined in paragraph 29.

19 That results in an adjusted offense level of
20 26.

21 The second group is referred to as count
22 group 2, includes only one count, and that is the first
23 count for conspiracy to impede an officer of the
24 United States in violation of Title 18 of the
25 United States Code, Section 372.

1 The base offense level for that count is a
2 level 10.

3 There's a two-level increase for obstruction
4 that results in an adjusted offense level of 12 for that
5 count and for that group.

6 The third group of counts includes just
7 Count 2, and the base offense level is level 14.

8 There's a two-level increase, and that results
9 in an adjusted offense level of 16.

10 For the fourth group, that consists of
11 Count 12, which is tampering with a witness. It's in
12 violation of Title 18, Section 1512(b)(2)(A).

13 The base offense level is a level 20, and
14 there's a two-level increase for obstruction for an
15 adjusted offense level of 22.

16 And then finally the fifth group consists of
17 Count 13, which is the defendant's failure to appear in
18 violation of Title 18, Section 3146.

19 The base offense level is six. There is the --
20 there's a nine-level increase as set forth in
21 paragraph 65, and that results in an adjusted offense
22 level 15.

23 All of those groups are then combined together.
24 The Court considers the more serious of those groups,
25 which would be the first group. It has the highest

1 offense level of 26, and that results in a total offense
2 level in the case being 26.

3 That's then used to calculate the guideline
4 range in the case.

5 The defendant does not have any criminal
6 history points. He's in Criminal History Category I as
7 reflected in paragraph 78.

8 The fine range in the case, as set forth in
9 paragraph 106, is a range of 25,000 to \$250,000.

10 And there's also a special assessment of \$100
11 per count, for a total of \$1,300 for the assessment, as
12 reflected in paragraph 105.

13 Finally, there is a restitution that's outlined
14 in the report. The total amount of restitution is
15 \$14,239.08, and the chart reflecting individual amounts
16 of restitution for individual victims in the case is in
17 paragraph 27.

18 And those are the relevant guidelines that have
19 been adopted, together with the findings in the report
20 and the addendum to the report.

21 I believe there are no counts to be dismissed,
22 but this was a conviction of a superseding indictment.

23 Is the United States moving to dismiss the
24 original indictment at this time?

25 MS. SMITH: Yes, Your Honor.

1 THE COURT: That motion will be sustained, and
2 those counts will be dismissed effective upon entry of
3 the judgment in the case.

4 And if there are no other motions to be taken
5 up, we will proceed with allocution in the case.

6 Mr. Girod, at this time if you'd like -- wait
7 just a moment. We've got a disruption in the courtroom.

8 Mr. Girod, at this time if you'd like to make a
9 statement to the Court with respect to appropriate
10 punishment for the counts of conviction, you can do so.
11 If you'd like, I can go through some of the factors that
12 are considered in imposing a sentence.

13 The guideline range -- and let me -- let me
14 mention one other thing about the guideline range in the
15 case.

16 In this particular case the guideline range for
17 the 13 counts of conviction based upon that higher total
18 offense level of 26 is a range of 63 to 78 months
19 incarceration. That's the guideline range. That's a
20 starting point.

21 There's also a guideline range that's set out
22 for the period of supervised release in the case.

23 For Counts 1 and 2 it's a range of one to three
24 years.

25 For Counts 3 through 11 it's one year.

1 For Counts 12 and 13 it's one to three years.
2 So that's the range for supervision.

3 And the fine range in the case is a range of
4 25,000 to \$250,000.

5 Again, those are the ranges, but the Court also
6 considers a number of statutory factors, and they include
7 the need for the sentence to reflect the nature and
8 circumstances of the offense, the history and
9 characteristics of the defendant, the need for the
10 sentence to reflect the seriousness of the offense, the
11 need to promote respect for the law, also to provide just
12 punishment for the offense, to afford deterrence to
13 future criminal conduct, and that would be both specific
14 and general deterrence, the need to protect the public
15 from any future crimes of the defendant, the need to
16 provide needed educational or vocational training,
17 medical care, or other corrective treatment, also the
18 kinds of sentences that are available to the Court, the
19 sentencing range that I've just gone through with you,
20 any pertinent policy statements, and the need to avoid
21 unwarranted sentencing disparities among defendants with
22 similar records who've been found guilty of similar
23 conduct, and then finally the need to provide restitution
24 to any victims.

