

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

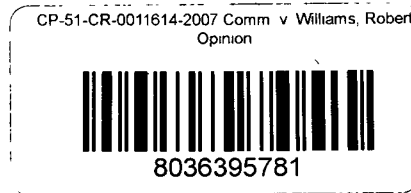
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Appeals/Post Trial

COMMONWEALTH

:

CP-51-CR-00011614-2007

vs.



ROBERT WILLIAMS

:

SUPERIOR COURT
133 EDM 2017

ORDER AND OPINION

AND NOW, this 1st day of December, 2017, it is hereby **ORDERED, ADJUDGED**, and **DECREED** that Defendant Robert William's November 16, 2017 Bail Motion is **DENIED** without hearing as no hearing was requested. Both Defendant's Bail Motion and his Emergency Petition for Original Writ of Habeas Corpus state that no hearing is required.

Pursuant to Pa.R.Crim.P. Rule 521(C) which requires the Court to state on the record the reasons for its bail decision and Pa.R.Crim.P. Rule 523 which outlines factors for the court to consider in determining whether release is appropriate, the reasons for denial are outlined below.

On or about January 23, 2007, Defendant was observed by undercover police officers selling crack cocaine to a confidential informant at the corner of 22nd and Jackson Streets in the city of Philadelphia, after which Defendant rode away on a dirt bike and entered a residence at 2204 South Hemberger Street. He had been observed earlier that day entering the residence with a key. After obtaining a search warrant for the residence, undercover officers returned to the residence the next day.

On January 24, 2007, after observing another drug sale to a confidential informant by a co-defendant, backup officers were called to the scene. Upon arrival, Defendant, who was out in front of the location, produced a gun, hid behind a car, and pointed the gun at officers. After police repeatedly shouted, "Police, drop the gun," Defendant took off running, holding his waistband with police chasing him. He was caught crouching between two cars, handcuffed, and arrested. From between the cars, police recovered a loaded gun. (N.T. 8/19/08, p. 44-51).

Upon execution of the search warrant, police recovered illegal drugs throughout the residence. In a second floor rear bedroom, in which numerous photographs of Defendant were found, police recovered a large quantity of marijuana and \$6,808.00 in US currency. From the dining room table, police recovered marijuana and a black gun holster. From the basement, police recovered crack cocaine, and marijuana, as well as a variety of drug paraphernalia, including plates, razor blades covered in a white powdery residue, new and unused clear plastic packets, clear jars with purple tops, and a box of Remington .40 caliber bullets. The gun, which was recovered from Defendant's hiding spot between two cars when he was chased by police officers, was a 9mm Luger semi-automatic, loaded with 8 live rounds, with an obliterated serial number. This firearm was test-fired and found to be operable. From Defendant's person, police recovered \$45 US currency and a clear packet containing 21 clear packets of marijuana. *Id.*

At trial on August 19, 2008, Defendant was found guilty of possession with intent to deliver a controlled substance (PWID); two violations of the Uniform Firearms Act (VUFA): Carrying a Firearm Without a License § 6106, and Carrying a Firearm in a Public Place in Philadelphia, § 6108; possession of an instrument of crime; possession of a loaded weapon; knowing and intentional possession of a controlled substance, and simple assault. *Id.* at 118, 122-123. Sentencing was deferred until January 16, 2009, at which time he was sentenced to an

aggregate sentence of 11 ½ to 23 months county incarceration plus 10 years reporting probation. Defendant was ordered to receive drug treatment while in jail, and upon release, earn his GED, seek and maintain employment, and pay mandatory court costs and fees. (N.T. 1/16/09, p. 93-95). After serving only six months of his sentence, Defendant was paroled to house arrest. Upon completion of six months on house arrest, Defendant continued on parole and probation. On January 13, 2011, Defendant tested positive for opiate use; however, Defendant was allowed to continue on probation/parole. (N.T. 2/11/2011, p. 5-7). On November 30, 2011, Defendant tested positive again for opiate use. He was found to be in technical violation on December 9, 2011. Once again, Defendant was permitted to continue on probation/parole. (N.T. 12/9/11, p. 3-16).

Subsequently, Defendant was stopped in Philadelphia on October 31, 2012 while operating a Range Rover with illegally tinted windows. Upon exiting their vehicle, police smelled a strong odor of marijuana emanating from the vehicle. One passenger admitted to carrying a weapon and was later found to be an off duty police officer from Florida with a Florida license to carry a weapon. Police obtained a search warrant after K-9 police dogs were called to the scene and alerted to the exterior of the vehicle. Upon search, no contraband was located and a written warning was issued for the dark tinted windows. This stop later became the subject of a Federal lawsuit in which Defendant claimed mistreatment by the Philadelphia Police Department. This lawsuit resulted in a defense verdict. (See Police Report 10/31/2012).

On March 15, 2013, Defendant was found in technical violation for the second time for traveling outside Philadelphia County without permission. Defendant was allowed to continue on probation. (N.T. 3/15/2013). On July 11, 2014, Defendant was found in technical violation for the third time for failing to report to his probation officer, making unauthorized travel plans, and ignoring this Court's orders. Defendant was sentenced to an aggregate term of 3 to 6 months

county incarceration plus 5 years reporting probation. (N.T. 7/11/2014, p. 159-195). Defendant was granted parole on December 1, 2014. On December 10, 2015, Defendant was found to be in technical violation for the fourth time for providing a sample of cold water instead of actual urine for drug screen, traveling without permission, failing to comply with his travel schedule and the rules relating to his travel vouchers, and failing to report as scheduled to his probation officer. Defendant's probation was revoked and he was sentenced to 6 to 12 months county incarceration plus 6 years reporting probation, with immediate parole to house arrest. (See Court's Opinion 9/19/2016).

Subsequently, on March 15, 2017, Defendant was arrested in the St. Louis, Missouri Lambert International Airport and charged with assault. It was admitted by Defendant, defense counsel, and Probation Officer Subbio that Defendant was not involved in any altercation until he exited a vehicle in which he was riding from outside the terminal. He then ran inside the terminal and began to stomp on a person who was already on the ground. The charges were later reduced to illegal parking and littering. (N.T. 11/6/2017, VOP Part I p. 26-28, 60-62, 69, VOP Part II p. 42). Defendant entered into a negotiated resolution under which he would perform community service.

Thereafter, Defendant was arrested again on or about August 16, 2017 and originally charged with felony reckless endangerment (of the first degree), arising from engaging in riding an all-terrain vehicle (ATV) in the middle of traffic while in New York City, creating a dangerous situation for the citizens of New York. Eventually, these charges were reduced to misdemeanor reckless endangerment (of the second degree). Defendant entered into a negotiated resolution under which he would perform community service. (N.T. 11/6/2017, VOP Part II p. 47-51).

From his original arrest, conviction and sentence on drug and gun charges in 2009 to his August 2017 arrest for endangering the citizens of New York City, Defendant has demonstrated that he continues to pose a great risk to the safety of others in Philadelphia and throughout the country. Moreover, it should be noted that while Defendant used a dirt bike to facilitate his drug selling business in 2007, he was still using a dirt bike in August 2017 when he violated the laws of New York City and violated the safety of its citizens.

In addition, Defendant poses a risk to his own safety as a result of his continued drug use. When Defendant was incarcerated after his conviction on drug and gun charges, he was ordered to complete drug treatment as a condition of his sentence. Thereafter he tested positive for opiate use on several occasions while on probation. These positive drug tests formed part of the basis for technical violations before this Court in the past on February 11, 2011, December 9, 2011, and July 11, 2014. (N.T. 7/11/2014, p. 22). Moreover, on or about November 4, 2015, Defendant submitted cold water instead of urine for urinalysis. In addition, on November 2, 2015, Defendant submitted a urine sample that returned with lab results showing that it was diluted and had questionable levels of creatinine. (N.T. 12/17/2015, p. 110-12).

Subsequently, on January 9, 2017, probation officers observed a packet of "Fast Flush" capsules in Defendant's living room during a scheduled visit. He was tested immediately and his urinalysis was positive for oxycodone. (N.T. 11/6/2017, VOP Part I p. 47-51).

While Defendant again went to private individual drug therapy sessions and did not test positive for oxycodone after completion of this therapy in July 2017, it is unclear whether he continued the use of "Fast Flush" or engaged in other activities to mask his urine since this had been a recurrent theme throughout his parole and probation. Thus, Defendant remains a danger to himself due to his continuous drug use.

Defendant claims to be involved in his son's life, however, significantly, his son does not reside in Philadelphia County. One look at any travel schedule previously submitted to the Court would belie that claim as Defendant was often not even in the Philadelphia area because this Court allowed Defendant to travel outside Philadelphia while on probation. Likewise, Defendant's ties to his mother, who resides in New Jersey, are questionable for the same reason.

In addition, Defendant's likelihood of flight is increased. On November 6, 2017, Defendant was sentenced to 2 to 4 years state incarceration after years of repeated technical violations of his parole and/or probation. Thus, at this time, Defendant is acutely aware that he is facing a state sentence and may flee to avoid actually serving such sentence. Moreover, Defendant has provided several different addresses when stopped by the police or arrested. On October 31, 2012, when stopped by the police, Defendant gave the address of 1836 North 18th Street, Philadelphia, PA 19121. (See Police Report dated 10/31/2012). Moreover, while being supervised by the Philadelphia County Probation Department, he failed to provide a verifiable home address numerous times and was at some point renting a room from a female. (See Probation Summary dated 7/11/2014). Subsequently, on March 15, 2017, when he was arrested inside the St. Louis, MO airport, he gave an address of 2243 W. Allegheny Avenue, Philadelphia, PA 19121. (See Arrest Report dated 3/15/2017). Then, on August 16, 2017 when he was arrested in New York City, he gave an address of 190 Presidential Blvd, Pala Cynwyd, PA. (See Certificate of Disposition dated 10/12/2017). However, from March 1, 2016 to November 6, 2017, Defendant was being supervised, as a courtesy, by the Montgomery County Probation Department and was residing in Montgomery County for that purpose. Thus, Defendant is an increased flight risk due to his providing false residence information to authorities.

Pursuant to Pa.R.Crim.P. Rule 521(B), when a sentence of more than two years is imposed, there is no constitutional right to bail pending resolution of Post-Sentence Motions or direct appeal. Bail may be set solely at the discretion of the trial court.

Based upon the foregoing, Defendant is and continues to be a danger to the community in Philadelphia, New York, Missouri and other locations throughout the United States, he continues to be a danger to himself based upon a history of continuous use of illegal drugs, and is an increased and greater flight risk because he already has been sentenced to a term in state prison and gave false information to authorities when he was arrested in St. Louis, Missouri. Therefore, Defendant's bail motion is **DENIED**.*

BY THE COURT:

 J.

*All documents referred to herein are attached and collectively marked Court's Exhibit "A."

Certificate of Service

Commonwealth v. Robert Williams

CP-51-CR-0011614-2007

Type of Order: Bail

I hereby certify that I am this day serving the foregoing Court Order upon the person(s), and in the manner indicated below, which service satisfies the requirements of Pa. R.Crim.P. 114:

Defense counsel/Party: Brian McMonagle, Esquire
 McMonagle, Perri, McHugh & Mishcak, P.C.
 1845 Walnut St., 19th Floor
 Philadelphia, PA 19103

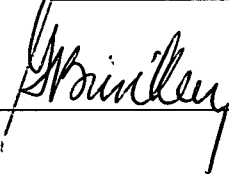
Alexis Cocco, Esquire
Reed Smith LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103

Type of Service: Personal First Class Mail Other, please specify: _____

Commonwealth: Jennifer Hoffman, Esq.
 Philadelphia District Attorney's Office
 Three South Penn Square
 Philadelphia, PA 19107

Type of Service: Personal First Class Mail Other, please specify: inter-office mail

Date: 12-1, 2017



Court's Exhibit "A"

Robert Williams Trial
Notes of Testimony
August 19, 2008

[1] 41
[2] property again with keys.
[3] **Q.** Can I stop you for a second. Were you in
[4] that same surveillance location when you saw the CI
[5] make the transaction with Mr. Williams?
[6] **A.** That's correct.
[7] **Q.** And were you in that same location when you
[8] saw him enter the house with the keys, Mr. Williams
[9] or had you moved?
[10] **A.** No. I had moved at the time when we went
[11] back to the house.
[12] **Q.** So you moved to see where he was going; is
[13] that correct?
[14] **A.** That's correct.
[15] **Q.** And when you moved to a second location, can
[16] you tell us about how far away you were from the
[17] house?
[18] **A.** It would have been across the street on
[19] Jackson Street. It would have been approximately
[20] 30 to 40 feet away.
[21] **Q.** And was there any cars or anything
[22] obstructing your view, trees, anything like that?
[23] **A.** No.
[24] **Q.** Now, prior to sending the CI out to meet
[25] with Mr. Williams -- or sent the CI out to that

[1] 42
[2] corner, was the CI searched? Was anything found on
[3] him?
[4] **A.** I already testified that the CI was
[5] searched.
[6] **Q.** Did you search him or her in the same way
[7] when he returned?
[8] **A.** That's correct.
[9] **Q.** Was anything recovered from the CI?
[10] **A.** No. It was a negative search.
[11] **Q.** After the CI returned to you, what did you
[12] do with regard to this case?
[13] **A.** I field tested one of the packets that was
[14] purchased by the CI --
[15] **MR. McGUIGAN:** Objection. If
[16] he's talking about a field test, it's not
[17] applicable, it's not admissible. A seizure
[18] analysis would be, but a field test is not.
[19] **THE COURT:** He's testifying as
[20] to his steps, what he did next. So the
[21] objection is overruled
[22] **THE WITNESS:** I tested one of
[23] the packets with a N.I.K. test G, it was
[24] positive.
[25] **MR. McGUIGAN:** I'm going to

[1] 43
[2] object to that. It's credible evidence at
[3] this level, Your Honor. A seizure analysis
[4] would be, a field test is not.
[5] **THE COURT:** What is your
[6] response?
[7] **MS. CARGILE:** Your Honor,
[8] we're not solely relying on the field test
[9] to prove --
[10] **MR. McGUIGAN:** Then it's
[11] irrelevant, Your Honor.
[12] **MS. CARGILE:** I didn't hear
[13] what counsel said because I was --
[14] **MR. McGUIGAN:** If they are not
[15] relying on it, it's irrelevant.
[16] **MS. CARGILE:** I said we're not
[17] solely relying on it, but I don't --
[18] **MR. McGUIGAN:** I will withdraw
[19] the objection, Your Honor.
[20] **THE COURT:** You can proceed.
[21] **THE WITNESS:** That evidence
[22] was placed on property receipt 2703260.
[23] **BY MS. CARGILE:**
[24] **Q.** And after you did that, what did you do,
[25] Officer Graham, with regard to this case?

[1] 44
[2] **A.** Utilized the information from the
[3] surveillance and typed up a search warrant which
[4] was later approved and came back the following day.
[5] **Q.** So at this point I would like to direct your
[6] attention to the following day January 24th of '07,
[7] at about 6:00 p.m., can you tell the Court what you
[8] did then.
[9] **A.** Your Honor, once again we proceeded to that
[10] area, myself and back-up officer -- I had back-up
[11] officers in the area. Myself, Officer Jones and
[12] Officer Johnson proceeded to that area, set up a
[13] surveillance at that location. At which time, I
[14] observed a green minivan parked on the block in
[15] front of that location, at which time Mr. Rasson
[16] Parker got out the driver's side of that vehicle
[17] and then entered the property using keys. During
[18] this time I notified my back-up officers in the
[19] area to proceed in to execute the search warrant.
[20] During that time I walked across the street
[21] and I stood on the corner of Hemberger and Jackson
[22] waiting for my backup. Also Officer Johnson walked
[23] to the corner waited for our back-up officers to
[24] come. As my back-up officers got to that location,
[25] the defendant, Mr. Robert Williams, was coming out

[1] 45
 [2] of that property, coming down the steps, so myself
 [3] and Officer Johnson starting walking in his
 [4] direction while the uniform officer along with my
 [5] back-up officers pulled up to that location.
 [6] During that time we were walking in the
 [7] direction of Mr. Williams. He looked at us and at
 [8] which time he said, "Who are you?" And he lift up
 [9] his shirt and started tugging at the front of his
 [10] pants. During that time myself and Officer Johnson
 [11] took cover behind the green van and observed Mr.
 [12] Williams pull the gun out of his waistband,
 [13] crouched down behind the car and was behind the car
 [14] looking like he was trying to give off a shot.
 [15] **MR. SANTAGUIDA:** Objection to
 [16] that and ask that that be stricken.
 [17] **THE COURT:** Sustained.
 [18] Rephrase the question.
 [19] **BY MS. CARGILE:**
 [20] **Q.** Can you just, without drawing conclusions,
 [21] explain what he did specifically.
 [22] **A.** Your Honor, when he pulled the gun from his
 [23] pants, he pointed the gun in our direction where we
 [24] were at and he crouched down behind the car, we
 [25] yelled "police" several times, "drop the gun."

[1] 46
 [2] After several verbal commands, that's when Mr.
 [3] Williams then stood up from behind the car and took
 [4] off running. At which time he tried to duck down
 [5] between two cars, a little further up from where we
 [6] were at. Myself and Officer Johnson tackled him to
 [7] the ground.
 [8] During that time he was on his stomach and
 [9] he wouldn't take his hands from underneath his
 [10] waist. Finally, we got him cuffed and underneath
 [11] the car where the struggle ensued between myself
 [12] and Officer Johnson and the defendant Robert
 [13] Williams, right underneath the car was recovered it
 [14] would have been -- if I may refer to my notes. It
 [15] would have been one black Sig Sauer handgun .9
 [16] millimeter loaded with one in the chamber and seven
 [17] in the magazine. Recovered from his person was \$45
 [18] U.S. currency, there was also one clear packet
 [19] which contained 21 clear packets of alleged
 [20] marijuana. Also a Pennsylvania identity card
 [21] recovered from his person.
 [22] During this time I then instructed my
 [23] back-up officers to execute the search warrant for
 [24] that location. They executed the search warrant at
 [25] approximately 6:07, search warrant 127338. During

[1] 47
 [2] that time, Your Honor, it was several males that
 [3] were inside that location. My back-up officers,
 [4] while going into the property we, myself and
 [5] Officer Johnson, stood Mr. Robert Williams up and
 [6] we walked him into that property.
 [7] Once walking into that property, the other
 [8] males that were in there were cuffed at the time by
 [9] my fellow officers. At which time he put up a
 [10] struggle again and we basically put him up against
 [11] the wall and we began to search the property.
 [12] Your Honor, during this search recovered
 [13] from the rear bedroom by Officer Cane inside the
 [14] bag inside of the closet was \$3,486 U.S. currency,
 [15] one clear baggy tied in a knot, which consisted 13
 [16] red packets of alleged marijuana. There was one
 [17] clear Ziploc baggy, which contained 13 clear jars
 [18] with purple tops of alleged marijuana. There was
 [19] one clear Ziploc baggy which contained
 [20] approximately 128 grams of alleged marijuana.
 [21] Recovered from the dresser in that same room was
 [22] \$2,552 U.S. currency, also \$770 U.S. currency.
 [23] There was --
 [24] **THE COURT:** I'm sorry, \$770
 [25] U.S. currency in the dresser also?

[1] 48
 [2] **THE WITNESS:** Yes. Two
 [3] separate drawers.
 [4] Also numerous pictures of
 [5] these defendants along with other males that
 [6] were there at the time of the execution of
 [7] the search warrant.
 [8] **BY MS. CARGILE:**
 [9] **Q.** Just for clarification, the pictures were in
 [10] the dresser or where were they located?
 [11] **A.** They were recovered in that rear bedroom.
 [12] **Q.** Do you know if they were in the closet or
 [13] the dresser that you referred to or were they out
 [14] displayed?
 [15] **A.** Some was on the dresser, some were in the
 [16] closet.
 [17] **MR. GAMBURG:** You have the
 [18] pictures?
 [19] **THE COURT:** I'm not sure
 [20] whether they were put on the property
 [21] receipt. I'm guessing you can get to that
 [22] on cross-examination.
 [23] **MR. GAMBURG:** Thank you,
 [24] Judge.
 [25] **BY MS. CARGILE:**

[1] 49

[2] **Q.** I'm sorry, what else was recovered, Officer

[3] Graham?

[4] **A.** Also recovered, Your Honor, from the dining

[5] room table was one clear baggy tied in a knot

[6] containing six grams of alleged marijuana and one

[7] black shoulder holster for a gun; recovered from

[8] the basement on the shelf was one plate, five

[9] smaller plates and two razor blades all containing

[10] a white powdery residue. It was one clear packet

[11] containing numerous new and unused yellow tinted

[12] packets. There was one clear packet which

[13] contained numerous new and unused clear packets.

[14] **THE COURT:** I'm sorry, this is

[15] in the basement still?

[16] **THE WITNESS:** Yes.

[17] **THE COURT:** Where is this in

[18] the basement?

[19] **THE WITNESS:** On the shelf.

[20] **THE COURT:** I'm sorry, what

[21] was on the shelf?

[22] **THE WITNESS:** On the shelf was

[23] the one plate, five smaller plates, two

[24] razor blades and they all contained a white

[25] powdery residue on it. There was one clear

[1] 50

[2] packet, which contained numerous new and

[3] unused tinted yellows packets. There was

[4] one clear packet which contained numerous

[5] new and unused clear packets. And there was

[6] two clear packets, which contained numerous

[7] new and unused green tinted packets, all

[8] paraphernalia, Your Honor.

[9] It was one black bag which

[10] contained one black plastic bag which

[11] contained clear jars with purple tops, also

[12] paraphernalia. There was one box of 40

[13] caliber bullets. It was one box of

[14] Remington bullets, 40 caliber. Also

[15] recovered down there, Your Honor, were one

[16] clear baggy, which contained approximately

[17] 11 grams of alleged crack cocaine. One

[18] clear baggy, which contained a cutting

[19] agent, one black bag which contained seven

[20] baggies tied in a knot, which contained

[21] approximately total weight of 213 grams of

[22] marijuana and two pieces of mail.

[23] Arrested in the living room,

[24] Your Honor, during the execution of that

[25] warrant was William Bailey, the male in the

[1] 51

[2] middle; recovered from his person was \$235

[3] and a driver's license.

[4] There also was a male by the

[5] name of Ikeem Parker (ph); recovered from

[6] his person was \$266. Also arrested in the

[7] living room, Your Honor, was Rasson Parker;

[8] recovered from him person was \$280. And

[9] there was another male by the name of Rameel

[10] Jones; recovered from his person was \$682 in

[11] U.S. currency.

[12] **BY MS. CARGILE:**

[13] **Q.** Can you briefly describe --

[14] **THE COURT:** I'm sorry, what

[15] was the currency on Ikeem Parker?

[16] **THE WITNESS:** Ikeem Parker was

[17] \$266.

[18] **BY MS. CARGILE:**

[19] **Q.** Can you describe to the Judge the layout of

[20] the house, what it looked like when you enter.

[21] **A.** I believe it's like an open porch, go into

[22] the living room, the living room is connected to

[23] the dining room, then it's the kitchen. In the

[24] living room area off to the left is the stairs to

[25] the upstairs. And in the dining room is the stairs

[1] 52

[2] that lead to the basement.

[3] **MS. CARGILE:** Your Honor, at

[4] this time I don't have any further questions

[5] for Officer Graham.

[6] **THE COURT:** Cross-examination,

[7] Mr. Santaguida.

[8] **MR. SANTAGUIDA:** Yes, Your

[9] Honor.

[10] May I approach the board,

[11] please?

[12] **THE COURT:** Yes.

[13] - - -

[14] **CROSS-EXAMINATION**

[15] - - -

[16] **BY MR. SANTAGUIDA:**

[17] **Q.** Tell me if I have this right or wrong, we

[18] have north, south, east, west, right? The next

[19] street here would be Wolf Street; is that correct?

[20] **A.** That's correct.

[21] **Q.** And Hemberger would run this way, right?

[22] And there's Crosky Street too; is that correct and

[23] Hemberger?

[24] **A.** Yes.

[25] **Q.** So 2204 would be somewhere in this block; is

[1] 53
[2] that correct?
[3] **A.** That's correct.
[4] **Q.** Closer to Wolf or closer to Jackson?
[5] **A.** Closer to Jackson.
[6] **Q.** Now, you're making observations from a
[7] normal view?
[8] **A.** That's correct. On Jackson Street during
[9] the observation of the defendant exiting the
[10] property.
[11] **Q.** So you're on Jackson Street, correct?
[12] **A.** That's correct.
[13] **Q.** And Jackson Street runs west, correct?
[14] **A.** Yes.
[15] **Q.** So you're facing west, correct?
[16] **A.** That's correct.
[17] **Q.** So you're facing 23rd Street, right?
[18] **A.** That's correct.
[19] **Q.** So now you see on you this is about
[20] 3 o'clock in the afternoon, correct?
[21] **A.** That's correct.
[22] **Q.** And Mr. Williams gets on a bike and he goes
[23] to 22nd and Jackson, correct?
[24] **A.** That's correct.
[25] **Q.** Now, what do you do, you turn around to see

[1] 54
[2] what he's doing or do you move your car?
[3] **A.** 22nd and Jackson is walking distance from
[4] there.
[5] **Q.** But he didn't walk he drove?
[6] **A.** Yes.
[7] **Q.** So what did you do?
[8] **A.** I got out of the vehicle.
[9] **Q.** You didn't say that. You said you were in
[10] the car at all times?
[11] **A.** No, I never said I was in the car. I said
[12] Officer Jones and myself were two distances down.
[13] Officer Jones did seek and observe from where she
[14] was at in the vehicle. I got out of the vehicle
[15] and walked.
[16] **Q.** So you walked up Jackson Street?
[17] **A.** That's correct.
[18] **Q.** How far did you walk up? Did you pass
[19] Crosky?
[20] **A.** Yes.
[21] **Q.** So how far are you from 22nd and Jackson?
[22] **A.** I said about 20, 30 feet, but about 30, 40
[23] feet.
[24] **Q.** And then there is an exchange, but you don't
[25] know what it is, correct?

[1] 55
[2] **A.** No.
[3] **Q.** And the woman is never stopped, correct?
[4] **A.** That's correct.
[5] **Q.** And what does he do, get back on his bike?
[6] **A.** That's correct.
[7] **Q.** Does he have to drive up Jackson Street to
[8] get to Hemberger?
[9] **A.** Yes.
[10] **Q.** So he passes you?
[11] **A.** At that time, yes.
[12] **Q.** Right?
[13] **A.** That is correct.
[14] **Q.** And he goes back into the property, correct?
[15] **A.** That's correct.
[16] **Q.** And by the way you said he used a key?
[17] **A.** Yes.
[18] **Q.** Now, when he was arrested, was the key to
[19] that property confiscated from him?
[20] **A.** No, I don't recall.
[21] **Q.** And the next day -- was that the same day
[22] with the informant or not?
[23] **A.** That was the same day.
[24] **Q.** The same day. So now he's back in the
[25] house, correct?

[1] 56
[2] **A.** That's correct.
[3] **Q.** And what happened, two other people come
[4] out of the house at that time?
[5] **A.** That's correct.
[6] **Q.** And you sent the informant. Where's the
[7] informant at? Where do you pick him up? Is he in
[8] the car with you at all times?
[9] **A.** That's correct.
[10] **Q.** He's in the car even with the bike ride to
[11] 23rd and Jackson?
[12] **A.** That's correct.
[13] **Q.** So now you tell him, oh, you see what you
[14] have to do, you have to go to 23rd and Jackson,
[15] right?
[16] **A.** Basically.
[17] **Q.** Well, how did you --
[18] **THE COURT:** Did you say 23rd?
[19] **THE WITNESS:** 22nd and
[20] Jackson.
[21] **MR. SANTAGUIDA:** 22nd, Judge,
[22] I'm sorry.
[23] **BY MR. SANTAGUIDA:**
[24] **Q.** How did the informant know that anybody was
[25] going to come there and give him drugs? Did he

Robert Williams Sentencing

Notes of Testimony

January 16, 2009

[1] three.
[2] **THE COURT:** All right. Mr. Williams,
[3] stand up, please. All right, sir. You are
[4] found guilty of some very serious charges,
[5] possession with intent to deliver controlled
[6] substance, and the gun charges being the most
[7] serious of the ones that you were found guilty
[8] of.

[9] My sentence is as follows: The
[10] sentence is 11 and a half to 23 months in the
[11] county plus five years reporting probation on
[12] the VUFA 6106.

[13] On the possession with intent to
[14] deliver, it's 11 and half to 23 months in the
[15] county plus eight years reporting probation to
[16] run concurrent with the VUFA charge.

[17] On the VUFA charge 6108, the sentence
[18] is 11 and a half to 23 months in the county
[19] plus three years reporting probation to run
[20] concurrent.

[21] On the simple assault charge, it's two
[22] years reporting probation to run consecutive to
[23] the eight years on the PWID. And there's no
[24] further penalty on the loaded weapon, which is
[25] a summary.

[1] And the possession charge -- that's on
[2] the first case. Then on the second case would
[3] be possession of a small amount of marijuana,
[4] the sentence is 30 days in jail to run
[5] concurrent with the other case. There is
[6] mandatory court costs and fees imposed on both.

[7] On the possession with intent to
[8] deliver charge, the conditions of my sentence
[9] **are as follows:** You are to get drug treatment
[10] while in jail. And upon release, you are to
[11] get your G.E.D., seek and maintain employment,
[12] pay the mandatory court costs and supervision
[13] fees.

[14] And the conditions are the same on the
[15] case, small amount of marijuana. In
[16] particular, you have to pay the mandatory court
[17] costs and get your G.E.D. and get drug
[18] treatment.

[19] You will receive credit for time
[20] served, if applicable, in both cases.

[21] Sir, you have seven months and the
[22] sentence is 11 and a half to 23. You will get
[23] credit for those seven months.

[24] **THE DEFENDANT:** Judge, I have nine.
[25] **THE COURT:** Nine and a half. I don't

[1] know. The prison is going to calculate. I
[2] don't know. What you just told me, you told me
[3] seven.

[4] **MS. GRIFFIN:** You're right.

[5] **THE COURT:** Okay. Now, sir, obviously
[6] I am not going to give -- I have not given you
[7] a state sentence, although I very well could
[8] have. And I could have run all those charges
[9] consecutive to one another.

[10] **MS. GRIFFIN:** I explained them.

[11] **THE COURT:** I put them next to
[12] everything. But at your age, I believe that
[13] you can be rehabilitated. I do believe, as the
[14] Commonwealth has argued, that you were out
[15] there selling drugs like your lyrics said. You
[16] were out there selling drugs to make money to
[17] move your business. And you were out there
[18] doing everything that the officers said you
[19] were doing. I believe that. I found you
[20] guilty of it.

[21] **THE DEFENDANT:** Yeah.

[22] **THE COURT:** You were selling drugs.
[23] Your mother didn't know what you were doing.
[24] She's standing here saying she never saw. Yes,
[25] of course, she never saw it. The pastor never

[1] saw it. They're supposed to say those nice
[2] things but you know what you did, and you know
[3] I know what you did. I know what you did.

[4] **THE DEFENDANT:** Yes.

[5] **THE COURT:** And I know you did it. I
[6] found you guilty of it. But this sentence
[7] allows you an opportunity to get yourself back
[8] on the right track. Obviously you can't go do
[9] your record deal at the moment. You have to
[10] put that on hold for a few months. You have to
[11] put it on hold until I say you get out. You're
[12] not going to necessarily get out in two months.
[13] You're going to get out when I say you get out.

[14] **THE DEFENDANT:** Yes.

[15] **THE COURT:** Now, you have to get some
[16] drug treatment while you're in jail. Do you
[17] understand that?

[18] **THE DEFENDANT:** Yes.

[19] **THE COURT:** I mean, the pre-sentence
[20] report -- I mean, you admit that you were using
[21] various drugs. The Commonwealth read the
[22] information into the record.

[23] **MS. DE SANTIS:** Page 3, Your Honor, of
[24] the report.

[25] **MS. GRIFFIN:** Yes.

Robert Williams Hearing
Notes of Testimony
February 11, 2011

[1] **THE DEFENDANT:** I had no contact, and if we
[2] get a new date, I will get a new lawyer.

[3] **MS. DESANTIS:** He has a new probation
[4] officer, Mr. Harris. I think the only problem is he
[5] tested positive once, which is a problem.

[6] **THE COURT:** Report of the probation officer
[7] is incorporated into the record. By reference, it's
[8] dated February 11th, 2011. It indicates that
[9] defendant has been reporting biweekly as ordered.
[10] He's completed all essential conditions as ordered.
[11] He's continued his career in the entertainment
[12] business. He's been drug tested nine times since the
[13] last status hearing and all tests were negative, with
[14] the exception of the drug test submitted on
[15] 1/13/2011, where he tested positive for opiates. The
[16] next drug test on 2/7 was a negative test. The
[17] probation officer is recommending continued
[18] probation.

[19] **MS. DESANTIS:** Your Honor, I don't object
[20] to that, but I think the defendant needs to be
[21] referred to drug treatment. If he wants to continue
[22] to test positive, he can get treatment --

[23] **THE COURT:** What happened?

[24] **THE DEFENDANT:** I actually admitted it to
[25] him. I got my whole arm tattooed, and I took a pain

[1] pill, like, the day before I saw my PO, and he asked
[2] me --

[3] **THE COURT:** Let me see your arm. So that's
[4] the tattoo you said you took a pain killer for?

[5] **MR. MARCUS:** It definitely looks new, Your
[6] Honor. There's still scabbing.

[7] **THE COURT:** Okay.

[8] **THE DEFENDANT:** Your Honor, I took a pill,
[9] like, the day before -- I had no intentions on
[10] getting high on the pill or anything -- I just told
[11] him the truth. The next week I came back in, it was
[12] negative.

[13] **THE COURT:** Okay. So we're going to
[14] continue this to 7/29.

[15] You can't test positive anymore.

[16] **THE DEFENDANT:** I hear you.

[17] **THE COURT:** Okay.

[18] **THE DEFENDANT:** I made it a whole two years
[19] without ever having nothing in my system.

[20] **THE COURT:** Which pain killer did you take
[21] that caused an opiates positive on a drug test?

[22] **THE DEFENDANT:** I might have been a -- I
[23] think it was a -- a Percocet.

[24] **THE COURT:** Okay.

[25] **THE DEFENDANT:** Can I say one thing before

[1] I leave?

[2] **THE COURT:** Yes.

[3] **THE DEFENDANT:** I want to say, since you
[4] let me out, I've been doing more, everything has been
[5] going well --

[6] **THE COURT:** Yeah, I hear about your stuff
[7] on the radio.

[8] **THE DEFENDANT:** Yeah, I do a lot in my
[9] neighborhood. I've been getting clothes for the kids
[10] with my own money.

[11] **THE COURT:** Yeah, I heard about that on the
[12] radio, too.

[13] **THE DEFENDANT:** I have been to all the
[14] jails with all the juveniles -- and I just signed a
[15] new deal, like, three days ago. So everything's
[16] moving along.

[17] **THE COURT:** I'm glad to hear it. Keep up
[18] the good work. Congratulations.

[19] **THE DEFENDANT:** Thank you for the chance.

[1] CERTIFICATION

[2]
[3] I, Alexis A. Dimou, the assigned transcriber, do hereby
[4] certify that the foregoing transcript of proceedings
[5] before the Court of Common Pleas, First Judicial District
[6] of Pennsylvania, February 11, 2011 is prepared to the
[7] best of my ability, in full compliance with the current
[8] transcript format for the judicial proceedings and is a
[9] true and accurate transcription of the proceedings as
[10] recorded.

[11] _____
[12] Alexis A. Dimou
[13]
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Robert Williams Preliminary Hearing

Notes of Testimony

December 9, 2011

[1] IN THE COURT OF COMMON PLEAS
 [2] FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
 [3] CRIMINAL TRIAL DIVISION
 [4] COMMONWEALTH
 [5] v. CP-51-CR-0011614-2007
 [6] ROBERT WILLIAMS
 [7] Courtroom 708, Criminal Justice Center
 [8] Philadelphia, Pennsylvania
 [9] December 9, 2011
 [10] BEFORE: THE HONORABLE GENECE BRINKLEY, J.
 [11] STATUS
 [12] IMPORTANT NOTICE: Photocopying or otherwise
 [13] duplicating this transcript is strictly prohibited
 [14] by law As provided in Pa. R.J.A. No. 5000.7,
 [15] unauthorized photocopying or duplication without
 [16] express approval by the court reporter shall be
 [17] subject to all appropriate legal proceedings,
 [18] including, but not limited to, commencement of
 [19] civil action against the perpetrator/s and
 [20] notification to the Supreme Court of Pennsylvania
 [21] Disciplinary Board. See also 18 C.P.S.A., Rule
 [22] 3926, Theft of Services, and the last page of this
 [23] transcript.
 [24] REPORTED BY: JANET M MANSFIELD, RPR
 [25] OFFICIAL COURT REPORTER

[1] APPEARANCES:
 [2] NOEL DeSANTIS, ESQUIRE
 [3] Assistant District Attorney
 [4] Counsel for the Commonwealth
 [5] LOUIS SAVINO, ESQUIRE
 [6] Counsel for the Defendant
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[1] (In open court.)
 [2] (The defendant was personally
 [3] present, together with his counsel.)
 [4] THE COURT: All right. No. 16,
 [5] Robert Williams.
 [6] MR. SAVINO: Yes. Good morning,
 [7] Your Honor. That's my case now.
 [8] THE COURT: Oh, is it?
 [9] MR. SAVINO: Yes.
 [10] THE COURT: You're here for that?
 [11] MR. SAVINO: Yes, I just
 [12] happened to be --
 [13] THE COURT: Oh, I was wondering why
 [14] you're still here.
 [15] MS. DeSANTIS: Made my day.
 [16] MR. SAVINO: So Mr. Williams is in
 [17] the back.
 [18] THE COURT: All right. Let's see.
 [19] Do we have an updated summary?
 [20] MR. SAVINO: We do.
 [21] MS. DeSANTIS: I don't have one.
 [22] MR. SAVINO: Oh, I do. I spoke to
 [23] Mr. Harris. He's here. You might want
 [24] to see the Court in the robing room very
 [25] briefly.

[1] THE COURT: No, we don't.
 [2] MR. SAVINO: Okay.
 [3] THE COURT: No. We've got a jury
 [4] to do.
 [5] MR. SAVINO: Okay. Do you want
 [6] Mr. Williams forward, Your Honor?
 [7] THE COURT: Let me look at the
 [8] report.
 [9] MR. SAVINO: There's only one
 [10] little road bump.
 [11] THE COURT: Oh, that's why you
 [12] wanted to see me in the back.
 [13] MR. SAVINO: No, it's not a
 [14] problem.
 [15] THE COURT: Let's see here.
 [16] (Pause.)
 [17] MR. SAVINO: He took some cough
 [18] medicine on the occasion and that's
 [19] why --
 [20] THE COURT: That's what he said
 [21] last time.
 [22] MR. SAVINO: No.
 [23] THE COURT: That's what he said
 [24] last time. I told him not to take
 [25] Tylenol anymore.

[1] MR. SAVINO: He'll address the
[2] Court, but he was honest with the
[3] probation officer. I said it's a little
[4] road bump.

[5] THE COURT: He had a road bump
[6] already.

[7] (The defendant was sworn.)

[8] THE COURT OFFICER: May I, Judge?

[9] THE COURT: Yes.

[10] THE COURT OFFICER: Please state
[11] your name for the record.

[12] THE DEFENDANT: Robert Williams.

[13] THE COURT OFFICER: Spell your last
[14] name.

[15] THE DEFENDANT: W-I-L-L-I-A-M-S.

[16] (The probation officer is sworn.)

[17] THE COURT OFFICER: Please state
[18] your first and last name.

[19] THE PROBATION OFFICER: Phillip
[20] Harris, P-H-I-L-L-P H-A-R-R-I-S.

[21] THE COURT: Now, Mr. Williams, you
[22] know I keep good notes. You tested
[23] positive for opiates already.

[24] THE DEFENDANT: I came here to tell
[25] the truth today.

[1] THE COURT: Look, I told you last
[2] time not to test positive anymore. So
[3] what do you expect me to do?

[4] THE DEFENDANT: I just wanted to
[5] come in and tell you my side of the
[6] story.

[7] THE COURT: Is it okay for him
[8] to --

[9] MR. SAVINO: Yes. We've discussed
[10] it and he obviously --

[11] THE DEFENDANT: I told him the
[12] exact truth, like I takes full
[13] responsibility of what I did.

[14] It's like, tell you, at the point
[15] of life I'm at, you know, I've been
[16] working hard every day. I got a lot
[17] going on. It just gets --

[18] THE COURT: You would risk that
[19] with this?

[20] THE DEFENDANT: I've been working
[21] hard and I ain't been sleeping. You
[22] know what I'm saying? This time of day
[23] I don't go to sleep.

[24] I work hard for my family, just
[25] moved my mom, and where my mom was

[1] staying at, you know, you got people
[2] breaking in my mom house, doing all type
[3] of things.

[4] So there's so many burdens on my
[5] back. I work hard every day. You know
[6] what I'm saying? I ain't been to
[7] sleep last night. I was in VA last
[8] night, 2:00 in the morning, five-hour
[9] drive, come here.

[10] MR. SAVINO: You were in Virginia?

[11] THE DEFENDANT: That's basically
[12] how I've been slightly dealing with it.
[13] You know what I mean?

[14] It's like I wasn't gonna to come in
[15] and make up a lie and say anything. I
[16] told him exactly what it was, said it
[17] was cough medicine, told him exactly
[18] when I took it. It's just like --

[19] MR. SAVINO: You know you can't be
[20] taking that without a prescription.

[21] THE DEFENDANT: I know for sure.
[22] That's why I'm here to explain myself to
[23] her right now. It's just like the point
[24] in my life that I'm at. It's the truth.

[25] THE COURT: But you just keep

[1] coming in and giving me excuses. You
[2] know I've been bending over backwards
[3] for you for the last two years.

[4] THE DEFENDANT: Yes, ma'am. I
[5] ain't trying to give you an excuse. I'm
[6] just trying to tell you the truth from
[7] my out take of it and what's been going
[8] on with my life.

[9] MR. SAVINO: But do you understand
[10] that being on probation, Mr. Williams,
[11] you cannot take any nonprescription
[12] drugs? You understand that?

[13] Even at a point in your life where
[14] there's a problem, if you do you take
[15] them, the Court is making a record of
[16] this. This is the second time. There's
[17] going to be a point where you're
[18] violating, it's a technical violation of
[19] your supervision, and you could be
[20] incarcerated for that. Do you
[21] understand?

[22] THE DEFENDANT: Yes.

[23] MR. SAVINO: And the Court is
[24] listening and appreciates your candor.
[25] A lot of times, the excuses are --

[1] **THE COURT:** Just that, excuses.
 [2] **MR. SAVINO:** Well, at least he's --
 [3] I met him for the first time this
 [4] morning. I know his crew that's
 [5] managing him that know me for 30 years,
 [6] and he told me the same thing. He said,
 [7] "I want to tell Judge Brinkley the
 [8] truth."

[9] I understand the Court's protocol
 [10] and how strict you are with probation.
 [11] I just learned this this morning,
 [12] reading this, and I spoke to the
 [13] probation officer. He told Mr. Harris
 [14] this, and he told Your Honor.

[15] It's not an excuse but an
 [16] explanation. It's got to stop, and he's
 [17] got to be on a non-narcotic or
 [18] nonsedative situation, unless there's a
 [19] prescription from a valid doctor, and
 [20] even that's trouble sometimes, as the
 [21] Court knows and reads.

[22] So I would just ask, Your Honor,
 [23] that -- and I'm going to talk with him
 [24] and explain the protocol of your
 [25] probation, which I am more familiar with

[1] than anyone, and let him keep doing the
 [2] right thing.

[3] Everything other than that he's
 [4] doing perfectly. His staff keeps in
 [5] contact with probation, let's them know
 [6] where he is. He drove up from Virginia
 [7] to be here this morning in response to
 [8] this hearing.

[9] And you understand the point about
 [10] any type of narcotics that's not
 [11] prescribed, Mr. Williams?

[12] **THE DEFENDANT:** Yes.

[13] **THE COURT:** Ms. DeSantis.

[14] **MS. DeSANTIS:** Your Honor,
 [15] obviously we're back here on 2/11/2011
 [16] and that would be he tested nine times
 [17] for drugs and one positive on
 [18] 1/13/2011. He stated that he got an
 [19] entire arm tattoo and took pain pills,
 [20] which is the reason why he has a
 [21] positive test, and you told him "You
 [22] cannot test positive again," because I
 [23] wrote that in my notes as well.

[24] Then we statused the defendant back
 [25] on 8/5. It was administratively

[1] relisted after 7/29 because Your Honor
 [2] was at a judicial conference. That's
 [3] where the travel arrangements went back
 [4] and forth, and then Your Honor allowed
 [5] him at that point, because he had tested
 [6] negative three times, to report
 [7] monthly. But prior to that, he was
 [8] reporting biweekly.

[9] At this point, it's "The dog ate my
 [10] homework" every time we're here. You
 [11] know, I understand his career is taking
 [12] off. We've all seen him on the TV.
 [13] He's just running with the big dogs and
 [14] playing with them and thinking it's okay
 [15] to test positive. So I don't believe
 [16] the excuse today.

[17] I believe it's partying on the MTV
 [18] Awards and everything else that he may
 [19] have, and he thinks he's above this case
 [20] and that this is just something that he
 [21] could just come in and give you the same
 [22] excuse and say, "I'm changed and I made
 [23] a mistake." Well, that's every single
 [24] time we're here.

[25] I would remind the defendant that

[1] his rap career could end because there's
 [2] 40 years at least on this case, just
 [3] calculating from the run sheet today, on
 [4] the conspiracy, possession with intent
 [5] to deliver, the firearm charges, and all
 [6] that.

[7] And I would stand here and ask for
 [8] it, and he knows that I will, because
 [9] I've been dealing with this case just as
 [10] long as Your Honor has. I did not do
 [11] the trial, but I had to do the
 [12] sentencing.

[13] So the defendant understood the
 [14] huge break he got from the trial, the
 [15] excellent break Your Honor gave him in
 [16] sentencing, and continuously trying to
 [17] status him.

[18] So if Your Honor is not going to
 [19] violate him and put him into custody
 [20] today because of the one positive --
 [21] once again, he's given the same excuse
 [22] he consistently gives when he gets into
 [23] trouble -- then I ask he has to report
 [24] biweekly again, because that's what he
 [25] was doing before and, therefore, his

[1] movements will be a little bit more
[2] limited, because that's the result of
[3] what happens when you violate the
[4] probation and parole of this Court.

[5] **MR. SAVINO:** Judge, to this
[6] counsel, with all deference to
[7] Ms. DeSantis, there have been numerous
[8] negatives urines as well. It's not like
[9] every urine is positive. There's no
[10] marijuana, which is the most common
[11] violator, and it was in January of 2011,
[12] my reading, when he was here, and we're
[13] almost 11 months later, Your Honor. So
[14] there's no --

[15] **THE DEFENDANT:** Can I say one
[16] thing?

[17] **MR. SAVINO:** Sure.

[18] **THE DEFENDANT:** Can I say one
[19] thing?

[20] **THE COURT:** Yes.

[21] **THE DEFENDANT:** Basically when I'm
[22] reporting weekly, it ain't doing nothing,
[23] but keeping me in the streets more and
[24] more. I'm at the level where I don't
[25] gotta be in the streets. I can be doing

[1] my job at work.

[2] Nine times out of ten, when I'm
[3] coming back, I'm doing something for the
[4] community. Me being here just keeps me
[5] here more and more. It ain't gonna do
[6] nothing but pull me down more and more.

[7] I understand what you're saying.
[8] If that's what you wish, then that's
[9] what you wish.

[10] But me just being around there, at
[11] the level I'm at, we even gotta go --
[12] just be in the streets, you know,
[13] besides downtown, be in the streets, me
[14] being around, any move I make could just
[15] send me to jail like that. You know
[16] what I'm saying? Just me being around
[17] is like --

[18] **MR. SAVINO:** He becomes targeted in
[19] a situation where he is by people in the
[20] neighborhood, people in Philadelphia,
[21] and he's trying to sort of absent
[22] himself from that, in a different
[23] environment by working, taking care of
[24] his family and moving forward in his
[25] career, which I think is a positive

[1] thing, because the neighborhood
[2] originally got him -- at least that
[3] environment got him in a situation.

[4] I'm only saying that there were
[5] numerous urines that were negative. To
[6] admonish him once again and let him
[7] continue on in the protocol that's been
[8] working it seems quite well thus far
[9] with probation, Your Honor.

[10] He's respectful. He's honest. And
[11] you've heard so many excuses by people
[12] that come in and lie right to your
[13] face. I give him a lot of credit for
[14] standing up here and accepting
[15] responsibility for what he's done.

[16] I'm sure Mr. Harris can continue to
[17] monitor him very closely with what's
[18] been going on in his career.

[19] **THE COURT:** Mr. Harris, it's your
[20] turn.

[21] **THE PROBATION OFFICER:** Your Honor,
[22] for the most part, I haven't had any
[23] problems with Mr. Williams. He still
[24] comes in monthly. I'm in regular
[25] contact with the manager. He keeps

[1] up-to-date with all his travel dates.

[2] Concerning the drug screens he's
[3] taken, I don't have the whole history in
[4] front of me, but I'm sure he's taken
[5] probably over 20 drug screens, and I
[6] think probably two of them have been
[7] positive, including this one here
[8] today. So the large majority of his
[9] screens haven't been an issue either,
[10] and he wasn't been arrested on any
[11] charges at all.

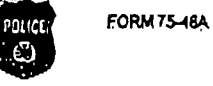
[12] Really, aside from the urine
[13] screen, I don't have anything negative
[14] to say about him.

[15] **THE COURT:** All right. Sir, I find
[16] you to be in technical violation. I'm
[17] going to allow your probation to
[18] continue again.

[19] So you cannot test positive for
[20] anything. If you think you need to take
[21] some drug or some substance that's going
[22] cause you to test positive, then you
[23] need to drink a soda. Okay? Because
[24] you can't test positive again. You
[25] understand that?

Robert Williams
Philadelphia Police Department Vehicle
Investigation Report
October 31, 2012

11411159



PHILADELPHIA POLICE DEPARTMENT VEHICLE OR PEDESTRIAN INVESTIGATION REPORT

GENERAL

PED STOP

VEHICLE STOP

SEARCH/SEIZURE

YEAR 12	DIST OCC 22	O.C.# 092650	SECT 3	DIST 22	VEH# TL	REPORT DATE 10/31/12	TYPE OF STOP <input type="checkbox"/> CURFEW <input type="checkbox"/> TRUANT	<input checked="" type="checkbox"/> VEHICLE <input type="checkbox"/> PEDESTRIAN	CODE 2202
LOCATION OF OCCURRENCE 1000 W Girard Ave						APT# -	<input type="checkbox"/> INSIDE <input checked="" type="checkbox"/> OUTSIDE	TYPE 53	TIME OUT 7:50
DATE / TIME OF OCCURRENCE 10/31/12 7:50			DAY 3	DATE / TIME OF RELEASE OR ARREST 10/31/12 8:50			<input type="checkbox"/> A <input checked="" type="checkbox"/> P	TIME IN 9:00	<input type="checkbox"/> A <input checked="" type="checkbox"/> P
NAME OF PEDESTRIAN / DRIVER Robert R Williams			SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	AGE 25	DOB [REDACTED]	RACE <input checked="" type="checkbox"/> 1-WHITE <input type="checkbox"/> 3-ASIAN/PACIFIC ISLANDER <input checked="" type="checkbox"/> 2-BLACK <input type="checkbox"/> 4-AM. INDIAN/ALASKAN NAT	LATINO <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
ADDRESS 1836 N 18th St			APT# 13	CITY Phila	STATE Pa	ZIP CODE 19121	DIST RES 22	NICKNAME Meek Mill	
SS# N/A	OPERATOR'S LICENSE # [REDACTED]		STATE Pa	HEIGHT 6'0"	WEIGHT 190	BUILD Thin	EYE COLOR BRO	HAIR COLOR B/K	
FACIAL HAIR None	COMPLEXION Dark	ACCENT N/A	FURTHER DESCRIPTION (SCARS, CLOTHING ETC) Black hoodie & pants						

<input type="checkbox"/> INDIVIDUAL MATCHES FLASH INFO	FLASH INFORMATION
<input type="checkbox"/> INDV. INVOLVED IN DISTURBANCE	TYPE OF DISTURBANCE
<input type="checkbox"/> OTHER REASON FOR STOP	DESCRIBE FULLY INCL SUSPECTED CRIME
ARREST Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	

<input type="checkbox"/> VICTIM <input type="checkbox"/> WITNS	NAME	SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	AGE	DOB / /	POSITIVE ID Y <input type="checkbox"/> N <input type="checkbox"/>
ADDRESS		APT#	CITY	STATE	ZIP CODE
			PHONE (HOME)	PHONE (WORK)	

<input type="checkbox"/> VEHICLE MATCHES FLASH INFO	FLASH INFORMATION
<input checked="" type="checkbox"/> VEHICLE IN VIOLATION OF MVC	CODE SECTION 4824 E(1)
	REASON FOR STOP w/ illegal sun screening device on both front side windows (Dark tint).
	TC ISSUED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
	WCTC/PCTC check neg results. Written warning issued. Consent to search denied K-9 called to the scene and alerted to the exterior of the vehicle.
<input type="checkbox"/> VEHICLE INVOLVED IN CRIMINAL ACTIVITY	DESCRIBE FULLY INCL SUSPECTED CRIME
	NFU notified
<input type="checkbox"/> OTHER	DESCRIBE FULLY
ARREST Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	

YEAR 12	MAKE Range	MODEL Rover	TYPE SW	COLOR Black	STATE Pa	MYR EXPR 6/13	PLATE# HR2-0080
VIN SALSF2D46CA753217			DISTINGUISHING CHAR Very Dark tint windows				
REGISTERED OWNERS NAME (LAST, FIRST) Williams, Robert			ADDRESS (NUMBER, STREET) 1836 N 18th St Apt B		CITY Phila	STATE Pa	ZIP CODE

INDIVIDUAL/VEHICLE FRISKED? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	(IF YES STATE REASON(S) WHY YOUR SAFETY WAS AT RISK?) used gun in vehicle & made chase out of veh w/ judge in pocket
INDIVIDUAL/VEHICLE SEARCHED? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	(IF YES INCIDENT TO ARRESTS, RESULT OF FRISK, OTHER PROBABLE CAUSE?) Search Warrant
EVIDENCE/CONTRABAND RECOVERED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	(TYPE AND LOCATION RECOVERED)

REPORT PREPARED BY Vargas #4097 / Outlaw #7191 / Boyer #4815	PAYROLL	BADGE	DIST/UNIT 22T6
REVIEWED BY	PAYROLL	DIST/UNIT	REFERRAL DATE GEN #

Robert Williams VOP Hearing

Notes of Testimony

March 15, 2013

First Judicial District of Pennsylvania

51CR00116142007

Robert Williams

VOP Volume 1
March 15, 2013



First Judicial District of Pennsylvania
100 South Broad Street, Second Floor
Philadelphia, PA 19110
(215) 683-8000 FAX:(215) 683-8005

Original File 031513^Williams.txt, 94 Pages
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[1] IN THE COURT OF COMMON PLEAS
 [2] FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
 [3] CRIMINAL TRIAL DIVISION
 [4] ---
 [5]
 [6] COMMONWEALTH : CP-51-CR-0011614-2007
 [7] V.
 [8] ROBERT WILLIAMS :
 [9] ---
 [10] Courtroom 502, Criminal Justice Center
 [11] Philadelphia, Pennsylvania
 [12] ---
 [13] March 15, 2013
 [14] ---
 [15] VOP
 [16] ---
 [17] B E F O R E: THE HONORABLE GENECE E. BRINKLEY, J.
 [18]
 [19] APPEARANCES:
 [20] NOEL DeSANTIS, ESQUIRE
 [21] Assistant District Attorney
 [22] For the Commonwealth
 [23]
 [24] GARY SILVER, ESQUIRE and DENNIS COGAN, ESQUIRE
 [25] Counsel for the Defendant
 Jaclyne Wilson

[1] COMMONWEALTH'S EVIDENCE
 [2]
 [3] WITNESS DIRECT CROSS REDIRECT RECROSS
 [4]
 [5] (None presented)
 [6]
 [7] EXHIBIT DESCRIPTION PAGE
 [8]
 [9] (None marked.)
 [10]
 [11] DEFENDANT'S EVIDENCE
 [12]
 [13] WITNESS DIRECT CROSS REDIRECT RECROSS
 [14]
 [15] (None presented.)
 [16]
 [17]
 [18] EXHIBIT DESCRIPTION PAGE
 [19]
 [20] (None marked.)
 [21]
 [22]
 [23]
 [24]
 [25] Jaclyne Wilson