25 Now, those are some of the factors that the

1 Court often considers, but if you would like for me to
2 consider any of that information or others, I'll
3 certainly do so.

4 DEFENDANT GIROD: I do not waive my immunity to
5 this Court.

6 THE COURT: All right. Do you wish to make a
7 statement in any way, mitigation in any way?

8 DEFENDANT GIROD: I do not. I do not consent.

9 THE COURT: All right. I want to make sure you
10 understand that, Mr. Girod, regardless of your
11 jurisdictional objections if you'd like to make a
12 statement to the Court or provide me with any information
13 in mitigation, I'll consider it. If you don't do that, I
14 can't consider it.

15 DEFENDANT GIROD: I do not consent.

16 THE COURT: All right. All right. Very well.
17 Ms. Smith.

18 MS. SMITH: Thank you, Your Honor.

19 As noted in the sentencing memo the
20 United States submitted, we are seeking a guideline
21 sentence.

22 The range calculated in the PSR includes a
23 number of enhancements that are really the defining
24 features of Mr. Girod's offenses and conduct; his
25 obstruction of justice, his selling products to over

1 30 different distributors, stores, and customers, his
2 failure to obey a federal injunction, the means he took
3 to evade detection, and an enhancement for the amount of
4 money that we know he made from selling these products.

5 So given that the range really includes all of
6 those factors, the United States believes a guideline
7 sentence is appropriate.

8 The factors the United States is focused on are
9 outlined in the memo but really just punishment for the
10 offense, reflecting the seriousness of the offense, and
11 the need here to promote respect for the law.

12 His range also reflects the fact that he has
13 not accepted responsibility for this conduct, and at the
14 end of the day that is why we're here. It's not about
15 some government actor. It's about the defendant's
16 choices.

17 And he's -- he's always been the one with the
18 power to keep us from being here, and his filings in this
19 case reflect a determination not to accept responsibility
20 for his actions.

21 And this latest argument, the sovereign citizen
22 arguments, are the same thing.

23 And I think it's important to note that he
24 really has no acknowledgment of what he's done and how
25 his choices have led us to this point.

1 I'd also like to remind Your Honor in that
2 context of some testimony from trial, and that was from
3 the two consumer safety officers who had been dealing
4 with the defendant before the injunction, and they
5 testified that they told him when they first met with him
6 in 2012 that if he had stopped distributing the pamphlets
7 with these products, if he'd stop making the claims that
8 were causing all these problems, he would drop to the
9 bottom of the FDA's priority list.

10 THE COURT: Well, their inspections they go
11 back even prior to that date, prior to 2012.

12 MS. SMITH: That's correct, Your Honor. He --
13 and that was in the trial that he'd been dealing with the
14 FDA for more than a decade before that.

15 But the fact that the FDA told him that really
16 in very simple terms what was problematic about his
17 conduct and that he chose to keep doing this is of
18 significance.

19 And then the FDA got a federal injunction,
20 which we also heard at trial, is the most extreme thing
21 the FDA usually ever gets to stop this kind of conduct.
22 Get a court order from a Federal Judge is no small feat,
23 and the fact that the defendant chose not to listen to
24 that is really what started the criminal case and is at
25 the core of his conduct.

1 So for the reasons I mentioned in the memo and
2 today, a guideline sentence is appropriate.

3 I note that his conviction for failure to
4 appear does give this Court a basis for an upward
5 departure under the application note to 2J1.6.

6 THE COURT: Doesn't the statute indicate it
7 should run consecutive to any other sentence in the case?

8 MS. SMITH: The statute does indicate that. I
9 understand the sentencing guideline note indicates it's
10 grouped with the underlying conduct because of the
11 obstruction of justice enhancement, but I think the
12 range, because it includes those enhancements, adequately
13 addresses the defendant's conduct, and a sentence in that
14 range would be greater -- would be sufficient but not
15 greater than necessary.

16 Obviously, the PSR also notes the defendant's
17 family life and lack of criminal history, which I know
18 Your Honor is aware of.