[1] ...ROBERT WILLIAMS, after having been
 [2] first duly sworn, was examined and testified as
 [3] follows:
 [4] ---
 [5] COURT CRIER: State your name for the
 [6] record and spell your last name.
 [7] THE DEFENDANT: Robert Williams.
 [8] ...PROBATION OFFICER TRAES UNDERWOOD,
 [9] after having been first duly sworn, was examined and
 [10] testified as follows:
 [11] ---
 [12] COURT CRIER: State your name for the
 [13] record and spell your last name.
 [14] MS. UNDERWOOD: Officer Traes Underwood,
 [15] T-R-A-E-S, Adult Probation and Parole, Philadelphia
 [16] County.
 [17] THE COURT: Give me a moment to look at
 [18] the papers I received. I'm just now seeing them.
 [19] MS. UNDERWOOD: Yes, Your Honor.
 [20] (Pause.)
 [21] THE COURT: Mr. Silver, did you provide
 [22] the Commonwealth with a copy of your response?
 [23] MR. SILVER: Yes.
 [24] MS. DeSANTIS: This morning, Judge. I
 [25] got it just now.
 Jaclyne Wilson

[1] THE COURT: Did you have a chance to read
 [2] it?
 [3] MS. DeSANTIS: I've just scanned it when
 [4] Your Honor was reading it.
 [5] MR. SILVER: Your Honor, I received a
 [6] copy this morning of the probation officer's
 [7] addendum.
 [8] THE COURT: Okay.
 [9] MS. DeSANTIS: I also have a copy of the
 [10] summary, Judge, as well and I have a copy of the
 [11] updated travel information that Mr. Silver handed to
 [12] me today that was not e-mailed to me.
 [13] (Pause.)
 [14] THE COURT: Okay. I sent -- for the
 [15] record, I sent the parties an e-mail on Wednesday,
 [16] March 13th, outlining three issues that were to be
 [17] addressed today.
 [18] The first issue is whether any violation
 [19] occurred -- violation of probation occurred between
 [20] hearing December 16th, 2012 and January 16th, 2013,
 [21] when defendant was prohibited from traveling outside
 [22] of Philadelphia as per this Court's order.
 [23] Mr. Silver's response indicates that that was
 [24] addressed but it was not addressed. It was not
 [25] addressed. The issue that was addressed was him
 Jaclyne Wilson

[1] being in New York City during that time and I did
 [2] agree to allow him to go to New York City. I did
 [3] not allow him to go to Atlantic City and because I
 [4] did not have time, I was on trial at the last
 [5] listing, as well as today, I said I would continue
 [6] the issue to allow the parties to present whatever
 [7] they wanted to present on that issue today. So
 [8] that's part of the reason this date was scheduled.
 [9] **MR. SILVER:** Yes.
 [10] **THE COURT:** Okay. So let me hear from
 [11] both sides on that issue.
 [12] **MR. SILVER:** May I?
 [13] **THE COURT:** Yes.
 [14] **MR. SILVER:** Okay. That issue was
 [15] addressed on that date where we inquired and you
 [16] inquired of the probation officer whether she had
 [17] the ticket for the Kanye West concert. We told you
 [18] we were not -- well, he was not in Atlantic City.
 [19] That was addressed on January 16th. We were not in
 [20] Atlantic City. Mr. Williams actually said to Your
 [21] Honor he'll walk into jail if she has a ticket or
 [22] any proof that she was at the Kanye West party. You
 [23] inquired of her immediately, Do you have that
 [24] ticket? Her response, No, I don't. And as well in
 [25] her report she says earlier in the report that some
 Jaclyne Wilson

[1] individual --
 [2] **THE COURT:** Well, Mr. Silver,
 [3] they -- people don't really actually walk around
 [4] with concert tickets in their pockets from the
 [5] previous concert.
 [6] **MR. SILVER:** I understand.
 [7] **THE COURT:** They really don't. So this
 [8] was to allow either side an opportunity to submit
 [9] any additional information to me as you would like
 [10] to. So I don't want you to keep going back and
 [11] forth on stuff that I just said I'm listing it today
 [12] for that reason.
 [13] **MR. SILVER:** Right.
 [14] **THE COURT:** So to tell me, Well, no, we
 [15] really dealt with that already.
 [16] **MR. SILVER:** Okay.
 [17] **THE COURT:** I don't have the patience
 [18] today for that.
 [19] **MR. SILVER:** Understood. We've come
 [20] today and I e-mailed the assistant district attorney
 [21] and probation officer to provide me prior to today
 [22] the name, address, any information with this person
 [23] who allegedly saw him or any documentation that the
 [24] probation officer saw him in Atlantic City. We're
 [25] saying we were not in Atlantic City.
 Jaclyne Wilson

[1] **THE COURT:** Okay. That's your stance?
 [2] **MR. SILVER:** Correct. And today we have
 [3] not received anything.
 [4] **THE COURT:** Okay. Now, the next
 [5] question --
 [6] **MS. DeSANTIS:** Did you want me to respond
 [7] individually to each question, Judge?
 [8] **THE COURT:** Yes. That's probably better
 [9] for the record.
 [10] **MS. DeSANTIS:** Judge, at the last listing
 [11] this was a concern the probation officer did
 [12] indicate in her report. She is an officer of the
 [13] court. She did testify that she physically saw him
 [14] and the response by the defendant was, No, you saw
 [15] my mother. And her response was that your mother
 [16] must look somewhat manly because I saw you there
 [17] because I was at that concert and you just didn't
 [18] see me, but I saw you. And that's where -- she did
 [19] not keep her concert ticket as Your Honor stated,
 [20] people don't keep them to do that but that was her
 [21] testimony on the record. And you said that you
 [22] would defer that till today because we did not have
 [23] the time and I also had to get to a Norristown State
 [24] mental health meeting with two judges and an entire
 [25] board of people. That's the reason why it was also
 Jaclyne Wilson

[1] continued.
 [2] Our contention is that he was there. He
 [3] did not have that. He did tweet pictures of, you
 [4] know, himself and the people tweeting that which we
 [5] passed up to Your Honor that last time that he was
 [6] at that concert. And so thereby he did not have
 [7] permission to be in Atlantic City on that specific
 [8] date. Your Honor only gave him permission during
 [9] that time frame the New York one that you did state
 [10] and the fact on Christmas Day and New Year's day
 [11] you, of course, allowed him to visit and be with
 [12] family and to have those days for travel.
 [13] At no point did you allow him to ever be
 [14] in Atlantic City to hang out at a concert with other
 [15] individuals and celebrities and I would have,
 [16] obviously, Ms. Underwood testify if you want again
 [17] about her seeing him but that was what was testified
 [18] at the listing on 1/16/2013 the last him we were in
 [19] court.
 [20] **THE COURT:** Okay. You were showing
 [21] me -- you were holding up some papers?
 [22] **MS. DeSANTIS:** These were the two
 [23] pictures of him in the tweets which we passed up
 [24] last time. Defense got a copy as well.
 [25] **MR. SILVER:** I didn't as well, Judge.
 Jaclyne Wilson

[1] (Pause.)
 [2] **THE COURT:** Okay.
 [3] **MR. SILVER:** Can I briefly just address
 [4] that?
 [5] **THE COURT:** Sure.
 [6] **MR. SILVER:** Number 1, Your Honor, I just
 [7] want to be clear to the Court that we're saying that
 [8] the probation officer is not being truthful with the
 [9] Court that she saw him in Atlantic City. What we
 [10] have here, as we always have in this, is a different
 [11] version of events. This thing about him saying that
 [12] that's his mother that's there. The problem we have
 [13] is and you see it in her report and in my response
 [14] there are two different versions of what goes on. I
 [15] don't know if the probation officer is going to tell
 [16] you about when she brings in probation officers to
 [17] do, I guess, like songs for him to determine that.
 [18] I don't know if she's going to agree or disagree
 [19] with that. Our purpose --
 [20] **THE COURT:** Let's stay on the subject.
 [21] **MS. DeSANTIS:** I don't think -- at this
 [22] point I'm going to object. First of all, we can't
 [23] go back and forth. He had his argument. I made
 [24] mine. We go into the next point.
 [25] **THE COURT:** I just want to hear if you
 Jaclyne Wilson

[1] have anything more relevant on the issue of whether
 [2] he was outside of Philadelphia during the time
 [3] period he was prohibited from doing so.
 [4] **MR. SILVER:** I do. And my only point is
 [5] they never provided us that alleged person who
 [6] supposedly saw him down there and they put that
 [7] in the report.
 [8] **MS. DeSANTIS:** She is the person.
 [9] **THE COURT:** She is the person.
 [10] **MR. SILVER:** No. In the report there's
 [11] an additional person.
 [12] **MS. DeSANTIS:** She said in the
 [13] report -- Mr. Silver needs to remember we've
 [14] testified last time. She said the unidentified
 [15] person --
 [16] **MR. SILVER:** She said --
 [17] **MS. DeSANTIS:** Counsel, I'm talking. She
 [18] said the unidentified person was her. She said it
 [19] was her.
 [20] **MR. SILVER:** No, Judge.
 [21] **MS. DeSANTIS:** She said it was her at the
 [22] last listing. She just didn't put it in her report
 [23] that it was her. Judge, she said it was her. She
 [24] is the unidentified person. She has testified under
 [25] oath as an officer of the court that she saw him in
 Jaclyne Wilson

[1] Atlantic City. That's the end of that issue.
 [2] That's what she testified to. There's no additional
 [3] evidence that I can present. That's what she
 [4] testified to and this nonsense at the end of his
 [5] points is ridiculous. It didn't happen.
 [6] **THE COURT:** All right. I'm just --
 [7] **MR. SILVER:** Judge --
 [8] **MS. DeSANTIS:** Because we can all get to
 [9] the bottom of the point that maybe he thinks he's in
 [10] Atlantic City because he lives in New Jersey and not
 [11] Philadelphia, I mean, if we're going to get
 [12] technical.
 [13] **MR. SILVER:** Judge, in her report it says
 [14] she was given information about him being in
 [15] Atlantic City. That's not -- then later in the
 [16] report it says, I was there and saw him. So both
 [17] points, both points.
 [18] **THE COURT:** Okay. That's under
 [19] advisement. Let's go to the next point.
 [20] **MR. SILVER:** Okay.
 [21] **THE COURT:** The next question is whether
 [22] any violation occurred on or about February 4th or
 [23] 14th, 2013, when the defendant was required to
 [24] report to his probation officer. As I recall,
 [25] February 14th was the day that he was supposed to
 Jaclyne Wilson

[1] report, however, after court he was supposed to go
 [2] over -- as I recall there was some issue concerning
 [3] the completion of his hotel information or some
 [4] information that was not on the form at the hearing
 [5] on the date of the last hearing. There was some
 [6] missing information and he was supposed to go over
 [7] and provide that information and he didn't have it.
 [8] He still didn't have it. And it's my understanding
 [9] that he was supposed to provide that information on
 [10] February 4th. That was his choice of dates.
 [11] So would you respond to that?
 [12] **MR. SILVER:** Yes. Judge, at that date we
 [13] were here in January. We provided the travel
 [14] schedule. The date of 2/7 there was missing one
 [15] flight on 2/7. He went over to the probation
 [16] department. They went through every single travel
 [17] order. That flight was missing. Mr. Williams
 [18] called me and said she's not letting me leave
 [19] because I don't have this flight. I immediately
 [20] came back to this Court and this Court reviewed the
 [21] travel schedule and said, That's okay. Provide them
 [22] with the flight. And I said they just hadn't booked
 [23] that one flight yet. That's it. We provided that
 [24] to them well before the 7th for that flight.
 [25] And then he was scheduled to come back
 Jaclyne Wilson

[1] February 14th per your order. He was in the
 [2] probation department on February --
 [3] **THE COURT:** I think you're mixing up a
 [4] couple things here.
 [5] **MR. SILVER:** No.
 [6] **THE COURT:** I think you're mixing up a
 [7] couple things. Okay. That's your position. Okay.
 [8] Is that your --
 [9] **MR. SILVER:** Judge, the missing flight is
 [10] February 7th. When we went after the hearing on
 [11] January 16th there was a travel request form that
 [12] was done per your schedule. One night was missing,
 [13] the February 7th flight. I came back the same day
 [14] within two hours and said the probation officer is
 [15] not allowing him his travel request forms because
 [16] that flight's missing. You reviewed the travel
 [17] request form. We stood right at this side of the
 [18] bar of the court and you said, That's okay. Your
 [19] staff then called over to the probation department.
 [20] He got all his travel forms and was out of the
 [21] probation department within a half hour. We were to
 [22] provide the one flight to the probation department
 [23] subsequently, which we did. That was the reason for
 [24] that issue.
 [25] And then Your Honor ordered that he was
 Jaclyne Wilson

[1] to appear in front of the probation officer on
 [2] February 14th, which we did.
 [3] **MS. DeSANTIS:** Okay. Your Honor, that's
 [4] incorrect.
 [5] **THE COURT:** I think it is.
 [6] **MS. DeSANTIS:** Maybe we need the notes.
 [7] First off, at the last hearing it was told that
 [8] there would be no ex parte conversations without me
 [9] present, which he just admitted obviously he had one
 [10] because --
 [11] **MR. SILVER:** Judge --
 [12] **MS. DeSANTIS:** No, Mr. Silver --
 [13] **MR. SILVER:** -- there was a DA.
 [14] **MS. DeSANTIS:** -- it's rude. I don't
 [15] interrupt you when you're saying something that's
 [16] false.
 [17] So at this point, Judge, after that last
 [18] listing because before I had arrived to the
 [19] courtroom, as I was staffing another courtroom, my
 [20] new assignment, counsel had already requested that
 [21] the case be continued from 2/25 because they had
 [22] full intent to be in Vancouver. So I specifically
 [23] made on the record last time there can be no
 [24] conversations without me being present and the
 [25] e-mails that go back and forth are always between
 Jaclyne Wilson

[1] all of us so that we're -- no one's out of the loop.
 [2] That was Your Honor's order. So I don't know if
 [3] this occurred. I'm going to say no.
 [4] So, secondly, Your Honor's order at the
 [5] last listing on 1/16/2013, which was the last day of
 [6] Your Honor's restriction of his travel, was that he
 [7] was to have the form filled out as you created which
 [8] was fine. There was a lot of additional squares
 [9] that had to be put in in terms of more specific
 [10] details of hotels, how to travel, plane, coach, bus,
 [11] et cetera. Then you wanted the probation officer to
 [12] initial the side.
 [13] So he came in the very next day, which
 [14] would be the 17th of January. He came in the next
 [15] day because the probation officer left this
 [16] courtroom with me and we left the building each
 [17] going our separate ways. I had to get to a meeting.
 [18] I went to the second floor. She left. Her daughter
 [19] was with her that day. She did not go back to the
 [20] probation office. I met her daughter and said hello
 [21] to her. So that was 1/17.
 [22] He had to work with his attorney to bring
 [23] in all of that information. He -- Your Honor said
 [24] to him, you can report on 2/14 because you will have
 [25] all the information up-to-date for 2/14.
 Jaclyne Wilson

[1] Ms. Understood then signed all the travel documents.
 [2] He only had up until 2/4 which is what's signed and
 [3] faxed over to Your Honor. Thereby she said to him,
 [4] Your travel only expends to 2/4. So that you need
 [5] to come in on that date to give me the rest of it
 [6] and then come back on 2/14 because the Judge's order
 [7] was you were supposed to have everything until 2/14.
 [8] I don't have up until 2/14 because it was supposed
 [9] to work out with his travel schedule.
 [10] So my argument is the probation officer
 [11] determines when a defendant reports. Your Honor
 [12] clearly made this as an exception because you were
 [13] trying to work out with his promoters and everyone
 [14] who was in the room to make certain it would happen.
 [15] But then he agreed. So he agreed to report on 2/4
 [16] because he did not have your order completed by his
 [17] people about what was going on. She only initialed
 [18] it and faxed it over to Your Honor up to that date
 [19] and I have copies of that one sheet if you want to
 [20] see that it's up to 2/4.
 [21] So that's why when he didn't report on
 [22] 2/4, he never called and said he would report. He
 [23] had no travel permits between 2/4 and 2/14 when he
 [24] reports because nothing was signed. Nothing was
 [25] written up. Nothing was given to him. All the
 Jaclyne Wilson

[1] copies of the travel permit that Ms. Underwood has
[2] to individually do for each location were only
[3] filled out until 2/4 and signed by her and initialed
[4] on your form. So it's two separate things. He's
[5] given a packet which he takes to his attorney on all
[6] those travel forms which he's supposed to keep a
[7] copy with him, have been reviewed on the record and
[8] that's his basically license to be in another county
[9] or city.

[10] So that's what we have, only up to 2/4.
[11] So he did not call in. He did not report nor during
[12] any of this time has he ever report he's leaving the
[13] jurisdiction and going to another as Your Honor
[14] ordered. So that's the reason why he was in
[15] violation for not reporting on 2/4. He agreed with
[16] that with the attorney for 2/4.

[17] **MR. SILVER:** Judge, may I say something?

[18] **MS. DeSANTIS:** I'm going to object. We
[19] can't keep going back and forth. It's argument.

[20] **MR. SILVER:** Except I have the document,
[21] the fax cover sheet that shows on January 16th the
[22] schedule was sent all the way through February 14th,
[23] exactly as I said, and the only thing missing is on
[24] February 7th, air flight information to be provided.
[25] This schedule goes to February 14th. I have a fax
Jaclyne Wilson

[1] cover sheet to Your Honor. I have a fax cover sheet
[2] to Ms. DeSantis. A fax cover sheet to Ms. Underwood
[3] and confirmations that they were received on January
[4] 16th of the schedule going to the 14th.

[5] **MS. DeSANTIS:** None of your boxes are
[6] filled out, Your Honor, with transportation. Not
[7] applicable. Not applicable. Not applicable.
[8] Studio. Not applicable.

[9] **MR. SILVER:** If I may, Your Honor?

[10] **MS. DeSANTIS:** That's not a completed
[11] thing. Your Honor only stated that he had studio up
[12] until 2/13 to be anywhere in the United States. Any
[13] time after that he had to put the studio location,
[14] address and information in that box. So that's the
[15] reason why nothing after 2/4 is filled in to
[16] completion. That's why the permits under
[17] Your Honor's rules --

[18] **MR. SILVER:** She has the wrong document,
[19] Judge.

[20] **THE COURT:** So I think you
[21] were -- Mr. Silver, you either forgot or
[22] misunderstood my order.

[23] **MR. SILVER:** Judge, she has the wrong
[24] document she's reading.

[25] **THE COURT:** Excuse me. No. No. I'm
Jaclyne Wilson

[1] reading my court order of January 16th, 2013. The
[2] Court permits the above listed defendant to travel
[3] anywhere in the United States on the following
[4] **dates:** 1/23, 1/24, 1/25, 2/5, 2/6, 2/11, 2/12 and
[5] 2/23.

[6] The anywhere in the United States was
[7] just to get you through --

[8] **MR. SILVER:** Right, 2/14.

[9] **THE COURT:** No. It was to get you
[10] through to today's date so that if any issues came
[11] up, then we would be able to address them today.

[12] **MR. SILVER:** Judge --

[13] **THE COURT:** Two, fourteen was supposed to
[14] be the date you went in to see her.

[15] **MR. SILVER:** Right.

[16] **MS. UNDERWOOD:** To the studio.

[17] **THE COURT:** This was regarding going
[18] in the studio.

[19] **MR. SILVER:** Correct, and the document
[20] Ms. DeSantis is not showing you --

[21] **THE COURT:** Those dates were put on
[22] here -- excuse me. Those dates were put on my order
[23] specifically because you did not have the
[24] information for those dates on 1/16. In order to
[25] facilitate you being able to do what you needed to
Jaclyne Wilson

[1] do and go in the studio, I did order that well,
[2] wherever you want to go to do studio work in the
[3] United States on these dates, you can go so there's
[4] no disruption with your schedule. But after that
[5] you were supposed -- you're supposed to put down
[6] which studio he's going to be in. This is expired
[7] now.

[8] **MR. SILVER:** Judge, she's looking at the
[9] wrong document. What I have and I tried to pass up
[10] to you is the --

[11] **THE COURT:** Yes but what you e-mailed me
[12] has "Judge Brinkley Order" on it but that order has
[13] expired.

[14] **MR. SILVER:** We understand that and we're
[15] back today and I had to provide that to you before
[16] the 15th, today. We're back today and we're going
[17] to be asking the Court and the reason you did what
[18] we call the Judge Brinkley's Order is because they
[19] did not wish to fax paperwork or weren't capable of
[20] e-mailing paperwork. So Your Honor said, Forget it.
[21] Remember I offered they can fax it to us. I would
[22] have him sign it --

[23] **THE COURT:** No. No. Mr. Silver --

[24] **MR. SILVER:** No. But that's why the
[25] order was issued through February 14th.
Jaclyne Wilson

[1] **THE COURT:** Okay. We're talking about
 [2] two different things.
 [3] **MS. DeSANTIS:** Yes.
 [4] **MR. SILVER:** No.
 [5] **THE COURT:** I am talking about the order
 [6] that I signed on January 16th which allowed you to
 [7] go anywhere in the United States to the studio
 [8] because you didn't have the information on January
 [9] 16th. So to facilitate him going into the studio I
 [10] just said Anywhere, USA. Anywhere, USA up until
 [11] 2/13.
 [12] **MS. DeSANTIS:** Correct.
 [13] **MR. SILVER:** We agreed.
 [14] **THE COURT:** The travel form that you
 [15] faxed, you e-mailed to me on the 13th still has the
 [16] new one, 3/29, Judge Brinkley's Order, 3/30, Judge
 [17] Brinkley's Order. Studio. I don't understand why
 [18] you're still using this order.
 [19] **MR. SILVER:** We haven't -- we're here
 [20] today to ask the Court to continue that order
 [21] because he's in the studio in Philadelphia and the
 [22] problem is if he needs to have studio time in
 [23] New York or studio time in Miami, Your Honor issued
 [24] that order because they would not fax to us and then
 [25] we would fax or e-mail to Mr. Williams the signed
 Jaclyne Wilson

[1] travel. So that's why Your Honor did that order
 [2] through February 14th.
 [3] **THE COURT:** No.
 [4] **MS. DeSANTIS:** No.
 [5] **MS. UNDERWOOD:** No.
 [6] **MR. SILVER:** That's what you said, Judge.
 [7] **THE COURT:** No. I know why I did it.
 [8] **MR. SILVER:** Okay.
 [9] **THE COURT:** I know why I did it. I
 [10] wanted him to be able -- you didn't have the
 [11] information then. I was trying to facilitate him
 [12] going to the studio up until we came back to court.
 [13] So that that would not be an issue. I didn't want
 [14] that, the studio work, of all things to be an issue
 [15] with him leaving the city.
 [16] **MR. SILVER:** Right.
 [17] **THE COURT:** So I said, okay. Well, he
 [18] can go anywhere in the United States during this
 [19] time and then everything after that can be worked
 [20] out and turned in because you have time to do it.
 [21] You have proficient time to do it now.
 [22] **MR. SILVER:** Right. And the schedule --
 [23] **THE COURT:** So this was to help
 [24] facilitate his travel for purposes of doing studio
 [25] work.
 Jaclyne Wilson

[1] **MR. SILVER:** And here's an example: On
 [2] 3/16/13, Miami, Florida, studio time. That's
 [3] because the studio work is in Miami, Florida.
 [4] That's the e-mail that I just sent you. That's
 [5] where the studio work will be. It's not an event.
 [6] It's not a venue. So that's why I provided that to
 [7] you. It's right here on the document.
 [8] **THE COURT:** I still think what I just
 [9] said went over your head.
 [10] **MR. SILVER:** No.
 [11] **THE COURT:** What I said went over your
 [12] head.
 [13] **MR. SILVER:** Studio.
 [14] **THE COURT:** No.
 [15] **MR. SILVER:** Okay. What am I not
 [16] understanding?
 [17] **THE COURT:** What you don't understand is
 [18] that this order had a specific time limit.
 [19] **MR. SILVER:** Correct.
 [20] **THE COURT:** Until 2/13.
 [21] **MR. SILVER:** Understood.
 [22] **THE COURT:** This -- it was not my
 [23] intention to allow him to go Anywhere, USA
 [24] indefinitely.
 [25] **MR. SILVER:** Understood.
 Jaclyne Wilson

[1] **THE COURT:** I did this so that you would
 [2] be able to keep him on his schedule until we came
 [3] back to court and that you understood from then on
 [4] what would be required on the form.
 [5] **MR. SILVER:** Correct.
 [6] **THE COURT:** This form that I created, to
 [7] me, I thought was helping everybody.
 [8] **MS. UNDERWOOD:** It helped me.
 [9] **THE COURT:** I thought it was helping
 [10] everybody to get on the same page about what
 [11] information is required because the interstate
 [12] compact for convicted felons requires that the
 [13] receiving state, the person -- the state that the
 [14] person is going to knows that the person is coming
 [15] and where they're going to be.
 [16] **MR. SILVER:** Correct.
 [17] **THE COURT:** Now, if they're going to be
 [18] in the studio, they need to know that. If they're
 [19] going to be in a performance venue, they need to
 [20] know that. And since you did not have this
 [21] information in January, I said, okay, he doesn't
 [22] have it now. Let me see what we can do to
 [23] facilitate getting this done. That's why I did an
 [24] Anywhere, USA order.
 [25] **MR. SILVER:** I understand.
 Jaclyne Wilson

[1] **THE COURT:** Okay. You don't have it. I
[2] want him to go do his studio work so he can go
[3] anywhere in the United States until we come back to
[4] court and I put the specific days that it was
[5] missing on your form.

[6] **MR. SILVER:** Understood.

[7] **THE COURT:** All the days that were
[8] missing on your form I said, okay, on those dates he
[9] can go anywhere he needs to go.

[10] **MR. SILVER:** Understood.

[11] **THE COURT:** But that was not to be
[12] indefinite or else I would have just put down --

[13] **MR. SILVER:** I didn't ask it to be
[14] indefinite but this is the first day back and the
[15] new schedule beginning effectively today has studio
[16] work. He's not in a venue and that --

[17] **MS. DeSANTIS:** Your Honor, we've veered
[18] off --

[19] **MR. SILVER:** Don't we have to tell you
[20] when we're going to be in the studio and where that
[21] studio work will be?

[22] **THE COURT:** Yes, but you're not telling
[23] me in the form that you submitted.

[24] **MR. SILVER:** Why am I not? It's -- you
[25] mean the actual location of the studio?

Jaclyne Wilson

[1] **THE COURT:** Yes. Every studio has an
[2] address.

[3] **MR. SILVER:** An address? Okay.

[4] **MS. DeSANTIS:** Your Honor, the point
[5] of -- No. 2 point that you wanted to make is the
[6] defendant did not report on 2/4 and then on 2/3 when
[7] the probation officer -- on 2/5 the probation
[8] officer calls him and says, Where are you? He
[9] called her and said, you know, that he was not going
[10] to be available because he was somewhere else in New
[11] Orleans. He wasn't here.

[12] Where was he?

[13] **MS. UNDERWOOD:** Florida.

[14] **MS. DeSANTIS:** He was in Florida. He
[15] wasn't here. He didn't come on 2/4, which he agreed
[16] to. So, you know, the probation officer tells the
[17] defendant when to report because he didn't have the
[18] complete form per Your Honor's instructions. So he
[19] didn't report on 2/4. He felt that he could ignore
[20] that order by the probation officer to report. Then
[21] the next day took to Twitter when she told him that
[22] there could potentially be a warrant because of the
[23] violation of not reporting and we were all contacted
[24] and Mr. Silver responded, We only follow the Judge's
[25] order and report on 2/14, which she's the one that

Jaclyne Wilson

[1] tells him when to report, and starts basically,
[2] saying things on there about his PO, and I have the,
[3] you know, Twitter account. Whatever Philadelphia
[4] probation got going, they ought to get this PO off
[5] my case because she hatin' on me and trying to book
[6] me for nothing. And it's sad that she's black and
[7] from my neighborhood and telling the whole hood my
[8] business trying to make reasons to lock me up. She
[9] hates me. And then after that, you know, the over
[10] one million fans that he will tell you he has and he
[11] certainly has them. I don't understand the whole
[12] Twitter situation thing but it's something new and
[13] kids like it. They're younger like him. Is that
[14] then they started inviting people to threaten me,
[15] most likely Your Honor, of violence and certainly
[16] the probation officer, too.

[17] Now, freedom of speech is just that,
[18] freedom of speech. We live in, you know, a
[19] wonderful country that we have that, Judge.
[20] However, the problem is, you know, some of them are
[21] like, She lock you up, I'm going to beat her ass.
[22] No real worries, Meek. We got you taken care of
[23] ASAP. What's wrong with her? She must be racist.
[24] Another one I like, She wants to dick at Meek Mill.
[25] You faking on running a train on that hoe ass DA.

Jaclyne Wilson

[1] And fuck her, daughter or sister and tell her the
[2] details. That would be with regards to --

[3] **MR. SILVER:** Judge, we can't control
[4] other people.

[5] **MS. DeSANTIS:** I'm reading.

[6] And then another one, That Brinkley, that
[7] bitch Brinkley. What she do?

[8] So this is my problem, too. First of
[9] all, the defendant not calling her or calling her,
[10] I'm not coming in but then he's inciting all of
[11] these words of hatred based upon his tweeting that
[12] he's just so disruptive and upset by the probation
[13] officer's out to get him when he's on probation and
[14] he just has to comply.

[15] He had no travel permit from 2/4 to 2/14.
[16] So that's a violation because nothing was signed on
[17] your form, nothing's initialed on your form at the
[18] bottom line and there's no physical travel passes
[19] that have to be physically handed to him that look
[20] like the probation kind of like summary, that form
[21] that they have. They fill everything out. He signs
[22] it, gets a copy. Your Honor gets it faxed to you,
[23] and so the other jurisdictions were not made aware
[24] from 2/4 to 2/14 where he was. That's a violation.
[25] That's plain and simple. That's the nuts and bolts

Jaclyne Wilson

[1] of it.
[2] We're talking about studio for the past
[3] ten minutes which has nothing to do with that point
[4] that Your Honor is asking us to make. That's a
[5] violation.

[6] **MR. SILVER:** That's not accurate, Judge.
[7] It's simply not accurate. Your Honor issued the
[8] order and on the schedule you reviewed and they
[9] received by fax was he was in New Orleans on 2/4.
[10] Then you allowed him, as you just said because we
[11] didn't have that information, to be anywhere in the
[12] United States 2/5, 2/6. That's on the document.
[13] It's on your travel form.

[14] And how is he responsible for what other
[15] people on this Twitter internet system say or don't
[16] say?

[17] There's a question you have and the next
[18] question about the incident that happened with the
[19] shooting.

[20] **THE COURT:** Don't -- come on now. I'm
[21] trying to -- we have to keep the record clean and go
[22] in order. Don't jump around. When I'm ready to
[23] deal with the next question, I'll let you know.

[24] **MR. SILVER:** Yes.

[25] **THE COURT:** Okay. Go ahead.
Jaclyne Wilson

[1] **MR. SILVER:** Well, the bottom line it was
[2] on the form that was faxed. It was faxed to the
[3] department. It was faxed on the 17th and Your Honor
[4] disagrees with me but I don't know if you remember
[5] the issue that was missing was the February 7th
[6] flight. That was the issue. And that Your Honor
[7] said was okay and the full document was sent.
[8] Ms. DeSantis is talking about something that ends on
[9] 2/4 but the document, as Your Honor order, went
[10] all the way up through 2/13 of which he showed to
[11] the Court on 2/14 which he did and received his new
[12] schedule and travel forms.

[13] **MS. DeSANTIS:** Your Honor, your question
[14] is whether any --

[15] **MR. SILVER:** So he's compliant.

[16] **MS. DeSANTIS:** Number 2, whether any
[17] violations occurred on or about February 4th to
[18] February 14th when the defendant was required to
[19] report to his probation officer. I don't know what
[20] we're still doing on the studio comment. That's not
[21] the point.

[22] **MR. SILVER:** I didn't say studio.

[23] **MS. DeSANTIS:** The point is during that
[24] time-- Your Honor, yes, at the last listing ordered
[25] him to be present on 2/14 to report, Valentine's
Jaclyne Wilson

[1] Day, lovely. However, that was under the impression
[2] that he would have your form filled completely on
[3] 1/17 and there's nothing to do with a flight. I was
[4] not here for that argument. I was not here for that
[5] sidebar that never -- I'm saying that never happened
[6] because I am supposed to be here. If counsel wants
[7] to keep admitting to an ex parte conversation on the
[8] record, that's a problem. I was not here for this
[9] conversation or this approval.

[10] The fax letter that we all have to travel
[11] after 2/4 nothing is signed. No permits are made.
[12] He had nothing to travel between 2/4 and 2/14.
[13] That's the violation.

[14] **MR. SILVER:** Judge --

[15] **THE COURT:** He could go to studio work on
[16] 2/5, 2/6, 2/11, 2/12 and 2/13. But the problem was
[17] that if there was something else that he did between
[18] 2/4 and 2/14 other than go to the studio, there was
[19] a problem.

[20] **MR. SILVER:** Except for 2/4 was New
[21] Orleans which was already provided on January 16th.
[22] That was on the document. Whether the probation
[23] officer signed anything, she's not communicating or
[24] forwarding any of that information. On January 16th
[25] she received the full document taking him through
Jaclyne Wilson

[1] February 14th and 2/4 was New Orleans, travel day,
[2] US Air flight. And it's on there. They have the
[3] wrong document. Ms. DeSantis keeps talking from the
[4] wrong document.

[5] May I pass this document up to the Court?

[6] **MS. DeSANTIS:** Can I see which one that
[7] is, Judge, because I have the signed one that was
[8] faxed to Your Honor's chamber showing the ones that
[9] say where she has it signed. I'm not certain --

[10] **MR. SILVER:** I know but she doesn't fax
[11] that to us. She doesn't tell us.

[12] **MS. DeSANTIS:** Because he gets a copy of
[13] it. His client gets a copy of it. If he chooses
[14] not to give it to Mr. Silver, that's his own
[15] stupidity. That's his responsibility.

[16] **MR. SILVER:** That's not the issue.

[17] **MS. DeSANTIS:** He gets a copy of it.

[18] **MR. SILVER:** This is the disconnect with
[19] the versions that's going on. We provide you with
[20] the --

[21] **THE COURT:** Okay. I've heard enough on
[22] that issue.

[23] **MR. SILVER:** Okay. Our position is
[24] there's no violation.

[25] **THE COURT:** Okay. The next issue is
Jaclyne Wilson

[1] whether any violation occurred on or about March
[2] 1st, 2013, when defendant was alleged to have been
[3] present when a fatal shooting occurred on Columbus
[4] Boulevard in Philadelphia.

[5] **MR. SILVER:** There's no violation.

[6] **THE COURT:** I wasn't looking at a travel
[7] pass. I don't know whether he was in the city, out
[8] of the city.

[9] **MR. SILVER:** In Philadelphia.

[10] **THE COURT:** Supposed to be in the city or
[11] out of the city.

[12] **MR. SILVER:** Yes.

[13] **THE COURT:** So answer the question.

[14] **MR. SILVER:** In Philadelphia. He was
[15] supposed to be in Philadelphia. This happened in
[16] Philadelphia. It happened around twelve or one
[17] o'clock in the morning. He was in what would be the
[18] studio area of the bus. He didn't even know that
[19] there was a shooting out front until people, just
[20] regular everyday folk, started running up on the bus
[21] and someone drove by and shot into the crowd. I
[22] don't know if the police determined they were
[23] shooting at the bus. It was a different rapper's
[24] bus. Everyday people wouldn't have known whether
[25] Mr. Williams was on the bus or not. But the
Jaclyne Wilson

[1] shooting occurred. He's a victim or could have been
[2] a victim but he didn't even know it occurred until
[3] folks ran up on the bus and said there had been a
[4] shooting.

[5] **THE COURT:** Okay. Let me hear from the
[6] Commonwealth.

[7] **MS. DeSANTIS:** Your Honor, on that date
[8] and time the defendant on the 28th of February,
[9] which would be, you know, the day before that early
[10] morning hours would be, he was in the studio
[11] allegedly under Judge Brinkley's Order which would
[12] taken him to the early morning hours of the 1st of
[13] March which would have been that Friday morning.

[14] **THE COURT:** I'm sorry. He's on 2/28?

[15] **MS. DeSANTIS:** Two, twenty-eight it says
[16] on his travel, on his travel form that he filled out
[17] that 2/28, Thursday 2/28 says Judge Brinkley's
[18] Order, studio. I understand when Your Honor's order
[19] ended on 2/13 but I'm just reading what's typed in
[20] here. So studio there was no -- there's nothing in
[21] transportation or hotel or booked by. It just says
[22] studio. It doesn't tell us where. We had no idea
[23] he was in the city and county of Philadelphia and
[24] that I would then -- the early morning hours then it
[25] came out in the newspapers the next morning
Jaclyne Wilson

[1] obviously when the shooting was made public that
[2] there was a shooting that the defendant then did, I
[3] believe, take to his Twitter that he was present but
[4] that he did not cooperate with any homicide
[5] investigation in regards to that.

[6] He was on the bus. The allegations would
[7] be that there may have been some altercation between
[8] fans of the rapper that he was in question visiting
[9] and that there was a drive-by and one of the
[10] individuals in another vehicle was murdered and the
[11] bullets that hit the actual bus of the rapper he was
[12] allegedly hanging out with that night. He did not
[13] stay. He did specifically tell Ms. Underwood he did
[14] not stay and interview by homicide detectives nor
[15] has he made himself available to them to give any
[16] information he may or may not have in regards to
[17] what he saw or heard or anything.

[18] In addition, Your Honor, the policy of
[19] the probation department is if you're involved in
[20] any type of, you know, police matter, you need to
[21] call them. It's for their own protection and
[22] benefit as well to say, Listen, I don't want you to
[23] hear it on the news because I'm kind of somewhat a
[24] celebrity, you know, I was involved. I was not
[25] involved. I was just merely there, et cetera. I
Jaclyne Wilson

[1] just want you to know before you walk into work at
[2] 8:30 in morning and read it on Philly.com or
[3] whatever I was reading on the bus. That's how I
[4] found out about it amongst other people sending me
[5] text messages as well.

[6] As he was supposed to that morning at six
[7] o'clock which Your Honor gave him written permission
[8] to go because you gave him a court order to go to
[9] Barbados that morning. So we have no idea if he
[10] actually did that because that was the vacation that
[11] they requested on 1/16 and Your Honor actually did
[12] do that because the probation department can not
[13] approve any and all travel outside of the United
[14] States. You need a separate order for that.

[15] So that's the reason why the Commonwealth
[16] believes that he would be in violation and I would
[17] have Ms. Underwood testify now as to the policies of
[18] the probation department in that regard.

[19] **MR. SILVER:** Judge, if I may?

[20] **MS. DeSANTIS:** I'm asking Ms. Underwood.
[21] I'm still on the Commonwealth's side, Your Honor.
[22] I'm asking Ms. Underwood to tell her position in
[23] regards to that policy because I ca nnot testify to
[24] that.

[25] **THE COURT:** Okay. Go ahead, ma'am.
Jaclyne Wilson

[1] **MS. UNDERWOOD:** How are you, Your Honor?
 [2] Good morning.
 [3] **THE COURT:** Good morning.
 [4] **MS. UNDERWOOD:** Any time -- and I have
 [5] other officers in the gallery. Any time a defendant
 [6] has any contact with the police, either they get
 [7] pulled over, ped stopped, they're to tell us they
 [8] had contact with the police. Am I right? Part of
 [9] the policy.
 [10] **THE COURT:** Okay. What did you want to
 [11] say?
 [12] **MR. SILVER:** He had no information. He
 [13] had no contact with the police nor did they want to
 [14] interview him.
 [15] **THE COURT:** Okay. Thank you very much.
 [16] **MR. SILVER:** But, Judge, I just want you
 [17] to look at the document that Ms. DeSantis is looking
 [18] at. It says studio, Monday the 25th.
 [19] **THE COURT:** I don't think I have that
 [20] one.
 [21] **MR. SILVER:** It was e-mailed to
 [22] Your Honor on February 13th.
 [23] **THE COURT:** Okay. Just one moment.
 [24] **MS. DeSANTIS:** My top of my fax reads
 [25] February 6th, 2013.
 Jaclyne Wilson

[1] **THE COURT:** February 6th?
 [2] **MS. DeSANTIS:** That would be when it was
 [3] faxed over to Your Honor's chambers. That was
 [4] the --
 [5] **MR. SILVER:** Judge, I'm speaking about
 [6] the e-mail that came February 13th to Your Honor.
 [7] It also went to Ms. Underwood. It also went to
 [8] Ms. DeSantis and it covered the period of February
 [9] 17th through March 15th because it had changes and
 [10] updates.
 [11] **MS. DeSANTIS:** I'm referring to the one
 [12] that Ms. Underwood signed on 2/14. Any additions or
 [13] addendums wouldn't have been signed if he did not
 [14] report until this week. Your Honor's order was they
 [15] must be initialed and signed and he has to come in
 [16] every -- as we discussed prior on the record -- that
 [17] all these travel vouchers must be filed out in
 [18] entirety, the one page for each location has to be
 [19] signed. This is a probation policy for the state
 [20] and local probation county department based upon
 [21] significant issues that have occurred with mainly an
 [22] officer being murdered while someone was out on
 [23] supervision.
 [24] So these are extremely stringent. That's
 [25] why they can not be faxed or e-mailed as we have
 Jaclyne Wilson

[1] prior discussed on the record.
 [2] **MR. SILVER:** Judge, that's not accurate.
 [3] **THE COURT:** Can I see your copy? I don't
 [4] think I have that.
 [5] **MR. SILVER:** The point is --
 [6] **THE COURT:** You said you sent it to me
 [7] but I don't have it.
 [8] **MR. SILVER:** I have it if you want.
 [9] **THE COURT:** I don't see --
 [10] **MR. SILVER:** I can pass that up.
 [11] **MS. UNDERWOOD:** I'll give you the one I
 [12] signed, Your Honor.
 [13] **MR. SILVER:** And, Judge, it says, Studio,
 [14] Philadelphia. He was in Philadelphia as where he's
 [15] supposed to be. If he's not traveling, he's
 [16] supposed to be here. It's clear on this and he was
 [17] here.
 [18] **THE COURT:** Can I see that, please?
 [19] **MR. SILVER:** Sure.
 [20] **MS. DeSANTIS:** That's our original,
 [21] Judge. The only ones that matter are the ones that
 [22] are signed, not ones that are faxed later or
 [23] forwarded later --
 [24] **MR. SILVER:** Judge --
 [25] **MS. DeSANTIS:** -- because Your Honor's
 Jaclyne Wilson

[1] order on 1/16/2013 is that they have to be signed
 [2] and initialed by Ms. Underwood in the farthest right
 [3] corner.
 [4] **MR. SILVER:** But, Judge, your order was
 [5] to make sure that we forward to the probation
 [6] department any changes, any addendums, any
 [7] deductions anything that occurs. So we're
 [8] forwarding to them and then telling exactly where
 [9] he's going to be. What more can we do? We are
 [10] providing them with all the information and
 [11] providing Your Honor with it in the format that you
 [12] wanted. And it says on there on that date, Studio,
 [13] Philadelphia. Where he was. He was in no other
 [14] area. That's where he was.
 [15] Now, they keep speaking about signed
 [16] forms by Ms. Underwood. We can only provide them
 [17] with our information. If she doesn't provide them,
 [18] what can we do? We're going to have to keep filing
 [19] emergency orders?
 [20] **MS. DeSANTIS:** Judge, no.
 [21] **THE COURT:** No. No. No. Okay.
 [22] **MS. DeSANTIS:** We're not saying it's not
 [23] fluid. We're saying that if he wants to make
 [24] changes as we discussed on 1/16, then he needs to
 [25] come into the probation department, make the changes
 Jaclyne Wilson

[1] on a new travel request form, fill out the vouchers,
[2] sign the new one in the corner and everyone gets a
[3] fax. He can't just, as we discussed at length on
[4] the record, it can not be faxed. We can not fax to
[5] another jurisdiction this travel voucher. He can't
[6] sign it from a fax from far away in a remote
[7] location. He has to come in and Your Honor knows
[8] that. He has to come in and fill out the forms, get
[9] a copy and bring them to his lawyer.

[10] I understand his schedule becomes fluid
[11] but that he has to come in and alter it in the
[12] probation department so we have the permits to
[13] travel outside the city.

[14] **MR. SILVER:** Actually, Judge, what you
[15] said on that date on January 16th when we offered
[16] that, you said, Why can't we fax it to Mr. Silver,
[17] have it signed, he'll get it back? They said they
[18] couldn't and that's why you said for those days
[19] anywhere in the United States because you had gotten
[20] frustrated with that answer. That is why we did
[21] that.

[22] **THE COURT:** You're saying what I did?
[23] You're talking about my state of mind?

[24] **MR. SILVER:** I believe you were because
[25] we had been going back and forth about it. I
Jaclyne Wilson

[1] offered to e-mail --

[2] **THE COURT:** Listen, I know what I did. I
[3] know why I did it.

[4] **MR. SILVER:** Correct.

[5] **THE COURT:** You don't have to try to
[6] suggest why I did it.

[7] **MR. SILVER:** We were trying to make it
[8] easier.

[9] **THE COURT:** I was trying to allow him to
[10] be able to work.

[11] **MR. SILVER:** Right.

[12] **THE COURT:** I want every defendant
[13] working.

[14] **MR. SILVER:** I understand.

[15] **THE COURT:** Everybody knows I want
[16] everyone working.

[17] **MR. SILVER:** Look at the --

[18] **THE COURT:** Whatever job it is, I want
[19] them working on the job.

[20] **MR. SILVER:** Absolutely.

[21] **THE COURT:** So I was facilitating him
[22] working his job.

[23] **MR. SILVER:** Yes.

[24] **THE COURT:** His job happens to be a
[25] little different from most defendants that I have
Jaclyne Wilson

[1] but I want him working.

[2] **MR. SILVER:** Yes.

[3] **THE COURT:** Okay. Working in the studio
[4] is part of being an entertainer. That's how I see
[5] it.

[6] **MR. SILVER:** And I guess, Judge --

[7] **THE COURT:** So I was facilitating him
[8] working but I don't want you or him or anybody in
[9] your office or anybody in his crew to think that
[10] there's going to come a time when they can do
[11] whatever they want to do because that's not going to
[12] happen.

[13] **MR. SILVER:** We don't. You can see --

[14] **THE COURT:** You have to follow the
[15] rules --

[16] **MR. SILVER:** Absolutely.

[17] **THE COURT:** -- like every defendant who
[18] does travel outside the city. They get permission.
[19] They get permission from their probation officer. I
[20] allow them to travel. I do an order so they can
[21] travel outside of Philadelphia and then they workout
[22] the dates and times, et cetera, with the probation
[23] officer.

[24] Now, if he refuses to workout everything
[25] with the probation officer and it gets back to me,
Jaclyne Wilson

[1] that's his problem.

[2] **MR. SILVER:** Right.

[3] **THE COURT:** I don't have this problem
[4] with anybody else who travels. Open road drivers.
[5] Open road drivers sometimes they have to drop a load
[6] off in one place, pick up -- they may or may not
[7] pick up a load at that place and go to the next
[8] place. They're always on the road. They don't have
[9] time to come back here. But they got permission
[10] from their probation officer to do it the way that
[11] industry works.

[12] **MR. SILVER:** Right. And you know what,
[13] I'm glad you brought that up because that's exactly
[14] the conversation we had.

[15] **THE COURT:** So I'm saying to you for
[16] this -- and I don't know whether this person had a
[17] felony conviction or not. I'm not sure. I have at
[18] least three or four open road drivers.

[19] **MS. DeSANTIS:** They do, Judge.

[20] **MR. SILVER:** Correct.

[21] **THE COURT:** But in any event, I don't
[22] want anybody on either side departing from the form
[23] that I created or decided that they're going to do
[24] it the way they want to do it because that's not
[25] going to work.

Jaclyne Wilson

[1] **MR. SILVER:** That's not what we're doing.
 [2] **THE COURT:** It's not going to work.
 [3] **MR. SILVER:** And we put a lot of effort
 [4] and everything I said --
 [5] **THE COURT:** Me too. I put a lot of
 [6] effort into trying to make sure that everybody's on
 [7] the same page.
 [8] **MR. SILVER:** Right.
 [9] **THE COURT:** Okay. So you understand, my
 [10] order for Anywhere, USA is over. It's finished. It
 [11] finished on 2/13.
 [12] **MR. SILVER:** Fully understood.
 [13] **THE COURT:** Okay. So you have to put
 [14] where the studio is. I was trying to facilitate him
 [15] working back in January when you didn't have
 [16] everything together. I said, Okay. You don't have
 [17] everything together now. You know you got to get it
 [18] together in the future. So for these dates you can
 [19] go where you need to go.
 [20] **MR. SILVER:** Right. Then, Judge --
 [21] **THE COURT:** Now, so we've gotten -- okay.
 [22] The last issue I raised in my e-mail is whether the
 [23] defendant is in compliance with all this Court's
 [24] conditions.
 [25] **MS. DeSANTIS:** Your Honor, I would --
 Jaclyne Wilson

[1] **THE COURT:** I can hear one minute for
 [2] each side on that.
 [3] Go ahead, Mr. Silver.
 [4] **MR. SILVER:** Yes.
 [5] **THE COURT:** Okay.
 [6] **MR. SILVER:** More than that.
 [7] **THE COURT:** Okay.
 [8] **MR. SILVER:** And since I'll take 12
 [9] seconds, and made every possible effort to be in
 [10] compliance with that through many, many e-mails.
 [11] **THE COURT:** I think there's some
 [12] misunderstanding and miscommunication taking place
 [13] so we'll address that in a minute.
 [14] Ms. DeSantis?
 [15] **MS. DeSANTIS:** Your Honor, I'm going to
 [16] refer to the -- I'll going to mark and move the
 [17] probation officer's summary report in its entirety
 [18] about the fact that this defendant doesn't call from
 [19] venue to venue. The defendant clearly -- Your Honor
 [20] order no travel after 5/4. There's travel on that
 [21] new sheet that we all got e-mailed after 5/4. The
 [22] defendant misused the travel permits of studio,
 [23] anywhere in USA after 2/13. He did not report on
 [24] 2/4. The defendant continues to have an attitude
 [25] problem in regards to his reporting. He never
 Jaclyne Wilson

[1] answers his phone. There's still no voice mail set
 [2] up on his phone, and he does not call from changing
 [3] venue to venue.
 [4] Thereby the Commonwealth did not have
 [5] knowledge that he was going to be in different
 [6] places. Thereby we can not honor the interstate
 [7] compact agreement between jurisdictions when he
 [8] travels to have other jurisdictions run his
 [9] information and know that they may have someone
 [10] who's a convicted felon in their state and at that
 [11] location. Certainly the Philadelphia Police
 [12] Department did not have knowledge that he was going
 [13] to be at the concert with the rapper on 2/28 in the
 [14] early morning hours of 3/1 and that he would
 [15] obviously become a witness because the Philadelphia
 [16] Police Department once they know certain concerts
 [17] are running will run everyone who may be at the
 [18] concert and then the security details are upped
 [19] based upon that information.
 [20] So they're all violations, Judge. So
 [21] clearly the defendant is in violation for numerous
 [22] occasions. Your Honor can find him in technical
 [23] violation at this point based upon all those
 [24] individual reasons.
 [25] Thank you.
 Jaclyne Wilson

[1] **MR. SILVER:** Judge, with all due respect,
 [2] the calendar goes up to 5/6 just to his birthday and
 [3] there's no travel after 5/3, first. Secondly, the
 [4] concert --
 [5] **THE COURT:** I'm sorry?
 [6] **MR. SILVER:** On the new schedule that was
 [7] sent to you, there's no travel after 5/3 as you
 [8] instructed, 5/3 is the last date. Then it just says
 [9] studio --
 [10] **MS. DeSANTIS:** I believe he's traveling
 [11] on -- he's actually leaving New Haven at 12:40 p.m.
 [12] on 5/4 which means he's traveling, for the record.
 [13] **MR. SILVER:** He had to get a flight to
 [14] get into Philadelphia.
 [15] **MS. DeSANTIS:** This is the problem we
 [16] have. His people don't understand either, his
 [17] promoters, that when Your Honor issues an order,
 [18] they -- we keep changing court dates to accommodate,
 [19] you know, his Vancouver travel schedule. That's why
 [20] we should have been here on 2/25. So he's traveling
 [21] on 5/4.
 [22] **MR. SILVER:** Wasn't I speaking?
 [23] Judge, he's traveling to Philadelphia.
 [24] He's getting back. And if you need him on an
 [25] earlier flight, that's not the issue. We only did
 Jaclyne Wilson

[1] that through 5/3 for his location, for his venue.
 [2] Through 5/3.
 [3] **MS. DeSANTIS:** It says, Defendant's
 [4] manager not to schedule anything after 5/3. Five,
 [5] four is after 5/3. That's the calendar.
 [6] **THE COURT:** Okay.
 [7] **MR. SILVER:** Okay. He'll take an earlier
 [8] flight, Judge, if that's the issue. There's no
 [9] violations, Judge.
 [10] **THE COURT:** Okay. Fine. All right. All
 [11] right. I understand. I understand.
 [12] Your position is that there isn't. Their
 [13] position is that there is.
 [14] **MS. DeSANTIS:** Thank you, Your Honor.
 [15] **MR. SILVER:** Well, it goes -- I know
 [16] you're cutting me off but it goes deeper than that.
 [17] It does go deeper than that. It goes to the fact
 [18] of, and if Your Honor read my issues with regards to
 [19] this and I know you want to deal with your four, but
 [20] things that are occurring in this different versions
 [21] of what goes on.
 [22] **THE COURT:** Okay. Well, we'll get to
 [23] your additional issues in a moment.
 [24] **MR. SILVER:** All right.
 [25] **THE COURT:** I want to deal with my issues,
 Jaclyne Wilson

[1] first.
 [2] **MR. SILVER:** Yes, Your Honor.
 [3] **THE COURT:** Okay. After hearing both
 [4] sides on my issue No. 3, I don't believe any
 [5] violation occurred because the defendant was in
 [6] Philadelphia and he was supposed to be in
 [7] Philadelphia at the time.
 [8] I think that with regards to No. 2
 [9] between February 4th and 14th I think there was some
 [10] confusion about exactly what the defendant was
 [11] supposed to do so I'm not going to find any
 [12] violation with regards to that.
 [13] With regards to the first one, defendant
 [14] being prohibited from traveling outside of
 [15] Philadelphia between December 16th and January 16th,
 [16] there seems to be sufficient basis for that and I
 [17] find that a violation did occur.
 [18] With regard to whether the defendant is
 [19] in compliance with all of this Court's conditions, I
 [20] find this defendant is not.
 [21] So the question is what we're going to do
 [22] going forward? The reason that I told you not to
 [23] schedule anything after May 3rd was if I find a
 [24] violation, that would impact upon any additional
 [25] travel. I'm not really clear at this point and for
 Jaclyne Wilson

[1] me this was sort of like a trial period to see if he
 [2] could get on the schedule and follow this schedule
 [3] in order to be in compliance with this Court's
 [4] orders. I think that the defendant still really
 [5] does not understand what's required. Either
 [6] defendant or his counsel does not understand. I
 [7] think the travel information is more detailed than
 [8] it was before and I appreciate you taking the time
 [9] and his manager taking the time to provide the
 [10] detail. But there has to be further attention paid
 [11] to all of the travel related issues.
 [12] So I'm going to -- let me first address
 [13] these issues that defense counsel has raised.
 [14] **MR. SILVER:** Judge, if I may just
 [15] interrupt the Court for a minute? At the
 [16] appropriate time Mr. Williams wanted to address you.
 [17] **THE COURT:** Okay. It says, Mr. Williams
 [18] respectfully requests this Court to order early
 [19] termination of his probation. That is not going to
 [20] happen. I gave this defendant the biggest break in
 [21] his entire life when I gave him a county sentence
 [22] instead of sending him to state prison back in 2008,
 [23] and the reason that I gave him a big break is
 [24] because I felt perhaps he would be one of those
 [25] defendants that could get himself together and he
 Jaclyne Wilson

[1] has. But that doesn't mean that he gets to get out
 [2] from under the sentence altogether. His sentence
 [3] was 1 1/2 to 23, plus eight.
 [4] **MR. SILVER:** Yes, Your Honor.
 [5] **THE COURT:** Instead of five to ten in
 [6] state prison, he got 1 1/2 to 23, plus eight. He
 [7] only served six months because I let him out early.
 [8] Okay. So he could get on with his music career.
 [9] Okay. So no and don't even ask me again about early
 [10] termination because that's not going to happen.
 [11] In the alternative, Mr. Williams
 [12] respectfully requests this Court transfer his
 [13] probation to Miami. That's not going to happen
 [14] either. That's not going to happen. That's the
 [15] same as asking me to terminate and I'm not going to
 [16] do it.
 [17] In the alternative, Mr. Williams
 [18] respectfully requests this Court to terminate
 [19] Probation Officer Traes Dorsey Underwood and assign
 [20] another probation officer to this case. I don't
 [21] think you remember how we got her in the first
 [22] place.
 [23] **MR. SILVER:** I wasn't here.
 [24] **THE COURT:** We got her in the first
 [25] place -- you don't remember. Oh, you weren't in the
 Jaclyne Wilson