19 And then, as mentioned in the memo, we also
20 seek a fine and a term of supervision that would also
21 include requirement that he comply with the
22 Food Drug & Cosmetic Act, and any Court orders should
23 they be extended.

24 And that's really important because the
25 government has spent a lot of time on this case, and I

1 would hate to have Mr. Girod be released and have us be
2 back in here for the same conduct when there has been
3 very clear message that this is not going to stand, and
4 there's no loophole for him to keep doing what he's
5 doing.

6 Thank you, Your Honor.

7 THE COURT: All right. Thank you.

8 And, Mr. Girod, you stand on your prior
9 comments that you contest jurisdiction of the Court;
10 correct?

11 DEFENDANT GIROD: I do not consent, and I will
12 not waive. I do not waive immunity to this Court.

13 THE COURT: All right. I understand your
14 position. I just wanted to make sure that you were
15 remaining steadfast because I generally would give you a
16 chance to respond to what the government has said, but
17 your position is you're refusing to do that.

18 DEFENDANT GIROD: I do not consent to anything
19 that was said.

20 THE COURT: All right. All right.

21 DEFENDANT GIROD: There's so many lies been
22 done.

23 THE COURT: All right. Well, I do want to go
24 through some of the history of this case because it is
25 important to understand the sentence that will be imposed

1 in the matter.

2 There have been a lot of incorrect statements
3 that have been made in the proceeding and reported about
4 this case.

5 This is not a case just simply about someone
6 attacking a person that wants to make some salve. This
7 is a 13-count conviction rendered by a jury.

8 It involves conspiracy to impede officers of
9 the United States, obstruct the proceeding before an
10 agency, and failure to register with the FDA. Those are
11 the first three counts of conviction.

12 And as the United States properly indicates,
13 the defendant brought these charges on himself because he
14 has steadfastly refused to follow the law. He does not
15 recognize any rules but his own. He's placed products in
16 interstate commerce, the stream of commerce, and he feels
17 like that the matter in which he manufacturers those
18 products, although apparently in a very unsanitary
19 condition, that that's okay.

20 Well, it's not okay because when you do that,
21 when you put those products in the stream of commerce,
22 you are required to register, and there are certain
23 obligations that attach to that.

24 You are also convicted of misbranding drugs
25 placed in interstate commerce, and the evidence in the

1 case establishes that after you were told about that, you
2 were questioned by the FDA, that you did change your
3 practice to avoid essentially being caught that results
4 in the obstruction enhancement, but you didn't change
5 your underlying behavior.

6 And then when the matter is finally brought,
7 you do tamper with a witness. The jury convicted you of
8 Count 12, tampering with a witness.

9 And then you make wild claims in the case
10 through these filings. You've had counsel that's been --
11 originally was representing you, and after a falling out
12 the Court-appointed counsel. You refused to accept
13 counsel. You've had stand-by counsel that you've refused
14 to use, very competent, very good counsel, but you
15 refused to listen to anyone but yourself and whoever your
16 followers are that are giving you advice, which has been
17 bad advice to this point.

18 And so you not only engage in this conduct, but
19 you make matters worse by just refusing to appear and
20 abide by orders that are entered by the Court.

21 So this is not just an innocent fellow who's
22 been selling something and the government is coming down
23 on him. This is not about big pharma. This is -- this
24 is about an individual who refuses to follow any rules
25 but his own. He's very obstinate.

1 And I have been looking for a reason to impose
2 a sentence below the guidelines in this particular case.
3 I can't find one. The defendant hasn't provided me with
4 any information that would result in a sentence below the
5 guideline range, and that's unfortunate.

6 When I look at the factors of Title 18,
7 Section 3553, of course, they do include those that I
8 just went over with Mr. Girod.

9 They include the nature and circumstances of
10 the offense. I have just gone through those. They would
11 certainly support a guideline sentence.

12 His history and characteristics are mixed. He
13 doesn't have criminal history, but as I indicated he has
14 shown a continuous and a blatant disregard for the rule
15 of law.

16 When we look at the seriousness of the offense,
17 one could argue it's not the most serious offense, but
18 putting these products in commerce and making
19 representations that they cure cancer, can be pretty
20 serious for someone that believes it, applies the
21 product, and find out they have the kind of cancer that
22 taking the top layer of skin is not going -- is not going
23 to do the trick. It's going to make matters worse
24 instead of making matters better.