[1] case at that time.
 [2] **MR. SILVER:** Right.
 [3] **THE COURT:** She wasn't originally
 [4] assigned to this case.
 [5] **MR. SILVER:** I know.
 [6] **THE COURT:** There was -- listen.
 [7] Defendant had been going wherever he wanted to go
 [8] for years. He was already -- I just told him he
 [9] could go and do his business years ago. He got
 [10] out -- he did the six months. He got out and went
 [11] to house arrest. While he was on house arrest, I
 [12] said he can go wherever he needed to go, just make
 [13] sure he gets with the probation officer. The
 [14] probation officer came to court one time and I said,
 [15] I'm going to leave it to you to work out everything
 [16] with him and his travel and that happened and that
 [17] took place for years. At that time he had a
 [18] different manager though. He had --
 [19] **MS. DeSANTIS:** Charlie Mack.
 [20] **THE COURT:** Charlie Mack and at some
 [21] point -- anyway. Well, Charlie Mack was the person
 [22] that came up in here during the trial. He came
 [23] during the trial. He came and provided this Court
 [24] with a contract saying that he was going to be
 [25] working under contract with him. I said, Okay.
 Jaclyne Wilson

[1] Let's see what happens. You can do what y'all need
 [2] to do under this contract.
 [3] It was when the defendant got new
 [4] management that apparently there beaome some
 [5] miscommunication about travel and I said that before
 [6] and I'm saying it again. Everybody has to be on the
 [7] same page and these travel vouchers are required by
 [8] law. They're not just required because I say so or
 [9] Ms. Underwood says so. It's required by law.
 [10] So no. The other probation officer left
 [11] the office or got transferred.
 [12] **MS. DeSANTIS:** He left the office for
 [13] federal.
 [14] **THE COURT:** He went to the federal
 [15] probation office and at some point it came to my
 [16] attention because things were falling through the
 [17] cracks with whoever the last one was. He
 [18] wasn't -- the last one really -- when the file was
 [19] transferred apparently there was no real explanation
 [20] of what was required and then it got to my attention
 [21] because it fell through the cracks somehow. And at
 [22] that point is when she was appointed to be the
 [23] probation officer on the case. So that's not going
 [24] to happen either.
 [25] Now, Mr. Williams, you said you wanted to
 Jaclyne Wilson

[1] say something?
 [2] **MR. SILVER:** I'm sorry. Judge, did you
 [3] read the rest of that part? I know Your Honor
 [4] reviewed it.
 [5] **THE COURT:** I did read the rest of that
 [6] part.
 [7] **MR. SILVER:** Okay.
 [8] **THE COURT:** I want to hear from him.
 [9] **MR. SILVER:** Yes.
 [10] **THE DEFENDANT:** Your Honor, I just want
 [11] to start from point one. Walk me through points.
 [12] She said at first on the paper that somebody seen me
 [13] in Atlantic City and then she said she seen me in
 [14] Atlantic City. Like the Kanye West concerts anybody
 [15] from Roc Nation, I'm signed to Roc Nation. The
 [16] concert, you got to buy the ticket by a credit card.
 [17] It's no way. You can always go back and find the
 [18] information if you have a ticket. It's brought by
 [19] credit card. And when I came to see my PO, I wasn't
 [20] violated of anything of going to Atlantic City. She
 [21] didn't violate me. She didn't walk up to me or when
 [22] I went to see my PO. I wasn't violated.
 [23] Like to me we came in here every time I
 [24] tell the truth. Anytime I was in trouble, I told
 [25] the truth. She not telling the truth about saying
 Jaclyne Wilson

[1] she seen me in here. I think that's a big problem
 [2] somebody saying -- if I lie on her, that's a big
 [3] problem. She saying she seen me. She did not see
 [4] me with her own two eyes. You could go back in
 [5] record. If you bought a ticket to that show, it had
 [6] to be brought by a credit cards. No Ticket Master.
 [7] It has to bought by a credit card. It's a trail to
 [8] it. It's not there.
 [9] **THE COURT:** Okay.
 [10] **THE DEFENDANT:** On my life she never seen
 [11] me. I never got violated when I went to see my PO
 [12] or anything. So, you know, I just think it's like a
 [13] big game being played with my life. I'm going to
 [14] work. Handle my business and the paperwork -- it's
 [15] like this paperwork thing is not really had nothing
 [16] to do with me. It's arguments going back and forth
 [17] about what paperwork is getting to you and what
 [18] paperwork not getting to you. All I'm doing is
 [19] signing my travel permits.
 [20] If I get a chance I'm going to go back.
 [21] I had about four POs before her. I used to
 [22] everytime I would see my PO, you told me out your
 [23] own mouth, Robert Williams, your name better
 [24] be -- it better be your signature on the paper. Do
 [25] you remember? You said, It better be your
 Jaclyne Wilson

[1] signature. He was e-mailing. All of my POs, all
[2] five of them, they was e-mailing.
[3] Lil Wayne from -- I'd say 80 percent of
[4] all rappers are on probation. They all e-mail.
[5] Everybody e-mail. I e-mailed Philadelphia more than
[6] 20 times with my last five probation officers and
[7] every one I used to come in, sign a stack of papers,
[8] take a piss test like you ordered and left. I
[9] been --

[10] **MR. SILVER:** Urine test.

[11] **THE DEFENDANT:** -- doing that --

[12] **MR. SILVER:** Urine test.

[13] **THE DEFENDANT:** Urine test. I'm sorry,
[14] Your Honor. I'm sorry. But I take a urine test
[15] every time.

[16] **THE COURT:** You're going to have to get
[17] an etiquette class. Okay.

[18] **MS. UNDERWOOD:** Yes.

[19] **THE COURT:** You are -- okay, sir. I'm
[20] going to let you finish because you're going to
[21] have one additional condition of my probation when
[22] you finish.

[23] **THE DEFENDANT:** All right, ma'am. I'm
[24] just telling you I'm nervous right here.

[25] **THE COURT:** I understand.
Jaclyne Wilson

[1] **THE DEFENDANT:** They put me in a position
[2] where I'm just doing my job. Like the other day I
[3] asked her, What am I doing wrong? I got a job. I'm
[4] not catching any new cases. I'm staying drug free.
[5] She said, Forget all that. I'm like how can I
[6] forget all that if I'm doing better for myself.
[7] What am I doing wrong?

[8] And the day I didn't have -- we talking
[9] about the paper when they said I didn't sent it in
[10] or whatever, I came to see my PO. She said, It
[11] doesn't have a flight for the 7th. So, you know,
[12] she like I can't travel. I can't go no where if you
[13] don't get this flight. So I called my lawyer and I
[14] said, however -- can we do it? Can we get a flight
[15] or whatever? Somehow they worked it out.

[16] Everything else from that was filled out.
[17] I wouldn't have been able to travel. If it wasn't
[18] filled out, I can't go no where. Just like that day
[19] I couldn't go no where, if it wasn't filled out, I
[20] can't go no where. So I shouldn't have been no
[21] where anyway. And you gave me an every 30 day date.
[22] You said every 30 days. She said, Well, can I do
[23] two weeks? You said, No. Every 30 days. From
[24] there on out I got cards that say 15 days from since
[25] you said that. Since you said that every card is a
Jaclyne Wilson

[1] 15 day date.
[2] So what's said in the courtroom ain't
[3] mean nothing. As soon as I walk out the room it
[4] means nothing. It's like the other day I'm in my
[5] probation -- I just think this is a big problem.
[6] I'm in the office sitting there. Another PO coming
[7] in playing music for me asking me do I like his
[8] music over -- and we supposed to be talk about my
[9] life. He playing a demo like it's American Idol.
[10] I'm sitting in there and we talking about rap. This
[11] has nothing to do with my PO. It has nothing to do
[12] with my life.

[13] We from the same neighborhood. I'm from
[14] 18th and Berks, she's from three blocks over.
[15] People I know know her family. People she know know
[16] my family. Everything. It's just like when I come
[17] in a neighborhood everybody know -- everybody know
[18] what my address is at. Everybody know my business
[19] or from this courtroom. I'm just like how do
[20] everybody know my business. And it's getting word
[21] that it's just like a conflict.

[22] I never had any conflict with a PO. I
[23] had five POs since I been in and actually when I got
[24] sentenced you gave me -- I did six months because I
[25] couldn't bail out. I got out. I couldn't bail out.

Jaclyne Wilson

[1] You locked me back up. When I got found guilty. I
[2] did three months and then you let me come home on
[3] house arrest. I was on house arrest for about six
[4] months and then I went back to jail. I did seven
[5] more months and then when I came home, I was on
[6] house arrest again and then I actually got off house
[7] arrest and you started letting me travel.

[8] Since then I had four POs. I never had
[9] an incident about travel. Like I wasn't getting
[10] over on the system for five years. I never got over
[11] on the system. I signed my travel passes and I just
[12] left.

[13] I just think like it don't even have to
[14] be now. Whenever I end up being in front of another
[15] PO, it will never be a problem. It's like a
[16] paperwork problem of back and forth. This has
[17] nothing to do with me. I can not control that. I
[18] can't control what they doing. I can't -- I don't
[19] know about the paperwork when she passes it to you,
[20] she passed it back or if it get to you or if it
[21] don't. If it's a way I can find out, I can. I
[22] don't know.

[23] It's just making everything they just
[24] talked about for a half an hour I been lost. I been
[25] confused about because everybody just dancing back
Jaclyne Wilson

[1] and forth in circles that I don't have nothing to do
[2] with me. I'm just going to work, staying out of
[3] trouble.

[4] That guy that got shot outside the bus,
[5] the bus is like a house. He got shot outside the
[6] bus. I came outside. There's no cops outside.
[7] Been outside for three, four minutes. I left. I
[8] left. I had nothing to do with anything. I left
[9] and I contacted my lawyer the next morning. He
[10] said, If anybody say something to you, you have to
[11] go down and talk to the police. It was nothing. I
[12] left.

[13] All I do is do my job. That's one thing
[14] I said about me being in the streets of Philly all
[15] the time. I said -- and it's on record in court. I
[16] said nothing but bad things happen in the streets
[17] all day. We happened to be on Delaware Avenue
[18] working. We were on Delaware Avenue in our own
[19] space and something happened outside downtown where
[20] it almost could have taken any of our life and all I
[21] was doing was working.

[22] That's why I try to stay traveling. My
[23] best thing to do is -- that's how I stay -- me and
[24] any of these rappers -- a lot of these rappers from
[25] Philadelphia all went to jail because they love
Jaclyne Wilson

[1] being here. I don't love being here. I just
[2] travel. As long as I travel, I breeze over
[3] everything that's going on here.

[4] On the road I do nothing but work. So
[5] that's how I've been able to stay out of trouble for
[6] five years. I'm been out of trouble for five years.
[7] I've never been involved in no shootings out of
[8] town. The first time I'm close to a shooting is
[9] right here in Philadelphia and I explained that.
[10] Every time I come here, every time I'm here it's
[11] like a game with my life. It's a game. They're
[12] playing a game with paperwork and this is really my
[13] life. I don't have nothing to do with none of that
[14] paperwork and how it get to you.

[15] I never disrespect her. They saying
[16] about tweets. I tweet how I feel. I never tweet
[17] about disrespecting the Judge or the DA, using any
[18] of y'all names or threatening anybody because if I
[19] do, I should go to jail. I never do that. Ever.
[20] And everything just saying -- I like the way that
[21] guy came up here, You doing your job? Yes. You
[22] doing any trouble? You get in anything? No.

[23] Every time I used to come in here it used
[24] to be that until I had this PO. I been there for
[25] five years. I got a new PO, it never been the same.
Jaclyne Wilson

[1] I been stressed out ever since. Every day I come to
[2] court it's like I'm fighting trial. I ain't catch a
[3] case. I been clean. It's like I'm going to trial
[4] every time I come to court. Got butterflies in my
[5] stomach. I ain't even do nothing. I'm just coming
[6] to court status hearing.

[7] I used to didn't even have a lawyer
[8] because I wasn't getting in trouble. I used to walk
[9] in and Ms. Deborah Griffin, she got sick. That's
[10] why she became not my attorney. I just came in here
[11] without a lawyer for five months. I ain't need a
[12] lawyer. I wasn't doing anything wrong. I had my
[13] travel passes, signed them out.

[14] I had Shields, Philips and a Caucasian
[15] lady. I don't know her name. I had three or four
[16] POs before this. I never had any incident or
[17] anything. They didn't really know about me. They
[18] don't know about Meek Mill. They never knew
[19] about -- all I did was sign my contracts and go.
[20] Never been none of this.

[21] **THE COURT:** Okay.

[22] **THE DEFENDANT:** And if I ever get a
[23] chance to ever get in front of any PO, it will never
[24] be a problem ever again.

[25] **MS. DeSANTIS:** Your Honor, in brief
Jaclyne Wilson

[1] response to that, Your Honor, obviously this is the
[2] same story the defendant gives each and every time.
[3] We are not in LA County. We are not in Miami. We
[4] are in Philadelphia County. What other rappers, 80
[5] percent of them that may be criminals that are on
[6] obviously some sort of supervision according to his
[7] words, that's a different county. This is
[8] Philadelphia. This is Pennsylvania.

[9] We had an officer murdered because he was
[10] out when he shouldn't have been out. We have
[11] changed the rules and regulations. He'll have to
[12] grow up and live with it. The fact that his whole
[13] speech right there this had nothing to do with me.
[14] Therein lies the huge disconnect with the defendant.
[15] All this paperwork is his responsibility. Not his
[16] people. Not his promoters. Not his lawyer. It's
[17] his. This is his music career. His life. He has
[18] to have it done and have it done appropriately.

[19] Now he wants to attack the probation
[20] officer because she's really supervising him the way
[21] he always should have been. That's tough luck.
[22] That's the way it is. That's called growing up.
[23] That's called being under probation. Shall we
[24] discuss when she first became the probation officer
[25] and he mouthed off to the people waiting to get his
Jaclyne Wilson

[1] urinalysis test and they went to lock him up for
[2] disorderly conduct because he refused to take off
[3] his hoody? Can we tell you that Ms. Underwood came
[4] down from her desk and employed all of the
[5] individuals as the warrant unit officers as he was
[6] being lead away to be arrested, which would be a
[7] violation, and told them to release him? Oh, she's
[8] so biased. Because he was on the verge of tears
[9] because he was going to be locked up and he wouldn't
[10] be able to get to his, you know, venues, that she
[11] did that. And then all the other times he's come in
[12] she's trying to tell the defendant to do the
[13] community work he's doing.

[14] She did not tell his business to the
[15] world. He chooses to tell his business to the
[16] world. He has no right to tell about her and her
[17] family and to put her in danger. She saw him at
[18] that concert. It's not her responsibility to go up
[19] to him. He has a lot of people there. That would
[20] put her safety in jeopardy. That he would think
[21] that she saw me. She's going to report back to me.
[22] That is not appropriate.

[23] **THE COURT:** Let me let Ms. Underwood have
[24] something to say now.

[25] **MS. UNDERWOOD:** Your Honor, I just feel
Jaclyne Wilson

[1] that Mr. Williams continues to have issues with
[2] reporting. I've asked him several times, Your
[3] Honor, to call me when he goes from state to state.
[4] For example, Your Honor, when he left me a message
[5] on 2/5, Your Honor -- well, let's go back.

[6] On 1/17 he was in the department. I
[7] called over here and I gave him an option. I said
[8] you can come back at three o'clock because it was
[9] early in the morning when he came in to see me. I
[10] said you can come back at three o'clock or go
[11] outside, step out and ask someone to get you this
[12] information so you can get going or I see on 2/4
[13] you're due to be here. So what do you want to do?
[14] No, ma'am. I just want to leave. I just want to
[15] go. This response, No, ma'am. I just want to
[16] leave. I just want to go. I can get it because
[17] they don't know the flight that fast.

[18] I said, No problem. I'll see you on 2/4.
[19] He got a card 2/4, 8:30. I said 2/4, 8:30 you
[20] should have everything? Yeah, ma'am. No problem.
[21] And he left. He called me on 2/5 and left me a
[22] voice message. I wait all day on 2/4 after my call
[23] of duty to accommodate him to see if he's just going
[24] to come in at some random time. I gave him 8:30,
[25] maybe two o'clock but I gave him a time to come in.

Jaclyne Wilson

[1] I said, Well, maybe he'll just pop in. On 2/5, he
[2] called me and left me a message saying that he was
[3] in Florida. Well, he was supposed to be in New
[4] Orleans. So that's where the issues are.

[5] **THE COURT:** He called you from Florida
[6] when he was supposed to be in New Orleans?

[7] **MS. UNDERWOOD:** Right.

[8] **THE COURT:** Okay.

[9] **MS. UNDERWOOD:** So he left me a voice
[10] message, Your Honor. My whole issue is he doesn't
[11] call and I have a lot of defendants, and the POs in
[12] the gallery, that give out travel passes constantly
[13] call, Hey, I'm here. I'm there or whatever the case
[14] may be. And I explained that to him and he said,
[15] Ms. Underwood, I be calling you all the time. Okay.
[16] Your voice mail says leaves a message. That's fine.
[17] You can leave as many as you like because you're
[18] traveling and I understand that. Leave me a
[19] message. I'll check them on the weekends. I'll
[20] check them. That's fine.

[21] His issue is he thinks everyone wants to
[22] really know. To be honest, Your Honor, I really
[23] could care less where he is, what's he's doing in
[24] his personal life. But this is my job. This is my
[25] duty, and I have a right to inform Your Honor if
Jaclyne Wilson

[1] he's not doing what he's supposed to.
[2] At this point he is in violation because
[3] he has not called. He does not follow through like
[4] he's supposed to. And I provide these travel passes
[5] to Mr. Williams because that's what our policy says.
[6] Our policy doesn't tell us to provide anything to
[7] the attorney. Provide it to the defendant and the
[8] defendant has to give it to whoever he has to.

[9] So at this point he is in violation,
[10] Your Honor.

[11] **THE COURT:** What do you have to say about
[12] what he said about what happened in the probation
[13] department office with some other probation
[14] officers?

[15] **MR. SILVER:** I don't have anything to do
[16] with that. I don't know -- I don't have anything to
[17] do with that. What happened with that situation I
[18] don't -- I mean, he'll have people come up and try
[19] to take his autograph, take pictures of him and when
[20] he had his hood on that day in the department, I'm
[21] the one that told him to wear his hood. But we got
[22] new security downstairs so they weren't aware.
[23] However --

[24] **THE COURT:** You're saying other
[25] probationers would be coming up to him?

Jaclyne Wilson

[1] **MS. UNDERWOOD:** Right. Other
[2] probationers, probation officers, they'll come up
[3] and try to take his picture and things like that and
[4] I always told him to wear his hoody when you come in
[5] here. I don't care if it's 90 degrees outside.
[6] Wear your hood just to keep down the confusion.
[7] Right. Just to keep it down. If they ask for his
[8] autograph, no. Like I'll go out there sometimes and
[9] I'll scowl and see what's going on and someone will
[10] call me and say, hey, you know, it's a lot of
[11] tension down here. Are you going to get to him soon
[12] or whatever the case may be.

[13] So we have accommodated Mr. Williams but,
[14] you know, it's a lot with Mr. Williams.
[15] Mr. Williams tells part of the story and I think he
[16] has selective hearing and his inability to
[17] comprehend is what the real issue is. He doesn't
[18] comprehend and that's why I give him all the papers
[19] and I go over each paper with him and say you are to
[20] call me when you go here. You are to call me when
[21] you go there. You are to call me. And if you miss,
[22] just let me know so that I'll know.

[23] So, yes, he is in violation, Your Honor.

[24] **THE COURT:** Okay.

[25] **MR. SILVER:** Judge, she didn't answer
Jaclyne Wilson

[1] your question. March 13th she had in the room with
[2] him the probation officer came in. She answered
[3] your question about the hoody that that happened
[4] months before.

[5] **THE DEFENDANT:** I said I was there.

[6] **MR. SILVER:** He was there, Your Honor. I
[7] want him to explain it.

[8] **THE DEFENDANT:** Ma'am, I was there in the
[9] room and the probation officer came in and played
[10] his demo tape from his phone while we sitting at the
[11] table talking about travel permit. And me I sat
[12] there and listened. You told me to listen. I sat
[13] there and listened. It took about two minutes. I
[14] sat there and listened. We talked about the top 10
[15] rap of MTV for the next 15 minutes. Another PO came
[16] in and we talked about rap and this is not the first
[17] time. That's what I'm saying is --

[18] **THE COURT:** Okay. So you're saying that
[19] this is not the first time when you went over to
[20] probation?

[21] **THE DEFENDANT:** No, it isn't.

[22] **THE COURT:** Okay. Well, she's indicated
[23] that there's people, other probation officers,
[24] coming up to you, there's other people who are on
[25] probation coming up to you and that she told you to
Jaclyne Wilson

[1] wear a hoody to keep the confusion down.
[2] **THE DEFENDANT:** This is a closed door.
[3] When you go to probation, it's two doors closed.

[4] **MR. SILVER:** Like the back of the room.

[5] **THE DEFENDANT:** If you take me back there
[6] and talk to me, nobody from over here can talk to
[7] me. In that room people playing music for me and
[8] talking about rap. I believe --

[9] **THE COURT:** Well, that's inappropriate.
[10] I don't want to go around and around. That's
[11] inappropriate. I am going to ask Ms. Underwood to
[12] make sure that when she -- when you're there to see
[13] her, that no one else comes in the room.

[14] **MR. SILVER:** What about this --

[15] **THE COURT:** Is that what you want?

[16] **THE DEFENDANT:** Yes. I just want to be
[17] treated like a regular person, ma'am.

[18] **THE COURT:** I'm just saying when you're
[19] there to see her in the room, you don't want anybody
[20] else in the room, right?

[21] **THE DEFENDANT:** No. I never had that.

[22] **THE COURT:** Okay. So I'm going to make
[23] sure --

[24] **MS. DeSANTIS:** Just make certain if he
[25] wants that that the celebrity works both ways. So
Jaclyne Wilson

[1] when he has to go down and wait in line for the
[2] urinalysis, he tells them all he's a rapper, he's
[3] Meek Mills and he's important and he needs to move
[4] ahead of the line so much so that it causes problems
[5] that those people have called Ms. Underwood to tell
[6] her there's an issue --

[7] **MR. SILVER:** He --

[8] **MS. DeSANTIS:** He has to know it works
[9] both ways.

[10] **THE COURT:** Okay. Okay.

[11] **MR. SILVER:** And, Judge, what about the
[12] lawyer issue that's in my document? What about the
[13] issue that Ms. Underwood tells him that he --

[14] **THE DEFENDANT:** Can I say it myself?

[15] **MR. SILVER:** Go ahead.

[16] **THE DEFENDANT:** She says, The Judge loves
[17] me and your lawyer is going to get you in trouble.
[18] He's going to get you in trouble. He's going about
[19] it the wrong way with the Judge. I don't deal with
[20] your lawyer. It's other lawyers that I deal with
[21] and your lawyer is not doing you a good job. I sit
[22] there and listen to her every time. I've been told
[23] this more than ten times and we -- I go to see my PO
[24] and I'm in there for four hours. We not talking
[25] about this paperwork for four hours.

Jaclyne Wilson

[1] **MS. DeSANTIS:** Your Honor, it's always
 [2] somebody else. It's always an excuse. It's always
 [3] somebody else. He doesn't --
 [4] **MR. SILVER:** It's Ms. Underwood. What
 [5] about the fact that she says fire Mr. Cogan --
 [6] **THE COURT:** I told you I only had 30
 [7] minutes for this.
 [8] **MR. SILVER:** Okay.
 [9] **THE COURT:** I told you in advance that I
 [10] only had 30 minutes for this. We've been way over
 [11] 30 minutes with this. I have my panel brought up.
 [12] You saw them come in. You saw them come in. Even
 [13] after they came in, I kept on with you guys for
 [14] another 35 minutes. So we have to cut this off now.
 [15] **MS. DeSANTIS:** Thank you.
 [16] **THE COURT:** So we've been dealing with
 [17] this since what?
 [18] **MS. DeSANTIS:** Ten, thirty.
 [19] **THE COURT:** Right. And it's now 11:35.
 [20] **MS. DeSANTIS:** Thank you, Your Honor.
 [21] **MR. SILVER:** Judge, can we have 30
 [22] seconds?
 [23] **THE COURT:** No.
 [24] **MR. SILVER:** Mr. Cogan would just like to
 [25] address you.
 Jaclyne Wilson

[1] **THE COURT:** Mr. Cogan, come on up. You
 [2] haven't had a chance to say anything.
 [3] **MR. COGAN:** I'm sorry, Judge.
 [4] **THE COURT:** You haven't had a chance to
 [5] say anything so come on up.
 [6] **MR. COGAN:** I didn't really want to say
 [7] anything other than this because I saw the jury and
 [8] they told us earlier that you have a jury in
 [9] progress.
 [10] **THE COURT:** Right.
 [11] **MR. COGAN:** And I feel badly that we're
 [12] taking that time. If we can just get a time when
 [13] the Court is not on trial?
 [14] **THE COURT:** I'm always on trial. There's
 [15] no time.
 [16] **MR. COGAN:** I'll come any time you want.
 [17] I want to address this issue of probation officer
 [18] with a lot of respect to the Court. She's an arm of
 [19] the court. She's telling my client, because even
 [20] though I'm not here he's my client, Mr. Silver works
 [21] with me, to fire his attorneys. She has her own
 [22] favorite attorney that he should go to and that
 [23] they're going to get you in a lot of trouble and the
 [24] Judge loves me, not your lawyers.
 [25] Now, I want to address this through
 Jaclyne Wilson

[1] paperwork. I want to get a court order. Depending
 [2] upon the court order I want it to be an appealable
 [3] order because she is really out of line and she's
 [4] doing everything she can to break him.
 [5] The DA is half hysterical all day long
 [6] here. I've been listening to her. With all her
 [7] body movement and all the rest of it. What has he
 [8] done? I want to address all these things. I want
 [9] to ask again for termination of probation or
 [10] transfer but more importantly I'm going to ask the
 [11] Court, respectfully, what she's doing is actionable.
 [12] I could file a lawsuit against her for interfering
 [13] with a contract but you should make it a lot easier
 [14] for everybody and eliminate this problem by getting
 [15] another probation officer in this case.
 [16] That's what I'm going to ask when we have
 [17] time. I'll do it through --
 [18] **THE COURT:** No. He asked for three
 [19] things. He asked for termination of probation and I
 [20] said no. He asked for a transfer to Miami. I said
 [21] no, and he asked for termination Ms. Underwood and I
 [22] said no because it took us around about way to get
 [23] somebody who would pay attention to this case in the
 [24] fashion that was required.
 [25] **MR. COGAN:** I hear you but she's paying
 Jaclyne Wilson

[1] attention in ways that really runs counter to what
 [2] the purpose of probation is.
 [3] **THE COURT:** Okay. Well, I'm going to
 [4] admonish everyone.
 [5] **MR. COGAN:** She tells him to fire his
 [6] lawyer. Please. That is not appropriate.
 [7] **THE COURT:** Okay. Well, I mean, to me
 [8] this -- today's hearing has been quite a bit of back
 [9] and forth about who said what and who said what when
 [10] and how it came out and all of the that.
 [11] **MR. COGAN:** I appreciate you hearing
 [12] this.
 [13] **THE COURT:** So what I've decided to do is
 [14] to just give direction to everybody. Your client,
 [15] some things about what he's supposed to do he
 [16] doesn't understand to me and it's obvious he doesn't
 [17] understand. And that's where some miscommunication
 [18] and misunderstanding takes place.
 [19] **MS. UNDERWOOD:** I hear you, Judge.
 [20] **THE COURT:** I'm not going to lock him up
 [21] because he didn't understand.
 [22] **MR. COGAN:** Okay.
 [23] **THE COURT:** Okay. I'm just going to try
 [24] to make sure going forward that everybody
 [25] understands what's required and by repeating what's
 Jaclyne Wilson

[1] required.
[2] **MR. COGAN:** By the way, we can make these
[3] conversations -- instead of having a he said, she
[4] said thing about what happened, we would agree and
[5] we would ask you to use your good offices to have
[6] the probation officer consent to us tape recording
[7] every conversation that takes place with her either
[8] on the phone or in person.

[9] **THE COURT:** That's not necessary.

[10] **MR. COGAN:** Then we don't have to do
[11] that.

[12] **THE COURT:** That's not necessary.

[13] **MR. SILVER:** It would stop the he said,
[14] she said issues.

[15] **THE COURT:** Well, part of the he said,
[16] she said is having to do with I think some
[17] miscommunication.

[18] **MR. COGAN:** Thank you, Judge.

[19] **THE COURT:** The February 4th thing and
[20] February 14th thing. I think there was
[21] miscommunication there.

[22] **MR. SILVER:** All right.

[23] **THE COURT:** So I'm just going to let
[24] that, you know, I'm just going to call everything a
[25] miscommunication at this point because obviously
Jaclyne Wilson

[1] both sides are -- feel strongly about their
[2] particular position. But my goal is to have
[3] everybody on the same page so he can go on with his
[4] career.

[5] **MR. SILVER:** Thank you, Your Honor.

[6] **MR. COGAN:** Thank you, Judge.

[7] **THE COURT:** Like I said, I want people
[8] working. I ask every defendant who comes in here,
[9] You working? Are you keeping your job? Are you
[10] paying your fees? Are you keeping up with what
[11] you're supposed to do? You're not getting into
[12] trouble or anything? I ask everybody the same
[13] thing.

[14] **MS. DeSANTIS:** Your Honor, I just put on
[15] the record that my body language is just that, my
[16] body language. I don't appreciate counsel's
[17] insinuation of it being laughable. I take my job
[18] seriously as an assistant district attorney and I
[19] think that's extremely inappropriate.

[20] **THE COURT:** Mr. Cogan, you don't know
[21] her. That's not unusual.

[22] **MR. COGAN:** What's not unusual?

[23] **THE COURT:** You talked about her body
[24] language just now.

[25] **MR. COGAN:** No. It's the hysterical --
Jaclyne Wilson

[1] **THE COURT:** But it's not. That's the
[2] first time you're seeing her doing her job but she
[3] was assigned to my room for five years so I don't
[4] see it as hysterical.

[5] **MR. COGAN:** Okay.

[6] **MS. DeSANTIS:** As I don't personally
[7] attack how Mr. Silver sits or Mr. Cogan because
[8] Mr. Cogan has never worked with me and I've been a
[9] DA for 12 years, for the record.

[10] **THE COURT:** Okay.

[11] **MR. COGAN:** And I've never met the
[12] probation officer.

[13] **MS. UNDERWOOD:** And also, Your Honor, for
[14] the record, I've never told Mr. Williams to fire
[15] anybody. I could care less who his attorney is. I
[16] don't care who he has as an attorney. That's not
[17] important to me.

[18] **MR. COGAN:** May I be excused, Judge?

[19] **THE COURT:** Yes. Thank you very much.

[20] **MR. COGAN:** Thank you.

[21] **THE COURT:** Okay. So this is what we're
[22] going to do, even though I find the defendant was
[23] not in compliance with all of this Court's
[24] conditions, I find he was not. I am not going to
[25] terminate his travel permit. I'm going to allow you
Jaclyne Wilson

[1] to try to get it right the next time. I'm going to
[2] allow you to try to get it all right next time.

[3] **THE DEFENDANT:** Yes.

[4] **THE COURT:** You have to get it all right
[5] next time. If you're supposed to call when you move
[6] from state to state because the law says it, not
[7] Ms. Underwood, as a convicted felon moving from
[8] state to state, you've got to say I'm getting ready
[9] to go X place. You've got to call. You can't just
[10] up and not call. If that's what the law says, then
[11] that's what you got to do.

[12] **THE DEFENDANT:** Yes.

[13] **THE COURT:** Okay. Your travel voucher
[14] right now, your travel as submitted to me is wrong.
[15] It's not right. You need to get with your people
[16] and correct it. As I said earlier, you were
[17] permitted to travel anywhere in the United States to
[18] do the studio work on the days that I mentioned in
[19] my order, and the order is a sealed order. That was
[20] done in January because your lawyer didn't have this
[21] information.

[22] **THE DEFENDANT:** Yes.

[23] **THE COURT:** And so I said to facilitate
[24] you going to the studio, okay, go
[25] anywhere -- wherever you got to go to record go.
Jaclyne Wilson

[1] Until today when he's supposed to know what is
 [2] required in here. He's supposed to know everything
 [3] that's required to be on the form. So you have to
 [4] make sure that they put in the form what's required
 [5] in the form for studio work as well as any place
 [6] else.
 [7] Do you understand that?
 [8] **THE DEFENDANT:** Yes.
 [9] **THE COURT:** Okay. Now --
 [10] **THE DEFENDANT:** Ma'am, can I ask you one
 [11] thing I don't understand?
 [12] **THE COURT:** Okay. Let me just finish. I
 [13] had you on six months reporting before?
 [14] **THE DEFENDANT:** No, never. I was always
 [15] one week --
 [16] **THE COURT:** No. No. I mean before when
 [17] you were reporting back to me it was every six
 [18] months?
 [19] **MS. DeSANTIS:** You had him report every
 [20] six months. Ever since July you had him report
 [21] every four.
 [22] **THE DEFENDANT:** I was every three.
 [23] **THE COURT:** Every four months?
 [24] **MS. DeSANTIS:** Yes.
 [25] **THE DEFENDANT:** It's always been --
 Jaclyne Wilson

[1] **THE COURT:** No. At one point you were on
 [2] six months reporting because when people are doing
 [3] okay, I just say come to me every six months and
 [4] they go to their PO whenever you're supposed to go
 [5] to your PO. I'm talking about coming to court.
 [6] **THE DEFENDANT:** Yeah, I been coming every
 [7] three months since I been on this.
 [8] **THE COURT:** No, you haven't.
 [9] **THE DEFENDANT:** I seen you about 17
 [10] times.
 [11] **MS. DeSANTIS:** Every four months, Judge.
 [12] July, October --
 [13] **THE DEFENDANT:** I've seen you about 15
 [14] times in this courtroom.
 [15] **THE COURT:** You have --
 [16] **MS. DeSANTIS:** July to October, then
 [17] October to --
 [18] **THE COURT:** No. It was five months and
 [19] one time seven months. I have the dates on my file.
 [20] You were here December of '09. Yes, it was six
 [21] months, 6/10 of '09 to 6/12 of '09 it was six
 [22] months. I'm sorry, 6/10 to 12/10/09 and then 4/23,
 [23] which is almost five months to 9/2. Five months.
 [24] So you had been -- originally you had been coming
 [25] back every five or six months.
 Jaclyne Wilson

[1] **THE DEFENDANT:** In '09?
 [2] **THE COURT:** In '09. I'm talking about
 [3] completely and then you last came in on February,
 [4] 2011. You didn't come back until 7/29 of 2011.
 [5] That was almost six months. Then you came back
 [6] 2/9/2012. The next listing wasn't until July 31st,
 [7] 2012. So you have been coming back every five, six
 [8] months. It wasn't until there became some problems
 [9] in 2012 that you were reporting more often. Then
 [10] you started reporting every three months.
 [11] I'm just trying to help you get back to
 [12] coming back every six months. Okay. My preference
 [13] for people who have been on probation for a longer
 [14] time is every six months and then -- to come to
 [15] court and then you see your probation officer every
 [16] month or whatever.
 [17] What did you want to ask?
 [18] **THE DEFENDANT:** I just want to explain
 [19] the part that we never get to since we always be
 [20] here we never get to this part. How every day it
 [21] change. If we not using fax -- it's proof that I
 [22] used fax before. If we are not using fax, if I'm in
 [23] Africa, I just got to come back? If something
 [24] changes, I have to come all the way back? It's
 [25] impossible for your schedule to go through.
 Jaclyne Wilson

[1] Everything changes everyday. I send so much stuff
 [2] to him. He got to take it her hisself. Fax has
 [3] been done with me more than ten times. They said
 [4] it's not done at the probation. It's been done
 [5] before.
 [6] **THE COURT:** I'm sorry. What did you say?
 [7] **THE DEFENDANT:** Fax. Whenever you told
 [8] me, Robert Williams -- you said it's not done in
 [9] probation. You said, Robert Williams, if you fax,
 [10] your hand print better be on that signature. I
 [11] said, Yes, ma'am. I will. She said it can't be
 [12] done. I just think that that will make all the
 [13] games a lot more easier because it's going back and
 [14] forth. The only part I can't understand is if no
 [15] paperwork don't get to you and then when I come in
 [16] here, I can't understand that. Things change
 [17] everyday.
 [18] So if I tell him to change it and it's
 [19] changed and he send it to her and she get it, then
 [20] she say she don't know or she might do say she got
 [21] it but I can't control that. The fax is on record
 [22] and things change everyday.
 [23] **THE COURT:** Okay.
 [24] **MR. SILVER:** The problem is the change
 [25] comes to us, we forward it immediately to the
 Jaclyne Wilson

[1] probation department. We never see whether it -- we
 [2] don't get anything from probation saying no --
 [3] **THE COURT:** I don't want all that paper
 [4] coming to me.
 [5] **MR. SILVER:** I know.
 [6] **THE COURT:** I told her I don't want all
 [7] that paper coming to me.
 [8] **MR. SILVER:** The problem is we don't get
 [9] any -- she doesn't communicate anything and says,
 [10] No, he can't go there or he has to come and sign.
 [11] If he's in Detroit, Michigan and it changes, he has
 [12] to fly back for that one day --
 [13] **THE COURT:** No, he doesn't have to fly
 [14] back. He's supposed to call.
 [15] **MR. SILVER:** That's what they want him to
 [16] do.
 [17] **THE COURT:** No. He's supposed to call.
 [18] **MR. SILVER:** No. That's what they want
 [19] him to do. That's been always the problem.
 [20] **THE DEFENDANT:** Because if I go somewhere
 [21] without it signed, it's going to come up in court.
 [22] **MR. SILVER:** Right.
 [23] **THE DEFENDANT:** And the call ain't going
 [24] to come up.
 [25] **THE COURT:** I'm sorry. I thought if the
 Jaclyne Wilson

[1] venue change, not the --
 [2] **MR. SILVER:** The location.
 [3] **THE COURT:** The location. Like if it's
 [4] in Detroit --
 [5] **MR. SILVER:** Right. We just tell her the
 [6] change in the place. No problem.
 [7] **THE COURT:** What?
 [8] **MR. SILVER:** We then advise the probation
 [9] department of the change in the venue. But as an
 [10] example, when North Carolina cancelled, we
 [11] just -- he just went to North Carolina and stayed
 [12] there because we couldn't get any paperwork from her
 [13] saying that he could go directly to Miami.
 [14] **THE COURT:** The next venue.
 [15] **MR. SILVER:** Right. And that's when you
 [16] said, Well, fax it. And they said we don't do that.
 [17] **MS. DeSANTIS:** Your Honor, we covered
 [18] this at the last hearing. It can not be done. It
 [19] was done when Mr. Powers was the PO years ago.
 [20] After the officer was murdered, it can not be done.
 [21] **MR. SILVER:** I'm fine with that.
 [22] **MS. DeSANTIS:** The probation department's
 [23] policy is they have to come in and change the
 [24] location and go to another venue. He can't go to
 [25] another state. He can't just do that.
 Jaclyne Wilson

[1] **THE COURT:** Okay. Well, what I'm going
 [2] to do is this: If he can get --
 [3] **MR. SILVER:** All we're asking is for the
 [4] probation department to tell us if she's denying
 [5] something or not so that we can address you. We
 [6] don't know. I sent her all these on your format and
 [7] we heard nothing.
 [8] **THE COURT:** She signs in the last column.
 [9] **MS. UNDERWOOD:** I do sign.
 [10] **THE COURT:** I've got some copies --
 [11] **MS. UNDERWOOD:** I do sign them and give
 [12] them to Mr. Williams, Your Honor.
 [13] **MR. SILVER:** We understand that.
 [14] **MS. UNDERWOOD:** So if he's not
 [15] communicating with Mr. Silver --
 [16] **MR. SILVER:** No, that's not it, Judge.
 [17] **MS. UNDERWOOD:** It's not my problem.
 [18] **MR. SILVER:** It's when we send the
 [19] changes. He's in California. We send the changes.
 [20] She never responds and says, That's denied or that's
 [21] approved. We get nothing. So that's why we're
 [22] going to -- as an example, we were in New Orleans
 [23] and she said, No, he was in Florida. He wasn't. He
 [24] was in New Orleans. He had been in Florida the day
 [25] before when she testified to that.
 Jaclyne Wilson

[1] We're was looking for a streamline
 [2] version that there could be at least some return
 [3] communication.
 [4] **MS. DeSANTIS:** He has to call her which
 [5] he doesn't do. That's the problem.
 [6] **MR. SILVER:** With us. We're sending it.
 [7] He's not on e-mail sending his schedule. He doesn't
 [8] do the schedule. They forward it to me.
 [9] **THE COURT:** I'm sorry, Mr. Silver.
 [10] **MR. SILVER:** All right.
 [11] **THE COURT:** As you can see I'm sick.
 [12] **MR. SILVER:** I know.
 [13] **THE COURT:** I've been coming to work
 [14] everyday sick doing this jury trial.
 [15] **MR. SILVER:** I know.
 [16] **THE COURT:** I told you you had 30 minutes
 [17] because that's all I felt I could allow you to have.
 [18] **MR. SILVER:** Yes, ma'am.
 [19] **THE COURT:** And still do my jury trial.
 [20] We're way past that. I have to cut you off.
 [21] **MR. SILVER:** Yes, ma'am.
 [22] **THE COURT:** What's going to have to
 [23] happen is that you all are going to have to sit down
 [24] and work something out that's going to be acceptable
 [25] to both sides.
 Jaclyne Wilson

[1] **MR. SILVER:** Okay.

[2] **THE COURT:** I can't take up more time

[3] with this issue. You have to -- he's going to have

[4] to do -- I do have a problem with him coming back to

[5] Philadelphia on a separate flight when he could have

[6] had a flight directly to the next venue because that

[7] costs extra money. So if he's out there in the

[8] south in New Orleans and he's going to Florida and

[9] the next venue is in Florida, if he can change his

[10] ticket to go early to Florida as opposed to coming

[11] back to Philadelphia and going back to Florida, I

[12] mean, that doesn't make much sense.

[13] **MR. SILVER:** Yes, ma'am.

[14] **THE COURT:** So we have to work out a way

[15] where that that can be taken care of in an alternate

[16] way. So I'm saying you guys need to sit down and do

[17] that.

[18] The second thing is Mr. Williams needs to

[19] understand that there's certain -- he has to make

[20] phone calls that he needs to make. He's not making

[21] them. And when he goes on Twitter, if he leaves out

[22] of here today and goes on Twitter and says, That

[23] doggone probation officer, she's just a trip. Blah,

[24] blah, blah, blah. That is going to incite more

[25] negativity. You know that. I don't know why you

Jaclyne Wilson

[1] keep -- every time you leave here or every time you

[2] leave the probation or every time you see something

[3] with your probation situation that you don't like,

[4] you go on to the public venue of Facebook and

[5] Twitter and say things that your words may be your

[6] expression of your dissatisfaction but the response

[7] on numerous occasions has been threats.

[8] Now that you know that when you do that

[9] the result is threats on the DA and the district

[10] attorney and inflammatory, negative comments about

[11] me, I'm not something that rhymes with itch. Okay.

[12] I'm doing my job. They're doing their job. Okay.

[13] So you need to understand that when you do that,

[14] that causes reactions of other people. Now, they

[15] got their freedom of speech but it's just like

[16] shouting fire in a crowded theater. That's not

[17] protected speech under the law. You can shout fire

[18] when you're not in a crowded theater. But you if

[19] shout fire in a crowded theater, you can be arrested

[20] for that.

[21] Do you understand the difference? Do you

[22] understand what I'm saying?

[23] **THE DEFENDANT:** Yes.

[24] **THE COURT:** Okay.

[25] **THE DEFENDANT:** Just, ma'am, the things

Jaclyne Wilson

[1] they're stating is not fact though. They not saying

[2] anything that's fact. If I --

[3] **THE COURT:** The problem is not -- the

[4] problem is that you all have not reached a happy

[5] medium here somewhere in between all of this, and I

[6] believe that you can. I believe you just have to

[7] put to the side, quote, unquote, what celebrity you

[8] have for a moment and just do what you're supposed

[9] to do. If you just do what you're supposed to do,

[10] then I honestly believe that some of these problems

[11] would not be problems. If you just take off the hat

[12] of Meek Mill and put on the hat of John Doe, an

[13] unknown person, John Doe is an unknown person.

[14] **THE DEFENDANT:** Yes.

[15] **THE COURT:** And just do what you're

[16] supposed to do. I don't like taking up this kind of

[17] time doing this and I could just say, Well, look,

[18] you can't travel anymore. For the next few months

[19] after your birthday you can't travel no more.

[20] That's in May. From May to December, no travel

[21] because I'm not going to put up with this stuff.

[22] But I'm not doing that and even though I found you

[23] didn't do what you we're supposed to do, I'm still

[24] not punishing you because of it. I'm just asking

[25] you to comply. That's all.

Jaclyne Wilson

[1] **THE DEFENDANT:** Yes. I want you to know

[2] I'm trying my hardest regardless of what anyone

[3] says.

[4] **THE COURT:** I just want you to comply. I

[5] just want you to do what you're supposed to do so we

[6] don't have to keep coming back.

[7] **MS. DeSANTIS:** Your Honor, when would you

[8] like to see us back and the defendant will have to

[9] go today or Monday because he does not have

[10] permission. He has to fill out this form in

[11] completion to go to Florida, which his booked flight

[12] is tomorrow. So unless he does it today, he won't

[13] be able to go because the form is incomplete --

[14] **THE DEFENDANT:** I just seen her

[15] yesterday.

[16] **MS. DeSANTIS:** -- as Your Honor already

[17] stated in point No. 2, travel scheduled 3/13/2013 is

[18] wrong. It's correct you need to fix it.

[19] What date would you like to see us back

[20] and I'll let Your Honor get back to your jury trial

[21] and we thank you for your time?

[22] **THE COURT:** Okay. So we're going to give

[23] this -- I have to keep doing three months. I

[24] really, really, really would like to do six months.

[25] I really would just like to have you back every six

Jaclyne Wilson

[1] months. I don't want to do three months but until
 [2] these issues are worked out, I have to have you keep
 [3] coming back every three months.
 [4] **COURT CRIER:** On the 27th, Your Honor, I
 [5] have 11 matters.
 [6] **THE COURT:** On the 28th?
 [7] **COURT CRIER:** I have nine.
 [8] **THE COURT:** The 28th. June 28th.
 [9] **MS. DeSANTIS:** Thank you, Your Honor.
 [10] **MS. UNDERWOOD:** Your Honor, may I?
 [11] **THE COURT:** Yes.
 [12] **MS. UNDERWOOD:** When will he have this
 [13] information to me today? Can it be to me within an
 [14] hour?
 [15] **THE COURT:** Can you all step outside when
 [16] we're done and talk about the time you all are going
 [17] to meet up to deal with whatever the remaining
 [18] issues are?
 [19] **MR. SILVER:** Judge, we need to see -- I'm
 [20] going to tell you what the problem is going to be.
 [21] They need addresses for a couple hotels but that's
 [22] not going to be enough and we don't know whatever's
 [23] wrong. There's no -- but we'll do our best.
 [24] **MS. UNDERWOOD:** Thank you, Your Honor.
 [25] May I be excused?
 Jaclyne Wilson

[1] **THE COURT:** Thank you.
 [2] (Hearing concluded.)
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 Jaclyne Wilson

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 [2]
 [3] I HEREBY CERTIFY THAT THE PROCEEDINGS AND EVIDENCE
 [4] ARE CONTAINED FULLY AND ACCURATELY IN THE NOTES
 [5] TAKEN BY ME ON THE TRIAL OF THE ABOVE CAUSE, AND
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Robert Williams VOP Hearing

Notes of Testimony

July 11, 2014

COMMONWEALTH V ROBERT WILLIAMS

[1] guy. Sometimes I'm going to miss a day, but
[2] I always make sure I call.

[3] They said in here that I wanted to come
[4] in here on my birthday. I would never want
[5] to come in here and see a probation officer
[6] on my birthday. I prefer to spend that time
[7] with my family. This is the second year in
[8] a row that I had to come to Philadelphia on
[9] my birthday.

[10] When I'm in Vegas on the second or the
[11] third, it's usually a four day four night to
[12] get in on my birthday. My birthday just
[13] happened to be on the 6th. I get business
[14] to go to Vegas and within the first week of
[15] Vegas this is the second year in a row I had
[16] to come see my probation officer on my
[17] birthday.

[18] Ma'am, I'd just rather not come in here
[19] on my birthday. I think if we are
[20] communicating with each other and I'm trying
[21] to rehabilitate myself and become a better
[22] person, I don't think they should make me
[23] come in on my birthday two years in a row.
[24] I don't think that's a coincidence. I think

COMMONWEALTH V ROBERT WILLIAMS

[1] that's just being, like, I can't try to
[2] explain it.

[3] There's just so much stuff that goes
[4] on, but I would never request to come in on
[5] my birthday. That's the day I celebrate my
[6] life, and I would never request that.

[7] So, when she comes in here and says
[8] that, I have to sit here and listen to
[9] somebody say that I said a certain thing
[10] that I didn't say and I cannot ever back
[11] myself up. They could come in here and say
[12] I killed somebody tomorrow. I don't think
[13] they could prove it, but that's what I would
[14] have to go with.

[15] I'm a felon. She is a probation
[16] officer. Her word is always going to be
[17] stronger than mine. I am just trying to go
[18] on the facts which are really coming out. I
[19] don't ever have any police reports. I never
[20] had a complaint in any house that I ever
[21] stayed at. I've never been arrested. I
[22] have documents for everything that I'm
[23] doing. I'm trying to go by the facts.

[24] They're going off of perception, like,

COMMONWEALTH V ROBERT WILLIAMS

[1] when I spoke about the gun. I don't want
[2] you to go off of assumptions. I want you to
[3] see with your own eyes what I'm talking
[4] about because anybody can make a statement
[5] and you may not understand or communicate
[6] with the way that I'm saying it.

[7] So, I'm going to show you myself.
[8] Everybody knows that. This is fact. This
[9] is not anything just speaking out of my
[10] mouth myself. That's all I want to do, Your
[11] Honor.

[12] **THE COURT:** Okay. Now that everyone
[13] has had an opportunity to be heard, I find
[14] the defendant in technical violation. The
[15] defendant has after all these years of me
[16] trying to help him move his career forward
[17] and progress personally and professionally,
[18] I believe the defendant, basically, thumbs
[19] his nose at me and all of my efforts as well
[20] as all of the efforts of the Probation
[21] Department with him being able to travel and
[22] all these things to promote his career.

[23] I've been doing it for years now and to
[24] be told not to schedule something and then

COMMONWEALTH V ROBERT WILLIAMS

[1] to schedule it anyway is to me one of the
[2] biggest thumbing of the nose at me that the
[3] defendant has done here lately.

[4] But the defendant had social media
[5] etiquette training and in spite of that
[6] continued to call the D.A. and the Probation
[7] Department, portray them in a negative
[8] light, in particular, by calling the D.A. a
[9] racist.

[10] I've asked you to go to social media
[11] etiquette training to help you address a
[12] similar outburst that you had before. It
[13] was a similar outburst after a hearing. I
[14] said to you that's inappropriate. You
[15] shouldn't be doing that. So, let me help
[16] you. Let me have you go to training to help
[17] you understand why and how you cannot do
[18] this, and you went to training, and she gave
[19] you glowing reports, and I actually thought
[20] that you learned something from the
[21] training.

[22] But it's obvious that you haven't
[23] because you're still doing the same thing.
[24] It's obvious that you have no intention of

COMMONWEALTH V ROBERT WILLIAMS

[1] following this Court's orders because you
 [2] knew not to schedule anything and you
 [3] scheduled it anyway.
 [4] You, obviously, still have not learned
 [5] anything about social media and portrayal of
 [6] social media. This picture that you say is
 [7] a promo shot depicting you holding what
 [8] appears to be a glock, I know you said it
 [9] was a water gun, but the picture itself does
 [10] not portray you as being playful.
 [11] This picture portrays you as being part
 [12] of a gang. That's what it looks like.
 [13] There's five guys and three of the guys have
 [14] guns pointed at a person holding a camera.
 [15] I actually dialed, my staff and I,
 [16] dialed one of the numbers that the Probation
 [17] Department was complaining about because I
 [18] said I have to get to the bottom of this. I
 [19] have to dial the number myself. I have to
 [20] hear on the other end what's going on, and
 [21] it wasn't working.
 [22] So, I know that one of the numbers you
 [23] gave wasn't working at the time that it was
 [24] supposed to be working for her to get in

COMMONWEALTH V ROBERT WILLIAMS

[1] with that the entire time you've been on
 [2] probation.
 [3] I can appreciate you say you don't have
 [4] a problem with pills, and percocet, and that
 [5] sort of thing, and you have a prescription
 [6] for it, but I would encourage you if you do
 [7] have a problem to acknowledge the problem
 [8] and deal with the problem.
 [9] I acknowledge Mr. Silver bringing to
 [10] the Court's attention interstate compact
 [11] language which is language that has been
 [12] adopted by the Probation Department in their
 [13] handling of this case. They decided to
 [14] follow the interstate compact language and
 [15] incorporate that language into what they do
 [16] when they're talking about the thirty days.
 [17] No. It is not mandatory, but this is
 [18] what the Probation Department has decided to
 [19] adopt as their requirements and I'm not
 [20] going to second guess that because I don't
 [21] do that nor am I going to take on the
 [22] responsibility of checking his travel, and
 [23] getting the travel schedule, and checking
 [24] and issuing the vouchers. That's not what

COMMONWEALTH V ROBERT WILLIAMS

[1] touch with you.
 [2] But that wasn't just 2014, April or
 [3] May. Its been the whole time you have been
 [4] on probation that she's been trying to reach
 [5] you and consistently, consistently, having a
 [6] number where she couldn't reach you. Its
 [7] been consistent because she's had different
 [8] numbers at different times and the voice
 [9] mail was never set up. Different numbers,
 [10] different years, different months, different
 [11] days, the number was not set up or was not
 [12] connected.
 [13] So, the voice mail was not set up or
 [14] the number was not connected. One of the
 [15] times you came and said I lost the phone,
 [16] get a phone, lose a phone. Oh, you could
 [17] lose a phone. People lose phones. I
 [18] understand that.
 [19] But this has been throughout your
 [20] probation that this has been taking place,
 [21] and I've told you repeatedly you have to
 [22] comply. You have to have a number. You
 [23] have to get a number where they can reach
 [24] you all-the-time, and you have not complied

COMMONWEALTH V ROBERT WILLIAMS

[1] I'm going to do here.
 [2] I've said all along the Probation
 [3] Department is the one that is going to do
 [4] that. I've been saying that since day one.
 [5] I said you can travel, but you have to work
 [6] with your probation officer about the travel
 [7] arrangements. He is able to call in. The
 [8] report acknowledges that he calls in and
 [9] does the changes when he can be reached.
 [10] I've allowed him to go to Cancun.
 [11] Whatever he wanted and whenever you wanted
 [12] me to sign something for him to further his
 [13] career, I've done it even this past May over
 [14] the objection of the Probation Department
 [15] and the Commonwealth because I wanted to
 [16] help him promote his career.
 [17] With regard to the female who made the
 [18] complaint in 2013 and thereafter made a
 [19] complaint today, I'm not saying that it's
 [20] part of his technical violation because I
 [21] don't see it as such, and I told the person
 [22] not to come to court.
 [23] The bottom line is you can't tell the
 [24] probation officer when you're going to come

COMMONWEALTH V ROBERT WILLIAMS

[1] here or not. You can't tell me when you
[2] want to go to a concert or not. That's what
[3] you did when you decided to schedule
[4] something even though you knew you shouldn't
[5] for tonight.

[6] So, you are in technical violation and
[7] your probation is revoked.

[8] Now, I'm going to sentence you today.
[9] I'm going to let each person have an
[10] opportunity to speak first. The Probation
[11] Department and the Commonwealth have
[12] recommended at the Court's discretion.

[13] Mr. Silver, now that he's been violated
[14] his probation is revoked.

[15] What is your recommendation about
[16] this?

[17] **MR. SILVER:** Your Honor, if I was
[18] listening carefully to the Court, what I
[19] heard is that he's in technical violation of
[20] the social media issue, the phone not being
[21] connected and when called the ongoing
[22] problems with different numbers and the
[23] voice mail not being set up, and with regard
[24] to the schedule; am I correct?