25 It's important to impose a sentence that will

1 promote respect for the law, and so far this defendant
2 has not shown any respect for the Court or for the rule
3 of law.

4 And a guideline sentence would also provide
5 just punishment for his offenses that number 13.

6 Deterrence is a difficult issue in this
7 particular case because this defendant has indicated that
8 he's just not going to follow what he's required to do --

9 DEFENDANT GIROD: Not true.

10 THE COURT: -- whether it's by this Court or
11 any other Court, and so there's a substantial likelihood
12 that upon release that he will continue to engage in
13 conduct that will in all likelihood bring him back before
14 the Court.

15 Protection of the public is related to again
16 the seriousness of the offense and the fact that this
17 defendant refuses to comply with the requirements of the
18 Food Drug & Cosmetic Act.

19 The defendant does not need educational or
20 vocational training, medical care or other corrective
21 treatment. That's not reflected in the presentence
22 report.

23 Again, I've considered all of the guideline
24 provisions that have been raised, and those that haven't
25 been raised. I've gone through the guidelines to

1 determine if there are other factors that can be taken
2 into account. I haven't found any.

3 But I also consider issues of restitution and
4 the need to avoid unwarranted sentencing disparities
5 among defendants with similar records that have been
6 found guilty of similar conduct.

7 So when I consider all of those factors, they
8 lead me to imposition of a guideline sentence in the
9 case. The defendant has not given me any reason to
10 impose a sentence below the guidelines.

11 There's no -- not any reason to go above the
12 guidelines in the case.

13 I am going to run the sentence for Count 13
14 consecutively to the other counts. Some of the counts
15 have a maximum statutory term of 36 months, and so some
16 of those will be run concurrently, but Count 13 will be
17 run consecutively to produce a total term of
18 incarceration of 72 months in this particular case.

19 So I'll announce the sentence.

20 It will be the sentence of the Court pursuant
21 to the Sentencing Reform Act of 1984, as modified by the
22 decisions in Booker and Fanfan, and I do believe the
23 following sentence is sufficient but not greater than
24 necessary to comply with the purposes of Title 18,
25 Section 3553.

1 And, therefore, it will be the judgment of the
2 Court that the defendant, Samuel Girod, will be committed
3 to the custody of the Bureau of Prisons for a term -- a
4 total term of 72 months, which will consist of 60 months
5 on each of Counts 1, 2, and 12. Those will run
6 concurrently.

7 And 36 months on each of Counts 3 through 11.
8 Those will run concurrently.

9 And 12 months on Count 13, which will run
10 consecutively, and again that will produce a total term
11 of 72 months.

12 Upon release from imprisonment, Mr. Girod will
13 be placed upon supervised release for a term of three
14 years, and that will be three years on Counts 1, 2, 12,
15 and 13, to run concurrently, and one year for Count -- on
16 Counts 3 through 11, to run concurrently, and that again
17 will produce a total term of supervision of three years.

18 Within 72 hours of release from the custody of
19 the Bureau of Prisons, the defendant shall report in
20 person to the probation office in the district in which
21 he is released.

22 While on supervised release, he must not commit
23 another federal, state, or local crime.

24 He must comply with the mandatory and special
25 conditions that will be set forth in the judgment and

1 commitment order and that have been adopted by the Court.

2 He must also comply with the following special
3 conditions, and they include that he may not possess a
4 firearm, destructive device, ammunition, or a dangerous
5 weapon.

6 The drug testing condition that is ordinarily
7 required by Title 18, Section 3553(a)(5), and 3563(a)(5)
8 will be suspended based upon my determination that
9 Mr. Girod does not pose a risk of substance abuse in the
10 future.

11 In terms of additional special conditions, they
12 include that he refrain from producing, manufacturing,
13 marketing, and/or distributing any product for medicinal
14 purposes during the term of supervision, and that's
15 imposed pursuant to the United States Sentencing
16 Guideline, Section 5F1.5.

17 He must also provide the probation office with
18 access to any requested financial information.

19 He may not incur any new credit charges or open
20 additional lines of credit without the approval of the
21 probation office, unless he's in compliance with an
22 installment payment schedule.