COMMONWEALTH V ROBERT WILLIAMS

[1] after only six months of being in jail.

[2] I said, okay, you know what jail was
[3] like now, six months, come on out, get your
[4] career back on track. He got his career
[5] back on track and has been rolling ever
[6] since.

[7] He finished the parole part and now
[8] he's on the probation part of eight years.
[9] So, 2008. Okay?

[10] It is 2014. So, he's been on probation
[11] for about four years now of the probationary
[12] part of the sentence and he keeps coming
[13] back here with these problems even though I
[14] have done everything I could do.

[15] **MR. SILVER:** I'm not suggesting to the
[16] Court that you're not.

[17] **THE COURT:** Well, yes. When you
[18] outlined the problems, the technical
[19] violation and the problems, yes. You
[20] outlined them. I added two more to it.

[21] So, what is your recommendation?

[22] **MR. SILVER:** My recommendation is based
[23] on the technical violation our period of
[24] arguing is over and you have made your

COMMONWEALTH V ROBERT WILLIAMS

[1] **THE COURT:** With regard to his
[2] scheduling a concert specifically for
[3] tonight when I told you to tell the booking
[4] agent and to tell him not to schedule
[5] anything between 7/11 to 8/11, and his
[6] failure to comply with the terms of the
[7] travel requirements by the Probation
[8] Department and that he has never complied
[9] with that consistently.

[10] I've consistently done everything I
[11] could do to help him move his career along.
[12] I've been consistent. I've been consistent
[13] about trying to help him out along the way
[14] having ex parte conversations and discussions
[15] with you over the objection of the
[16] Commonwealth and the Probation Department
[17] who were not even here because I wanted to
[18] move his career along.

[19] I've been doing everything that I could
[20] do since 2008 to move his career along,
[21] everything that I could do, but he won't
[22] listen. He won't listen, and it was
[23] capsulized over since 2008 when he was
[24] sentenced in 2008, and then I let him out

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[1] decision with regard to that, based on the
[2] technical violation --

[3] **THE COURT:** Oh, I'm sorry. I'm
[4] sorry. There is one other.

[5] This is not his fault. I think it's
[6] the fault of one of the original probation
[7] officer's who failed to, he said there were
[8] five probation officers, but I think that
[9] one of those were enamored with who he is
[10] and what he does, but one of the probation
[11] officers originally failed to input in the
[12] computer the probation supervision fees.

[13] He paid six hundred and some dollars as
[14] fines and cost. So, everybody in here on my
[15] probation pays twenty five dollars a month
[16] probation fees. He never paid it because
[17] whoever that person or persons were, I don't
[18] know if they were doing him a favor, I don't
[19] know if they were enamored and taken with
[20] who he is and what he was doing, but they
[21] did not put in the computer the probation
[22] supervision fees and, surely, in a case like
[23] this when the Probation Department has to do
[24] so much work to supervise him, the fee is

Robert Williams
Court of Common Pleas Opinion
September 19, 2016

FILED

SEP 19 2016

**IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION**

**Criminal Appeals Unit
First Judicial District of PA**

COMMONWEALTH

:

CP-51-CR-00011614-2007

CP-51-CR-0011614-2007 Comm v Williams, Robert
Opinion

vs.



7500871751

ROBERT WILLIAMS

:

**SUPERIOR COURT
730 EDA 2016
1631 EDA 2016**

OPINION

BRINKLEY, J.

SEPTEMBER 19, 2016

Defendant Robert Williams appeared before this Court for a violation hearing. This Court found him in technical violation, and as a result, revoked his probation. Defendant was sentenced to 6 to 12 months county incarceration plus 6 years reporting probation, with immediate parole to house arrest. This Court ordered Defendant to complete charitable community service for a minimum of 90 days, and prohibited him from working or traveling while serving house arrest. Defendant appealed this sentence and raised the following issues on appeal: (1) whether the Court properly found Defendant in technical violation; (2) whether this Court properly sentenced Defendant to 6 to 12 months county incarceration plus 6 years reporting probation;¹ (3) whether

¹ Defendant's Statement of Errors is vague—he states that he “has appealed the Court’s Order of February 5, 2016 (“Sentencing Order”) which, among other things, sentences [Defendant] to an additional six (6) years of reporting probation. The February 5, 2016 order from the bench, along with its February 9, 2016 order, were later vacated and embodied in two written orders dated February 17, and February 18, 2016.” He failed to concisely identify each ruling or error in sufficient detail, as required by Pa. R.A.P. 1925(b). Thus, this Court can only guess on what grounds he is appealing the “Sentencing Order.” In a later paragraph, Defendant challenges the imposition of the six year probationary tail. As a result, this Court will address as one issue the legality of the imposition and length of the sentence, including the probationary tail.

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this Court's "transcript ruling" of April 7, 2016 violated Defendant's right of access to his transcript. This Court's judgment of sentence should be affirmed.

FACTS AND PROCEDURAL HISTORY

On August 19, 2008, Defendant was found guilty of possession with intent to deliver a controlled substance; two violations of the Uniform Firearms Act: Carrying a Firearm without a License, § 6106 and Carrying a Firearm in a Public Place in Philadelphia, § 6108; possession of an instrument of crime; possession of a loaded weapon; knowing and intentional possession of a controlled substance; and simple assault. On January 16, 2009, this Court sentenced him to an aggregate sentence of 11 ½ to 23 months county incarceration plus 7 years reporting probation. This Court chose to give Defendant a sentence that was considerably shorter than the lengthy state sentence recommended by the Commonwealth, as Defendant showed promise as a recording artist and this Court wanted to give him an opportunity to turn his life around from selling drugs and instead focus on his musical talent.

On June 10, 2009, Defendant was released from county jail and was paroled to house arrest with electronic monitoring, with permission to work and an order to earn his GED and undergo drug treatment. Defendant appeared before this Court for a status hearing on December 15, 2009, at which time this Court vacated his house arrest order and allowed probation/parole to continue. Between 2010 and 2012, Defendant appeared before this Court numerous times for status hearings. He tested positive for marijuana and opiate use on more than one occasion, but each time this Court allowed his probation/parole to continue without finding him in technical violation. On December 9, 2011, this Court found Defendant to be in technical violation for testing positive for opiate use but allowed his probation/parole to continue and scheduled the next court date for April 26, 2012. This was continued several times, largely due to Defendant's

unavailability and failure to communicate with his attorney. On November 19, 2012, Defendant finally appeared before this Court, at which time this Court allowed his probation/parole to continue but warned him that he could not test positive for any more illegal substances, that he had to take responsibility for reporting to probation as directed, and that his permission to travel outside Philadelphia County would be suspended after December 16, 2012. (N.T. 11/19/12, p. 77-89).

On December 17, 2012, this Court denied Defendant's Motion to Vacate Revocation of Travel Pass. He was not permitted to travel for profit until after his next court date of January 16, 2013. On January 16, 2013, this Court granted Defendant's request for a continuance and ordered that Defendant not schedule any travel after May 3, 2013.

On March 15, 2013, Defendant appeared before this Court for another violation of probation hearing. This Court found Defendant in technical violation for the second time for traveling outside Philadelphia County without permission. This Court permitted Defendant's probation to continue and ordered him to ⁹enroll in an etiquette course in order to address his inappropriate social media use and crude language in the courtroom. Defendant appeared before this Court for status hearings every three months over the next year.

On July 11, 2014, Defendant appeared before this Court for another violation of probation hearing. This Court found him in technical violation for the third time for failing to report to his probation officer, making unauthorized travel plans, and ignoring this Court's orders. This Court revoked his probation and sentenced him to an aggregate term of 3 to 6 months county incarceration plus 5 years reporting probation. On December 1, 2014, this Court granted Defendant's Motion for Early Parole and he was released from custody at Hoffman Hall. Over the next year, several issues arose relating to Defendant's compliance with the terms and

conditions of his parole; however, this Court directed counsel, together with the Philadelphia County Adult Probation and Parole Department, to resolve issues that may arise between themselves rather than schedule multiple status hearings before this Court.

On December 10, 2015, Defendant appeared before this Court for his fourth violation hearing. He was represented by Frank DeSimone, Esquire. First, this Court reviewed Defendant's criminal history since his first appearance before this Court in 2008. The Commonwealth then reviewed Defendant's conduct while on probation since December 2014. Specifically, she noted that Defendant had not reported to his probation officer as required, traveled outside of Philadelphia without proper authorization, and submitted a sample of cold water for urinalysis. (N.T. 12/10/15, p. 9-32).

Next, defense counsel argued that Defendant was an immature young man whose life was "chaos." He argued that sending Defendant to jail would jeopardize his music career and could "ruin this whole thing," and that it would be more beneficial for Defendant to perform community service. As for the water submitted at the urinalysis, defense counsel argued that the lab technician should have tested the liquid to confirm it was not in fact urine, or offered Defendant the opportunity to submit another sample. Defense counsel further argued that the creatinine levels found in Defendant's first urinalysis were abnormal because Defendant was "a bodybuilder" and consumed various protein drinks and supplements. Last, defense counsel argued that the nature of the entertainment business made it difficult for Defendant to comply with strict travel schedules since concerts and promotions can be canceled or scheduled at the last minute. *Id.* at 32-46.

The Commonwealth called Massai Ross ["Ross"], a lab technician at Philadelphia Adult Probation/Parole, to testify. Ross testified he had worked in the drug screen lab for six years. He

stated that when Defendant came in for his urinalysis, Defendant submitted a specimen cup filled with cold water. Ross testified that he asked Defendant, "Do you know what you gave me?" and that Defendant did not respond. Ross stated that when he began to "write-up" Defendant for submitting water, Defendant explained that his urine was so cold because he drank a lot of water. Ross then threw the water into the trash, in accordance with standard lab procedures. Defendant asked to take another test, but Ross refused as this was against lab procedures. Ross testified that Defendant became angry and asked to speak to a supervisor. Ross instructed him to return to his probation officer. Defendant then began "causing a scene," digging through the trash for the water sample, so Ross once again told him to return to his probation officer and Defendant left. Id. at 46-53.

Next, defense counsel called Christopher McFillin ["McFillin"] to testify. McFillin stated that he was the Director of Specialized Supervision in the Philadelphia Adult Probation/Parole Department. He testified that he had worked for the probation department for 25 years and had supervised thousands of cases. McFillin testified that had listened to Ross' testimony, and that in those circumstances, Ross should have sent the liquid from the specimen cup for testing, even if he believed it was cold water. McFillin testified that he did not know that Defendant's sample that day had been thrown away until he did not receive results a few days later. He further testified that abnormal creatinine levels appearing in a urinalysis was not a violation. At this point, this Court, with the agreement of counsel, decided to bifurcate the matter and permit McFillin to return to continue his testimony at the next court date since it appeared that cross-examination would be lengthy. Id. at 54-61. With the limited time remaining that day, defense counsel called two more witnesses.

First, Brianna Agyemang [“Agyemang”] took the stand. She stated that she was Defendant’s marketing manager at Roc Nation. She testified that Defendant had been involved in many charitable activities while touring in 2015, such as distributing gifts on Father’s Day, reaching out to local Boys and Girls Clubs, and paying for turkeys to be distributed by a church at Thanksgiving. Agyemang testified that she did not know Defendant had been court ordered to complete community service. Id. at 64-77.

Next, Onika Maraj, also known as Nicki Minaj [“Minaj”], testified. She stated that she was in a romantic relationship with Defendant and that they lived together. She testified that going to jail would not benefit Defendant. She stated that she and Defendant wanted to work together to help children and give back to the community. She testified that Defendant could be irresponsible at times and lacked structure in his life, but that she was working with him on his organizational skills and living as an “adult.” Id. at 77-97.

The matter was bifurcated and continued to December 17, 2015. Defense counsel called his first witness Kenneth Gamble [“Gamble”] to testify. Gamble stated that he was a composer, songwriter and community developer. He testified that he met with Defendant twice to discuss ways Defendant could give back to the African American community in Philadelphia. (N.T. 12/17/15, p. 16-24).

Next, this Court once again reviewed Defendant’s history since his original appearance before this Court in 2008, emphasizing that this Court has “done nothing but try to help the defendant.” Id. at 31. Defense counsel then called Shawn Gee [“Gee”] to the stand. Gee testified that he was a partner in a music management company called Maverick Management. He testified that he had known Defendant for 6 or 7 years and that he was committed to helping him achieve his dreams. He explained the difference between pre-routed tours that are planned in

advance and “one-offs” that are more spur of the moment, and that entertainers’ schedules can be unpredictable. He further testified that he believed Defendant could have a positive impact on the community. Id. at 32-55.

Dania Diaz [“Diaz”] testified next for the defense. She stated that she worked as the Managing Director of Philanthropy at Roc Nation. She testified that Defendant had been involved in many community service activities and that she planned to support his future endeavors, including working with at-risk youth and incarcerated young men. Diaz outlined Defendant’s proposed philanthropy plan for 2016, which included things like a school supply drive for Defendant’s former high school and a holiday toy drive at Penn’s Landing. She stated that she had been unaware of Defendant’s travel restrictions in the past but that she would be willing to work with Defendant’s probation officer and the Assistant District Attorney to make sure that Defendant remained in compliance with the terms and conditions of his probation/parole in the future. Id. at 57-82.

Next, McFillin returned to the stand to continue his testimony. He stated that the Adult Probation/Parole Department had a unit for probationers and parolees who live out-of-town and out-of-state. On cross-examination, McFillin stated that he was not Officer Underwood’s direct supervisor and that he was not privy to any of the facts of this case prior to having met Defendant a month prior to the violation hearing. He stated that he could not recall whether he had questioned Officer Underwood and her direct supervisor Julie Sarver as to whether Defendant should even submit a urinalysis on November 2, 2015. McFillin was unable to explain why Defendant began calling him directly after that date instead of calling Officer Underwood. McFillin testified that he did not believe a cold water specimen should be sent for testing, but that if someone undergoes a urinalysis, whatever they submit should be tested. He stated that he

did not direct Defendant to go back for a re-test because he thought that Officer Underwood and Ms. Sarver were handling the situation. He denied knowing about the cold water submission, denied allowing Defendant to leave even though Officer Underwood wanted to hold Defendant until she could speak with this Court as to how to proceed, and denied instructing Officer Underwood not to call this Court's chambers. McFillin stated that he did not know what Sarver and Officer Underwood did after they left, and that he assumed "they were taking care of business, and [he] stayed and talked to [Defendant]." While answering this Court's questions, McFillin admitted that between January 2009 and January 2015, he had no involvement in Defendant's case and had no personal knowledge of Defendant's conduct while on probation/parole. He testified that when he used to collect urine samples personally, he would always send every specimen submitted even if he believed it had been tampered with. He further testified that he had no idea about the specific protocols set in place for Defendant to travel because Defendant's case was sealed. McFillin stated that he did not know why he was testifying in this matter. *Id.* at 83-115.

Joseph Cruz ["Cruz"], Clinical Assistant Professor in the Department of Pharmacy Practice and Administration at Rutgers University, testified next for the defense as an expert in pharmacology. He testified that he reviewed Defendant's urinalysis report that showed creatinine present. He testified that someone could potentially ingest a large amount of creatinine to try to adulterate a drug test or to mask dilution. Cruz stated that creatinine levels below 20 indicates that the urine is diluted. The lab report showed that Defendant's urine had a creatinine level of 15.6. He testified that if someone were using creatinine to dilute a drug test, the level should be over 20. In Defendant's situation, since his was below 20, Cruz would ask that the urine be re-

tested. On cross-examination, Cruz testified that being a bodybuilder and drinking protein shakes or supplements would have no effect on lowering a person's creatinine levels. *Id.* at 120-136.

Jimmy Moore ["Moore"], a retired Philadelphia Municipal Court Judge, testified next for the defense. He testified that he was the ward leader of the 32nd Ward in Philadelphia and was involved in a program called "Community 365." Moore testified that he believed Defendant was moving "in a positive direction" and that he could reach out to the area youth and encourage them to do positive things. He asked that this Court give Defendant one more chance. *Id.* at 136-149.

Christina Suarez, Esquire ["Suarez"] testified next for the defense. She stated that she worked as in-house counsel for Roc Nation. She reviewed Defendant's case to look for ways to streamline and improve communication going forward. She testified that she was interested in helping Defendant remain in compliance with the travel protocols and reporting requirements. *Id.* at 150-173.

Defendant spoke next on his own behalf. He thanked this Court for helping him change his life and do positive things, like completing his GED. He denied trying to mask his urinalysis with any substance and denied that he was a bodybuilder; rather, he stated that he liked to exercise three times per week, take vitamins, and drink protein drinks. He stated that he did not go to California to audition for a movie when he had the travel vouchers to do so because travel expenses were too high. Defendant testified that he told this to Officer Underwood, who informed him that he would have to stay in Philadelphia. Defendant testified that he then called McFillin, who told him he would talk to Officer Underwood and get him the travel vouchers signed so he could leave the city. He stated that he was confused by what he was supposed to do but was trying to follow the rules. Defendant apologized for his mistakes and asked this Court to

give him another chance so he could do positive things and give back to the community. *Id.* at 174-226.

Next, Officer Treas Underwood, Defendant's long-time probation officer, recommended revocation. After hearing argument from both counsel, this Court found Defendant in technical violation for providing the Adult Probation/Parole lab technician a sample of cold water instead of actual urine for a drug screen, traveling without permission, failing to comply with his travel schedule and the rules relating to his travel vouchers, and failing to report as scheduled to his probation officer. *Id.* at 226-251.

Sentencing was deferred to February 5, 2016. At sentencing, several defense witnesses testified on Defendant's behalf: Dyana Williams; David Hardy; Kenneth Gamble; Dania Diaz; Damone Jones; and Jimmy Moore. Prior to exercising his right to allocution, per Defendant's advanced written request through defense counsel, this Court privately met with Defendant, defense counsel Mr. DeSimone, Probation Officer Treas Underwood, Assistant District Attorney Noel DeSantis, and Defendant's girlfriend Nicki Minaj. At Defendant's request, this *in camera* conversation was kept "off-the-record," although it was recorded by Korrin Mareck, an Official Court Reporter for the First Judicial District of Pennsylvania. (N.T. 2/5/16, p. 70). Defendant then took the stand in open court and apologized for his behavior while on probation and asked for another chance. After incorporating the Probation Officer's Summary Report into the record by reference, and hearing argument from both counsel, this Court revoked Defendant's probation and sentenced him to 6 to 12 months county incarceration plus 6 years reporting probation, with immediate parole to house arrest with electronic monitoring. This Court ordered that Defendant perform 90 days of community service before he would become eligible for parole. He was

further prohibited from working or traveling while on house arrest. This Court ordered Defendant to turn himself in to authorities on March 1, 2016.

On February 9, 2016, Defendant appeared before this Court to have his post-sentence rights read to him on the record. On February 17, 2016, this Court issued an Order of Clarification regarding Defendant's sentence, as follows:

AND NOW, this 17th day of February, 2016, it is hereby ORDERED, ADJUDGED and DECREED, that this Court's Orders of February 5, 2016 and February 9, 2016 are vacated. The sentence of February 5, 2016 is clarified as follows: Defendant is sentenced to a period of 6 to 12 months county incarceration plus six (6) years reporting probation, to run consecutive to confinement on count 8 and 6 to 12 months county incarceration plus four (4) years reporting probation to run consecutive on count 2, sentence is to run concurrent on both counts with immediate parole to house arrest with electronic monitoring. No further penalties are imposed on the remaining charges. The following conditions are imposed: Defendant shall perform community service by working with homeless adults, including senior citizens and veterans and by working to build homes with an organization such as Habitat for Humanity, 6 days a week Monday through Saturday for a period of 90 days. Defendant is permitted to visit his family each Sunday during the [90] day period, with all above described activities to be performed on a schedule set by the probation department with prior written approval of this Court.

The defendant is not permitted to work, travel or engage in any profit making activities from December 17, 2015 to successful completion of the above stated house arrest period, except that Defendant is permitted to create new music for the sole purpose of "protecting his brand" for release on electronic media outlets which are free to the public, such as YouTube or Sound Cloud. The probation department is hereby ordered to continue to keep any and all records with regard to this Defendant under seal to protect his right to privacy and for safety reasons, as previously enunciated by this Court.

The Probation Department shall contact this Court forthwith, this date, so that appropriate measures may be taken to promptly effectuate this Court's order and conditions. Time is of the essence as Defendant is required to surrender to begin his house arrest sentence on March 1, 2016.

(Order of Clarification, filed February 17, 2016).

On February 18, 2016, per defense counsel's request, Defendant's house arrest was transferred to the Montgomery County Department of Adult Probation and Parole for supervision.

On February 24, 2016, Defendant, through his counsel at Reed Smith LLP, filed a Motion for Access to Full Transcript of February 5, 2016 Sentencing Proceedings. This motion was in reference to the *in camera* discussion that took place prior to Defendant's allocution. On March 4, 2016, Defendant filed a Notice of Appeal. In this Notice of Appeal, Defendant challenged the sentence imposed on February 5, 2016 and clarified by Order on February 18, 2016. He further appealed this Court's decision to seal the transcript of the *in camera* conversation that took place on February 5, 2016.

On April 7, 2016, this Court conducted a hearing regarding the sealed portion of the transcript from February 5, 2016. James Martin, Esquire, on behalf of Defendant, argued that a transcript from the *in camera* meeting should be unsealed and made available for private review only by Defendant for the purposes of "taking an appeal." This Court ruled that Defendant could have the entirety of the notes unsealed and made available to Defendant and the general public as is done in the normal course of proceedings; or the notes from the *in camera* discussion would remain sealed as Defendant had originally requested. Based upon this ruling by the Court, on the record Defendant chose to withdraw his Motion for Access to Full Transcript of February 5, 2016 Sentencing Proceedings.

On May 6, 2016, Defendant filed a second Notice of Appeal, and raised the issues outlined above. On May 17, 2016, this Court ordered that Defendant file a Concise Statement of Errors Complained of on Appeal Pursuant to Pa.R.A.P. 1925(b) and defense counsel did so on June 7, 2016.

ISSUES

- I. **WHETHER THE COURT PROPERLY FOUND DEFENDANT IN TECHNICAL VIOLATION OF HIS PROBATION.**
- II. **WHETHER THIS COURT PROPERLY SENTENCED DEFENDANT TO 6 TO 12 MONTHS COUNTY INCARCERATION PLUS 6 YEARS REPORTING PROBATION.**
- III. **WHETHER THIS COURT'S "TRANSCRIPT RULING" OF APRIL 7, 2016 VIOLATED DEFENDANT'S RIGHT OF ACCESS TO HIS TRANSCRIPT.**

DISCUSSION

- I. **THIS COURT PROPERLY FOUND DEFENDANT IN TECHNICAL VIOLATION OF HIS PROBATION.**

The evidence presented at the violation hearing was sufficient to establish that Defendant was in technical violation of his probation. Sentencing following a revocation of probation is vested within the discretion of the trial court and will not be disturbed on appeal absent an abuse of that discretion. Commonwealth v. Fish, 2000 PA Super. 152, 752 A.2d 921, 923 (2000) (quoting Commonwealth v. Smith, 447 Pa. Super. 502, 669 A.2d 1008, 1011 (1996)). "An abuse of discretion is more than just an error in judgment and, on appeal, the trial court will not be found to have abused its discretion unless the record discloses that the judgment exercised was manifestly unreasonable, or the result of partiality, prejudice, bias, or ill-will." Commonwealth v. Griffin, 2002 PA Super. 203, 804 A.2d 1, 7 (2002). Great weight must be given to the sentencing court's decision since the sentencing court is "in the best position to view defendant's

character, displays of remorse, defiance or indifference, and overall effect and nature of the crime.” Fish, 752 A.2d at 923. Therefore, when considering an appeal from a sentence imposed after the revocation of probation or parole, appellate review is limited to the determination of “the validity of the probation revocation proceedings and the authority of the sentencing court to consider the same sentencing alternatives it had at the time of the initial sentencing.”

Commonwealth v. MacGregor, 2006 PA Super 336, 912 A.2d 315 (Pa. Super. Ct. 2006) (citing 42 Pa.C.S. §9771(b); Commonwealth v. Gheen, 455 Pa. Super. 499, 688 A.2d 1206, 1207 (1997)).

In order to support a revocation of probation or parole, the Commonwealth must show by a preponderance of the evidence that a defendant violated his probation or parole.

Commonwealth v. Shimonvich, 2004 PA Super. 340, 858 A.2d 132, 134 (2004) (citing Commonwealth v. Smith, 368 Pa. Super. 354, 358, 543 A.2d 120, 122 (1987)). To prove a fact by the preponderance of the evidence, the Commonwealth must prove that the existence of the contested fact is more probable than its nonexistence. Commonwealth v. Scott, 2004 PA Super. 184, 850 A.2d 762, 764 (2004) (citing Commonwealth v. Del Conte, 277 Pa. Super. 296, 419 A.2d 780 (1980)).

A violation of probation hearing’s main purpose is “to determine whether [probation] remains a viable means of rehabilitation...” Shimonvich, 858 A.2d at 136 (quoting Mitchell, 632 A.2d at 936-937). The primary concern of probation is the rehabilitation and restoration of the individual to a useful life. Commonwealth v. Mullins, 591 Pa. 341, 347, 918 A.2d 82, 85 (2007). It is a suspended sentence of incarceration “served upon such lawful terms and conditions as imposed by the sentencing court.” Id. (citing Commonwealth v. Walton, 493 Pa. 588, 397 A.2d 1179, 1184-84 (1979)). “The purpose of the revocation hearing is simply to establish to the

satisfaction of the judge who granted probation that the individual's conduct warrants his continuing as a probationer." Id. (quoting Commonwealth v. Kates, 452 Pa. 102, 304 A.2d 701, 710 (1973)). Thus, "a probation violation is established whenever it is shown that the conduct of the probationer has indicated that probation has proven to be an ineffective vehicle to accomplish rehabilitation and not sufficient to deter against future antisocial conduct." Commonwealth v. Infante, 585 Pa. 408, 421, 888 A.2d 783, 791 (2005) (quoting Commonwealth v. Brown, 503 Pa. 514, 524, 469 A.2d 1371, 1376 (1983)). Technical violations "can support revocation and a sentence of incarceration when such violations are flagrant and indicate an inability to reform." Commonwealth v. Carver, 2007 PA Super. 122, 923 A.2d 495, 498 (2007).

In the case at bar, the Commonwealth established by the preponderance of the evidence that Defendant was in technical violation of his probation. The facts and evidence presented at his violation hearing were probative and reliable, and established that Defendant was in technical violation of the terms and conditions of his probation. At the hearing, the Commonwealth argued that since 2009, Defendant had consistently failed to take personal responsibility for his sentence, repeatedly failed to adhere to travel and reporting protocols, and that illegal drug use had been "a consistent theme." (N.T. 2/5/16, p. 5). The Commonwealth outlined in great detail specific instances where Defendant failed to comply with the terms and conditions of his probation:

- June 9, 2015: Unauthorized visit to Philadelphia, where Defendant shot a music video in the streets that resulted in 100,000 people gathering within a 4-block radius and committing numerous assaults.
- July 8, 2015: Unauthorized visit to Philadelphia at 3 a.m., schedule showed he was supposed to be in Chicago, IL.
- August 8, 2015: Defendant appeared three hours late to report to Adult Probation/Parole Office.

- September 8, 2015: Defendant failed to report as scheduled to Adult Probation/Parole office. He called Officer Underwood and then hung up on her. He was told to report on September 10, 2015.
- September 11, 2015: Defendant was scheduled to be in Miami, as per his approved travel schedule, and refused to go. Instead, he remained in New York City.
- October 9, 2015: Defendant failed to properly get permission to travel to Africa. His attorney called this Court's chamber, and by providing misinformation, was granted permission to go. This trip was later cancelled.
- October 13, 2015: Defendant failed to report to Adult Probation/Parole as scheduled, claiming he needed to remain in New Jersey with his mother who was having surgery.
- October 20, 2015: Defendant performed in New York City without permission or prior authorization.
- November 2, 2015: Defendant received travel vouchers to travel to Los Angeles to audition for a role in a film. Defendant failed to go, and remained in Philadelphia without permission or authorization. In addition, Defendant submitted a urinalysis that showed abnormal levels of creatinine. As a result, he was told to return for a re-test on November 4, 2015.
- November 4, 2015: Defendant appeared for the re-test and submitted cold water as a urine sample to the lab technician, Massai Ross. Mr. Ross testified at the violation hearing that he asked Defendant to hand over his bottle of water but Defendant denied having one. Mr. Ross testified that he threw the water sample away, as is standard procedure when this occurs, and instructed Defendant to return to his Probation Officer.
- December 2015: Defendant's actual travel schedule, as opposed to the one approved in accordance with his travel vouchers, was completely different. By way of example, the Commonwealth stated that on December 4, 2015, Defendant was in Los Angeles when according to this travel vouchers, he was supposed to be in New York City.