23 Restitution will be ordered in the amount set
24 forth in the presentence report of \$14,239.08, to the
25 individuals listed in the relevant provision of the

1 presentence report.

2 Any outstanding balance that's owed upon
3 commencement of incarceration will be paid in accordance
4 with the Federal Bureau of Prisons Inmate Financial
5 Responsibility Program.

6 And then any outstanding balance that's owed
7 upon commencement of supervision must be paid in
8 accordance with a schedule set by subsequent orders of
9 the Court.

10 I have considered the issue of a fine in the
11 case. I understand the United States's position that a
12 fine would be appropriate. I've determined not to impose
13 a fine in the case. I believe it would impose an undo
14 hardship upon the defendant's family in light of the
15 restitution amount and in light of the amount of the
16 special assessment that will be ordered.

17 The defendant will be ordered to pay to the
18 United States a special assessment of \$100 per count of
19 conviction for a total of \$1,300, and that will be due
20 immediately.

21 And that will be the judgment of the Court.

22 In just a moment I will ask the clerk to advise
23 the defendant of his rights of appeal.

24 Before I do that, I will inquire of the parties
25 whether there is any objection to the sentence that has

1 been announced first. Any objections under United States
2 versus Bostic, and under that case from the Sixth Circuit
3 any objections not previously raised may be raised at
4 this time to be preserved for the record and to be
5 reviewed by the Court.

6 And then finally if the parties would like the
7 Court to make any additional findings to support the
8 sentence, I'll do so upon request.

9 Ms. Smith.

10 MS. SMITH: No objections, Your Honor.

11 Just for the record that, of course, the
12 defendant has a constitutional right to represent
13 himself, and those rights were -- when he decided to fire
14 his chosen retained attorney, those rights were reviewed
15 with him in great detail by Judge Wier and have
16 consistently done so.

17 And as I understood Your Honor's remarks, that
18 choice is not being held against him, but the content of
19 his representation and his filings speak to his mindset.

20 THE COURT: That's correct.

21 I will note for the record that I'll direct --
22 because he's not -- he's not represented by counsel, I
23 will direct the clerk to file a notice of appeal on his
24 behalf in the event he does not do so within 14 days, and
25 so he will not lose his right of appeal if for some

1 reason he does not file that document timely or does so
2 improperly.

3 So I will direct the clerk that if he's not
4 filed a notice of appeal within 14 days that he should do
5 so, and then the Sixth Circuit may appoint counsel to
6 represent him. If he decides to fire counsel appointed
7 by the Sixth Circuit, then that's a matter for the
8 Sixth Circuit to take up.

9 All right. Thank you.

10 Mr. Girod.

11 DEFENDANT GIROD: I do not consent, and I do
12 not waive immunity to this Court.

13 And I am a live man. I am -- I am a live man,
14 and I'm commonly called Sam.

15 You know, there's a lot of things that went on,
16 but I do not consent on this.

17 THE COURT: All right.

18 DEFENDANT GIROD: I followed instructions as
19 they came to me every time, but there was a lot of lies
20 done, and I do not consent. I've been railroaded here.

21 THE COURT: All right.

22 DEFENDANT GIROD: I'm not -- I don't consent.

23 THE COURT: Okay.

24 DEFENDANT GIROD: And I will not waive my
25 immunity to this Court.

1 THE COURT: All right. Now, Mr. Girod, in just
2 a moment, I'm going to ask the clerk to read to you your
3 rights of appeal, and typically I would give that copy
4 that's read to you for you to review and for you to sign
5 indicating that, yes, it's been read to you, and you do
6 understand it.

7 My supposition is that if I give you that copy
8 that you're not going to sign it; is that correct?

9 DEFENDANT GIROD: I don't sign anything.

10 THE COURT: All right. Well, what I'm going to
11 do is I'm going to have the clerk read this to you. I'm
12 going to then ask you if you heard what she read to you,
13 and then I'll give you a copy, and you can do with it
14 whatever you want. You can keep it or you can throw it
15 away, but I am going to ask the clerk to do that.

16 Madam Clerk.

17 THE CLERK: You're notified by this Court that
18 you have a right to appeal your case to the Sixth Circuit
19 Court of Appeals, which on proper appeal will review this
20 case and determine that there has or has not been an
21 error of law.

22 If you're unable to pay for the cost of the
23 appeal, you have a right to apply for leave to appeal
24 in forma pauperis, which means you may appeal without
25 paying for it.

1 If you are without the services of an attorney
2 and desire to appeal, upon request the clerk of this
3 Court shall prepare and file forthwith a notice of appeal
4 on your behalf.

5 With few exceptions this notice of appeal must
6 be filed within 14 days from the date of entry of this
7 judgment.

8 If you do not have sufficient funds to employ
9 an attorney, the Court of Appeals may appoint your
10 present attorney, or another, to prosecute the appeal for
11 you.

12 You may request to be released on a reasonable
13 bond pending the appeal.

14 THE COURT: All right. Now, Mr. Girod, did you
15 hear those rights that were just read to you?

16 DEFENDANT GIROD: I don't consent. I'm just
17 not going to consent on anything. I --

18 THE COURT: All right. You don't have to.

19 DEFENDANT GIROD: -- got railroaded.

20 THE COURT: All right. The record will reflect
21 that the clerk of the Court read the advice of rights to
22 the defendant. A copy of what was read will be placed in
23 the record, and a copy, one copy, will be provided to the
24 defendant. If he wishes to keep it, he may do so. If he
25 wishes to dispose of it, he may do that as well.

1 And, Mr. Girod, you do acknowledge that you
2 were given the paper from the -- you at least do
3 acknowledge that; correct?

4 DEFENDANT GIROD: I don't consent to anything.

5 THE COURT: All right.

6 DEFENDANT GIROD: I don't consent, and I will
7 not waive my --

8 THE COURT: All right. Very well.

9 DEFENDANT GIROD: -- immunity to this Court.

10 THE COURT: All right.

11 DEFENDANT GIROD: From the beginning, you know,
12 with God as my witness, I, Sam, a true man of God, I
13 acknowledge all blessings by God, repent all
14 transgressions against God, and waive all claims without
15 God.

16 THE COURT: All right.

17 DEFENDANT GIROD: That's me as a live man.

18 THE COURT: All right.

19 DEFENDANT GIROD: And it's not -- I'm not --
20 I'm not the defendant.

21 THE COURT: You're -- I'm sorry, you're not the
22 defendant?

23 DEFENDANT GIROD: I am not the defendant.

24 THE COURT: All right.

25 All right. Thank you.

1 Are there any other matters that we need to
2 take up in the case on behalf of the United States?

3 MS. SMITH: No, Your Honor.

4 THE COURT: All right.

5 MR. FOX: Your Honor, one item.

6 THE COURT: Mr. Fox, yes, sir.

7 MR. FOX: I would ask on behalf of Mr. Girod
8 that the Court recommend a placement at the camp in
9 Ashland, Kentucky. I know that you don't have the
10 authority to direct that. I've explained that to him,
11 but we have discussed that, and he knew that I was going
12 to ask for that designation.

13 THE COURT: All right. Let me -- I want to
14 make sure that that's his desire.

15 MR. FOX: Sure.

16 THE COURT: Mr. Girod, one of the things I can
17 do is I can make a recommendation for placement within
18 the Bureau of Prisons system. It's not binding on the
19 Bureau of Prisons. Sometimes they follow the
20 recommendations, sometimes they're not able to do that.
21 If you want me to make a recommendation, I will.

22 DEFENDANT GIROD: I just don't want to get
23 involved. I don't want to consent to anything because
24 I'm just really tied up.

25 THE COURT: All right. In that event --

1 DEFENDANT GIROD: The only thing is, you know,
2 if -- if I could get probation at home, I'd do something
3 like that. I was wrote that, but I -- you know, I don't
4 know anything about what's going on.

5 THE COURT: All right. Mr. Fox, I've given the
6 defendant the opportunity, and he declines.

7 MR. FOX: I understand. Thank you.

8 THE COURT: All right. We will be in recess.

9 (Whereupon, the Sentencing Hearing proceedings
10 concluded at 10:55 a.m.)

11 C E R T I F I C A T E

12 I, Peggy W. Weber, certify that the foregoing is a
13 correct transcript from the record of proceedings in the
14 above-entitled matter.

15

16

17 July 7, 2017
DATE

s/Peggy W. Weber
PEGGY W. WEBER, RPR

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