The Probation Summary, which referenced many of these technical violations, was incorporated into the record by reference, as is this Court's normal course of conduct in violation of probation proceedings. Thus, the record shows that Defendant repeatedly failed to communicate with his probation officer and failed to adhere to the protocols put in place that would allow him to travel

for work. This Court had instituted specific procedures for Defendant's worldwide travel so that he could continue to perform and record music; however, Defendant largely ignored these protocols and basically did whatever he wanted. In addition, Defendant failed to submit a urine sample for a mandatory drug screen. This Court found Ross, the lab technician who was responsible for collecting the urine sample, to be credible when he testified that Defendant gave him cold water instead of urine in the specimen cup.

The record indicates that since Defendant's original appearance before this Court in 2009, he repeatedly failed to report properly to the Adult Probation and Parole Department, failed to stay drug free, and failed to adhere to the terms and conditions of this probation—all of which were extremely flexible and custom tailored to him and his profession so that he could continue working in the entertainment industry. In the **nearly eight years** since his original appearance before this Court, Defendant had failed to remain violation-free. As this Court explained on the record, this Court had "bent over backwards so that [Defendant] could have free reign to broaden his career" and that it "did not work," as Defendant just thumbed his nose at this Court and did whatever he wanted to do when he wanted to do it. As stated above, "[t]he purpose of the revocation hearing is simply to establish to the satisfaction of the judge who granted probation that the individual's conduct warrants his continuing as a probationer." Mullins, *supra*. Probation clearly was not serving as an effective means to rehabilitate Defendant since after more than seven years he still had not been able to abide by the terms and conditions of his probation. Defendant's failure to successfully remain violation-free over the course of seven years clearly "indicat[ed] an inability to reform." Carver, *supra*. Accordingly, this Court properly found Defendant in technical violation of his probation and revoked his probation. This Court's decision to do so should be affirmed.

II. **THIS COURT PROPERLY SENTENCED DEFENDANT TO 6 TO 12 MONTHS COUNTY INCARCERATION PLUS 6 YEARS REPORTING PROBATION.**

This Court committed no error when it sentenced Defendant to 6 to 12 months county incarceration plus 6 years reporting probation after finding him in technical violation of his probation for the **fourth** time. Under Pennsylvania law, sentencing is a “matter vested in the sound discretion of the sentencing judge, and a sentence will not be disturbed on appeal absent a manifest abuse of discretion.” Commonwealth v. Ferguson, 2006 PA Super. 18, 893 A.2d 735, 739 (2006) (quoting Commonwealth v. Hyland, 2005 PA Super. 199, 875 A.2d 1175, 1184 (2005)). An abuse of discretion requires more than the showing of a mere error in judgment; rather, an appellant must demonstrate that the trial court was “manifestly unreasonable” or exercised judgment that was the result of “partiality, prejudice, bias, or ill-will.” Commonwealth v. Griffin, 2002 PA Super. 203, 804 A.2d 1, 7 (2002).

When considering an appeal from a sentence imposed after the revocation of probation or parole, appellate review is limited to the determination of “the validity of the probation revocation proceedings and the authority of the sentencing court to consider the same sentencing alternatives it had at the time of the initial sentencing.” Commonwealth v. MacGregor, 2006 PA Super. 336, 2006 Pa. Super. LEXIS 4088, 3 (2006) (citing 42 Pa.C.S. § 9771(c)); Commonwealth v. Gheen, 455 Pa. Super. 499, 688 A.2d 1206, 1207 (1997)). The sentencing court is limited only by the maximum sentence it could have imposed at the time of the original sentencing. Id. Pursuant to 204 Pa. Code 303.1(b), sentencing guidelines do not apply to sentences imposed as a result of revocation of probation, intermediate punishment or parole.

“[W]hen a trial court imposes a sentence that is within the statutory limits, ‘there is no abuse of discretion unless the sentence is manifestly excessive so as to inflict too severe a

punishment’.” Commonwealth v. Mouzon, 571 Pa. 419, 430, 812 A.2d 617, 624-625 (2002) (quoting Commonwealth v. Person, 450 Pa. 1, 297 A.2d 460 (1972)). In addition, a sentence will not be disturbed unless the appellate court determines that the sentence is “unreasonable.” Reasonableness is determined by examining the four statutory factors set forth in 42 Pa. C.S.A. § 9781(d) as well as the general sentencing standards outlined in 42 Pa. C.S.A. § 9721(b). Commonwealth v. Walls, 592 Pa. 557, 568, 926 A.2d 957, 963 (2007). 42 Pa. C.S.A. § 9781(d) requires that the appellate court consider: “(1) [t]he nature and circumstances of the offense and the history and characteristics of the defendant; (2) the opportunity of the sentencing court to observe the defendant, including any presentence investigation; (3) the findings upon which the sentence was based; and (4) the guidelines promulgated by the commission.” 42 Pa. C.S.A. § 9721(b) requires the sentencing court to consider the protection of the public, the gravity of the offense in relation to the impact of the victim and the community, and the rehabilitative needs of the defendant. Once probation or parole has been revoked, a sentence of total confinement may be imposed if any of the following conditions exist: the defendant has been convicted of another crime; the conduct of the defendant indicates that it is likely that he will commit another crime if he is not imprisoned; or, such a sentence is essential to vindicate the authority of court. 42 Pa.C.S. § 9771(c); Commonwealth v. Coolbaugh, 2001 PA Super. 77, 770 A.2d 788, 792 (2001). There is absolutely no requirement that a sentencing court’s imposition of sentence be the “minimum possible confinement.” Walls, 592 Pa. at 570, 926 A.2d at 965.

In the case at bar, this Court properly sentenced Defendant to 6 to 12 months county incarceration plus 6 years reporting probation. Defendant’s sentence was within the statutory limits and was reasonable in light of all relevant factors. As stated above, the length of incarceration was solely within this Courts’ discretion, was limited only by the maximum

sentence that could have been imposed at the original sentencing, and was necessary to vindicate the authority of the Court. Under Pennsylvania law, the maximum sentence for possession with intent to deliver a controlled substance (PWID), an ungraded felony, is 10 years incarceration, a \$100,000 fine, or both. 35 Pa.C.S. 780-113 (f)(1.1). The maximum sentence for Carrying a Firearm without a License (VUFA § 6106), a felony of the third degree, is 7 years incarceration, a \$15,000 fine, or both. 18 Pa.C.S. 1103(3); 18 Pa.C.S. 1101(3). Thus, this Court legally could sentence Defendant up to a maximum aggregate term of 17 years. Instead, this Court sentenced Defendant to 6 to 12 months county incarceration plus 6 years reporting probation, with immediate parole to house arrest. This sentence was well within the statutory limits and was a reasonable exercise of this Court's discretion in light of Defendant's repeated failure to comply with reporting requirements; failure to provide a mandatory urine sample; failure to adhere to the agreed upon travel protocols; and failure to show meaningful growth and progress towards his rehabilitation.

Indeed, this was the **fourth** time that this Court found Defendant to be in technical violation. In 2011, Defendant was in technical violation for testing positive for opiate use. This Court allowed his probation to continue. In 2013, Defendant was in technical violation for traveling outside Philadelphia County without permission and failing to report properly to his probation officer. Again, this Court showed leniency and allowed Defendant's probation to continue. In 2014, Defendant was in technical violation for failing to report properly to his probation officer, failing to provide his probation officer with a working phone number, failing to abide by the rules of the Interstate Compact for Adult Offender Supervision for interstate travel, and traveling outside Philadelphia County without permission. At that time, this Court sentenced Defendant to 3 to 6 months county incarceration plus 5 years reporting probation; he

was released on early parole in December 2014. In the instant matter, only a year later, Defendant appeared before this Court for yet another violation of probation hearing for committing the exact same technical violations. Once again, Defendant failed to report to his Probation Officer as ordered to do so, he failed to adhere to the agreed upon travel protocols, and failed to provide urinalysis for drug screens as ordered to do so by this Court. At his prior violation hearing, this Court had warned Defendant that she would impose a state sentence if he was found to be in violation again. However, this Court carefully considered the testimony presented at the violation of probation hearing and at sentencing by those who support Defendant and chose to be lenient and impose only a county sentence, explaining:

So, ordinarily, when I tell a person, and I do it routinely, that "if you come back, you are going to get a State sentence." And that is what they get. Pure and simple. I don't say how much it's going to be ahead of time. We don't do that. I just say, "You are going to get a State sentence." If you do so much to bring yourself back here that means that you're basically telling me that you want a State sentence. But this defendant did have a lot of community support, and I am taking that into consideration, as well."

(N.T. 2/5/16, p. 86). After asking Defendant whether he understood his new sentence, this Court went on:

I don't really know what that means to this defendant, because I have been trying to work with this Defendant since 2009. Try to help him move his career forward. I have tried to help him understand that this could have been over long ago. That he just do what he's supposed to do all along, but okay. That is my sentence. I hope that the defendant takes it to heart and follows these instructions this [time].

(N.T. 2/5/16, p. 90).

Furthermore, this Court properly considered the factors set forth in 42 Pa.C.S.A. § 9721: the protection of the public, the gravity of Defendant's offense in relation to the impact on the victim and the community, and his rehabilitative needs. Defendant was convicted of, among

other charges, selling drugs and carrying a firearm without license. These were serious crimes; however, Defendant was given multiple chances to rehabilitate himself through house arrest, county probation and parole, and county incarceration. Unfortunately, Defendant's conduct while on probation demonstrated that he was not taking his sentence seriously and was not making progress towards rehabilitation. Revocation of probation and a county sentence of 6 to 12 months plus 6 years reporting probation with immediate parole to house arrest was an appropriate sentence under the circumstances so that Defendant could remain under supervision yet still continue to work on his music career. When making this determination, this Court considered all relevant information about this Defendant. This Court reviewed Defendant's criminal history on the record, listened to recommendations by defense counsel and the Commonwealth, heard testimony from many of Defendant's friends and supporters in the community, and listened to what Defendant had to say on his own behalf. After taking all of this into consideration, this Court found it appropriate to impose an aggregate sentence of 6 to 12 months county incarceration plus 6 years reporting probation, with immediate parole to house arrest. As stated above, there is no requirement that this Court impose the "minimum possible sentence." Rather, based upon Defendant's ongoing failure to take the necessary steps to comply with the terms and conditions of probation, this Court found it appropriate to sentence Defendant to another county term of incarceration, with immediate parole to house arrest.

In his Statement of Errors, Defendant specifically challenges the imposition of six years probation, claiming that this Court "committed legal error and abused its discretion." Pursuant to Pennsylvania law, "[w]hen determining the lawful maximum allowable on a split sentence, the time originally imposed cannot exceed the statutory maximum." Commonwealth v. Crump, 995 A.2d 1280, 1283-84 (Pa.Super.2010) (citing 42 Pa.C.S. § 9754; 42 Pa.C.S. § 9756;

Commonwealth v. Nickens, 259 Pa.Super.143, 393 A.2d 758, 759 (1978); Commonwealth v. Perkins, 302 Pa.Super.12, 448 A.2d 70 (1982)). However, when probation is revoked in connection with a split sentence, a defendant is not entitled to credit for time spent on probation. Id. (citing 42 Pa.C.S. § 9771(b); 42 Pa.C.S. § 9760). As stated above, upon revocation, the sentencing court has the authority to consider the same sentencing alternatives it had at the time of the initial sentencing with “due consideration being given to the time spent serving the order of probation.” Id. (quoting 42 Pa.C.S. § 9771(b)). Thus, a sentencing court should give “due consideration” to the time a defendant has spent on probation, but “need not credit the defendant with any time spent on probation.” Id.; *see also* 42 Pa.C.S. § 9760 (a defendant is only entitled to credit for time served while “in custody”); 42 Pa.C.S. § 9754 (when imposing an order of probation, the court may not impose a sentence that is longer than the maximum term for which the defendant could be confined.). A sentencing court may not impose a new split sentence that exceeds the statutory maximum; however, it “as long as the new sentence imposed does not exceed the statutory maximum with factoring in the incarcerated time already served, the sentence is not illegal.” Crump, 995 A.2d at 1285 (citing Commonwealth v. Williams, 443 Pa.Super.479, 662 A.2d 658 (1995); Commonwealth v. Yakell, 876 A.2d 1040 (Pa.Super.2005)). In the case at bar, Defendant was originally sentenced to a “split sentence” of 11 ½ to 23 months county incarceration plus 7 years reporting probation. At his third violation of probation hearing, he was sentenced to a split sentence of 3 to 6 months county incarceration plus 5 years reporting probation. At his fourth violation of probation hearing, this Court revoked his probation and sentenced Defendant to another split sentence of 6 to 12 months county incarceration plus 6 years reporting probation. This sentence was legal and did not exceed the statutory maximum. As discussed above, the maximum allowable sentence for PWID is 10 years incarceration and the

maximum sentence for VUFA § 6106 is 7 years incarceration. Thus, as long as this Court's aggregate sentence did not exceed 17 years (the aggregate total maximum sentence available at the time of initial sentencing on these two charges), less credit for time served, the sentence was legal. The record shows that this Court gave Defendant 24 months credit for time served. (N.T. 2/5/16, p. 87). He was not entitled to any credit for time spent serving probation. As required by law, this Court did give "due consideration" to the time Defendant spent serving probation. In fact, this Court was astonished and disappointed that after more than 7 years after his initial sentencing, most of which was spent on probation, Defendant was still unable to comply with terms and conditions of his probation. This Court specifically stated on the record:

This sentence takes into consideration that defendant already spent, approximately, 23-and-a-half—well, 24 months in custody, which means that the court on the possession with intent to deliver charge has a remaining eight years to sentence this defendant. However, instead of sentencing the defendant to a State prison sentence that I promised, which would have been four to eight years in State prison at a minimum, the court is sentencing the defendant six to 12 months in county prison; six years reporting probation. The defendant is immediate paroled to house arrest.

Id.

As stated above, the primary concern of probation is the rehabilitation and restoration of the individual to a useful life, and is "served upon such lawful terms and conditions as imposed by the sentencing court." Mullins, supra. Here, the Court determined that six years of probation in addition to Defendant's 6 to 12 month term of incarceration was an appropriate sentence designed to facilitate Defendant's restoration to a useful life. Accordingly, this sentence should not be disturbed on appeal.

III. THIS COURT'S "TRANSCRIPT RULING" OF APRIL 7, 2016 DID NOT VIOLATE DEFENDANT'S RIGHT TO ACCESS HIS TRANSCRIPT.

This Court properly sealed the transcript of Defendant's *in camera* allocution on February 5, 2016, after Defendant requested, in writing, a private *in camera* conference with the Court. Defendant claims that sealing the transcript violates his "right to access" the transcript, arguing that Defendant should be able to have the *in camera* conversation transcribed for his own private viewing, but it should remain inaccessible to the public. This claim is wholly without merit.

It is well settled that the "courts of the country recognize a general right to inspect and copy public records and documents, including judicial records and documents." Commonwealth v. Upshur, 592 Pa. 273, 924 A.2d 642 (2007) (quoting Nixon v. Warner Communications, Inc., 435 U.S. 589 602 98 S.Ct. 1305, 1314, 55 L.Ed.2d 570 (1978)). However, there are limits to this right. A trial court retains the discretion "to withhold or limit access to public judicial records and documents in appropriate circumstances." Upshur, 592 Pa. at 291. "Where the presumption of openness attached to a public judicial document is outweighed by circumstances warranting closure of the document to public inspection, access to the document may be denied." Commonwealth v. Martinez, 917 A.2d 856, 862 (Pa.Super. 2007) (quoting Commonwealth v. Fenstermaker, 515 Pa. 501, 513, 530 A.2d 414, 420 (1987)). There are no set factors that must be weighed when determining whether public access is appropriate; rather, the trial court must determine whether right of access "outweighs countervailing factors." Martinez, 917 A.2d at 862 (citing Fenstermaker, *supra*; P.B. Publishing Co. v. Commonwealth, 389 Pa.Super. 86, 566 A.2d 857 860 (1989); Nixon, 435 U.S. at 598, 98 S.Ct. 1306). "The decision of whether to seal the documents is left to the sound discretion of the trial court, which must hold a hearing and place on the record its reasoning and the factors relied upon in reading its decision." Id. at 288. A trial

court's decision regarding public access to a particular item is reviewed under the abuse of discretion standard. Upshur, 592 Pa. 273, 281 (citing Fenstermaker, 515 Pa. at 513, 530 A.2d at 420).

In the case at bar, this Court properly denied Defendant's request to unseal the notes of testimony from his *in camera* conference with the Court, where Defendant wanted the notes of testimony available for himself only and not the general public. The record shows that on February 2, 2016, three days prior to Defendant's sentencing hearing, Defendant's counsel Frank DeSimone, Esquire, emailed this Court the following message:

Dear Judge Brinkley, Ms. DeSantis [the Assistant District Attorney for the Commonwealth] was kind enough to complete the time credit for [Defendant] and it appear to be accurate. At the last meeting at the probation office, [Defendant] was discussing his visits to the Veteran's Hospital, schools and other places he's been visiting. He indicated to [Probation Officer] Underwood and Ms. DeSantis that he would feel more comfortable relaying some of his thoughts and experiences to Your Honor *in camera*. All parties thought this might be a good idea after [Defendant] explained his reasons and he gave specific reasons to them for wanting an *in camera* discussion. Obviously the remainder of the hearing would be in open court. I would respectfully ask the court to consider and grant this request.

(N.T. 4/7/16, p. 11-12). On February 5, 2016, Defendant appeared before this Court for sentencing after this Court found him in technical violation of probation on December 17, 2015. Prior to taking the stand to exercise his right to allocution, the following exchange took place on the record:

DEFENSE COUNSEL:	[Defendant] is my last witness, but if you recall, I made a request.
THE COURT:	Yes, you did. You want to put him on the stand first and then do the other part in the back?
DEFENSE COUNSEL:	I think I would rather do the back first.

THE COURT: There was a request—prior request by counsel to allow [Defendant] to say some things to the court *in camera*, and I will grant the request and do that, at this time.

(At this time, an in-camera discussion was held. This part of the transcript will be marked confidential and sealed as ordered by the court.)

(N.T. 2/5/16, p. 70). This Court then privately met with Defendant, defense counsel Mr. DeSimone, Probation Officer Treas Underwood, Assistant District Attorney Noel DeSantis, and Defendant’s girlfriend Nicki Minaj.

On February 24, 2016, Defendant, through his attorneys at Reed Smith who were not present during the *in camera* conference, filed a “Motion for Access to Full Transcript of February 5, 2016.” In this motion, Defendant claims that the Court unlawfully “*sua sponte*” decided to seal the notes. Defendant then filed a Notice of Appeal, raising the same issue regarding the sealed transcript. This Court scheduled a hearing on the motion for April 7, 2016. On that date, James Martin, Esquire, of Reed Smith appeared on behalf of Defendant and argued that Defendant was entitled to a “private and confidential evaluation [of the transcript] for purposes of taking an appeal.” (N.T. 4/7/26, p. 8). In other words, Defendant did not actually want the transcripts unsealed and made public; rather, he wanted an opportunity to view the transcript in private, without actually unsealing them. This Court responded that if he wanted the notes made available, then they would be transcribed², unsealed, and made available to the general public. Mr. Martin initially agreed to this; however, after consulting with Defendant, decided to withdraw the motion as Defendant did not want the transcript from that meeting to be made public. *Id.* at 16, 31, 34.

² The notes of testimony from the *in camera* discussion have not been transcribed by the Court Reporter.

Defendant's claims are entirely without merit. First, this Court did not "*sua sponte*" decide to seal the notes "in clear contravention of the law." Defendant, through this defense attorney Mr. DeSimone, requested a private, *in camera* conference with this Court. This request was done in writing in advance of Defendant's sentencing. This Court granted this extraordinary request, and in accordance with Defendant's request to maintain his privacy, ordered that the transcript from that conversation remain sealed. This Court did not make the decision to keep the transcript private; rather, it was Defendant who requested that this portion of his allocution remain confidential.

In his motion for access to the notes, Defendant cites Commonwealth v. Upshur, 592 Pa. 273, 288, 924 A.2d 642, 651 (2007), where the Pennsylvania Supreme Court stated, "The decision of whether to seal the documents is left to the sound discretion of the trial court, which must hold a hearing and place on the record its reasoning and the factors relied upon in reaching its decision." Immediately prior to meeting with Defendant in private, this Court stated on the record, "There was a request—prior request by counsel to allow [Defendant] to say some things to the court *in camera*, and I will grant the request and do that, at this time." (N.T. 2/5/16, p. 70). This was her reason, stated on the record, for sealing these notes and denying the public access to them—she was granting Defendant's request to address the Court in private and sealed the transcript from that meeting to maintain his privacy in accordance with his desire for confidentiality.

At the hearing for access to the transcript, Defendant's other counsel Mr. Martin stated, "We would request that we be allowed to review the full transcript before it is released to the public and determine whether we would in fact want to make a motion to seal portions of the full transcript." (N.T. 4/7/16, p. 25). In response to this request, this Court stated that she would

grant the motion unseal the transcript, make them accessible to the public, and that Defendant could make a motion thereafter to have them sealed again if he was uncomfortable with the contents. However, this Court refused to take the unprecedented position that the notes would remain unavailable to the public, but that Defendant and his attorneys who were not present at the *in camera* conference could view them privately. After an extensive review of Pennsylvania case law, this Court could not find any comparable situation where a court had permitted a criminal defendant this kind of extraordinary, private access to notes of testimony. As this Court explained at the hearing:

That's why I'm telling you that for the reasons that he gave that he wanted it kept private from everyone in the public by doing it out of the public view and out of the public's hearing, he asked for that and I gave it to him. If he's now saying that whatever happened in the back he wants to not be private anymore then it's going to be unsealed totally. It's left to my sound discretion and that's my ruling. If you want it kept private, it's private. If you don't want it to be private anymore then it's not private anymore.

(N.T. 4/7/16, p. 17).

Defendant is not entitled to this sort of special treatment simply due to his "celebrity status." The average criminal defendant ordinarily must make his entire allocution in public in the open courtroom. Defendant was granted the extraordinary opportunity to make part of his statement in private, and then he returned to the courtroom and placed on the record the portion of his allocution that he wanted public. He now seeks to review the sealed portion, yet keep the public from having access to it. He cannot have it both ways. All notes of testimony in this matter, dating back to Defendant's trial and sentencing in 2008-2009, always have been accessible to the public. This Court was more than willing to grant Defendant's request to unseal the *in camera* portion of the notes and make them accessible to the public. However, Defendant and his attorneys who were not present for the *in camera* conversation wanted to review them first and

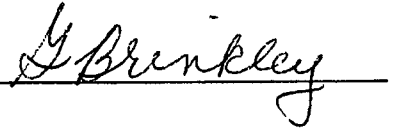
decide whether the public should have access. This Court, in its sound discretion, properly denied that request.

As for his claim that this affects his right to appeal, this is also without merit. Defendant is appealing a sentence from a violation of probation hearing. He has access to all notes of testimony from the violation of probation hearing that took place on December 10 and December 17, 2015, as well as the sentencing that occurred on February 5, 2016, with the exception of the transcript of the *in camera* remarks. However, as this Court stated in response to Defendant's motion, if he believes needs the transcript from the *in camera* discussion for his appeal, this Court will unseal the transcript and it will be transcribed and posted to the Court Reporting System in the ordinary course of business like any other notes of testimony. These notes are only a small part of the testimony heard at the proceeding. Defendant fully exercised his right to allocution in open court. Since Defendant was facing a possible state sentence and instead received a sentence of house arrest, it would seem to suggest that this Court gave great weight to Defendant's witnesses' testimony as well as to his own testimony. Accordingly, this Court's decision to keep the transcript under seal and not allow Defendant and his attorneys to view them privately without public access, should be affirmed.

CONCLUSION

After reviewing all applicable statutes, testimony and case law, this Court committed no error. This Court properly found Defendant in technical violation of his probation. This Court properly sentenced him to 6 to 12 months county incarceration plus 6 years reporting probation. Last, this Court properly sealed the transcript from Defendant's *in camera* conference and denied Defendant's request for a private viewing of the transcript. Accordingly, this Court's judgment of sentence should be affirmed.

BY THE COURT:


A handwritten signature in cursive script, appearing to read "J. Brinkley", is written over a horizontal line.

Robert Williams VOP Hearing Part 1

Notes of Testimony

November 6, 2017

[1] hopefully prevent the detection of drugs, that
[2] on August 3rd or before that date, while in
[3] Philadelphia County, have requested permission
[4] to travel to Greece, he was in Philadelphia
[5] County at the time without notice to anyone.

[6] The defendant was arrested in St. Louis
[7] County, St. Louis Missouri, on or about March
[8] 15th, 2017 and charged with two counts of
[9] assault, which arose from an altercation inside
[10] of the St. Louis international Airport.

[11] In addition, the defendant was again
[12] arrested in New York City on or about August
[13] 15th, 2017, during which time he was charged
[14] with felony charges which was subsequently,
[15] I believe, reduced to reckless driving.

[16] Then on or about August 17th this court
[17] ordered that the defendant not travel outside of
[18] Philadelphia and Montgomery counties, and I
[19] scheduled travel outside of Philadelphia and
[20] Montgomery counties, which the court learned had
[21] been done anyway.

[22] So let's hear from the Montgomery County
[23] probation department now on the report that they
[24] have prepared.

[25] **THE CRIER:** Ma'am, can you state

[1] your name, and spell your last name for the
[2] record?

[3] **MS. SUBBIL:** Kathleen Subbil,
[4] S-U-B-B-I-L. My title is Montgomery probation
[5] officer.

[6] **THE CRIER:** Can you raise your
[7] right hand?

[8] KATHLEEN SUBBIL, S-U-B-B-I-L, at
[9] that been duly sworn, was examined and
[10] **testified as follows:**

[11] DIRECT TESTIMONY

[12] **THE COURT:** Can you explain how
[13] you supervised the defendant?

[14] **THE WITNESS:** Sure, Your Honor.

[15] Can I clarify from the beginning that
[16] some of which you indicated that came from the
[17] report is not on the report. So I just wanted
[18] to make sure --

[19] **THE COURT:** I'm sorry. Is, or is
[20] not?

[21] **THE WITNESS:** Is not.

[22] **THE COURT:** Okay. I'm sorry. I
[23] misspoke.

[24] One other thing that I mentioned,
[25] concerning this defendant's supervision, was not

[1] in their report, but I included it, and that
[2] wasn't traveling -- the issue about the Greece
[3] order of court. But that is an order of the
[4] court. But we will get back to that.

[5] **THE WITNESS:** Okay.

[6] I guess to begin, I started with Mr.
[7] Williams around January 8th, 2017, so our
[8] history, obviously, is short compared to your
[9] history. Mr. Mangle supervised from the onset
[10] with house arrest up until January 2017 where I
[11] may or may not have been there. We went to his
[12] house January 9th, 2017. That's when Mr.
[13] Williams initially tested positive for
[14] oxycodone.

[15] **THE COURT:** So you are saying
[16] that the part, the information, concerning his
[17] possible violation of house arrest rules were
[18] covered by Mr. Mangle.

[19] **THE WITNESS:** Yes, Your Honor.

[20] So in January of 2017 we did obtain the
[21] first and only positive urine. And, we had Mr.
[22] Williams report to our office that day. He met
[23] with myself, Mr. Mangel and the chief probation
[24] officer, Mike Gordon, at which time he was
[25] directed to get into inpatient treatment,

[1] if that is what the assessment deemed
[2] appropriate.

[3] Through, maybe his manager at ROC Nation,
[4] it was determined that he would enter into
[5] treatment with the Cast Centers who are based
[6] out of West Hollywood, California, but it was an
[7] in-home detoxification program in Atlanta,
[8] Georgia, which we were aware of.

[9] So he traveled to Atlanta. He detoxed,
[10] medically, in-home. Their plan from that point
[11] was for him to continue with, I'm going to call
[12] them, like, recovery coaches. But it was a 24/7
[13] type thing. And, Mr. Williams was concerned
[14] about the cost. Which I can't tell you exactly
[15] what it was. But it was large.

[16] We agreed that he would come back to
[17] Philadelphia, and he would enter into outpatient
[18] treatment in Montgomery County. So we referred
[19] him to Resources for Human Development, which
[20] was Rise Above in King of Prussia, Pennsylvania.
[21] And, he did outpatient treatment, I believe, it
[22] was June of 2017 where he met with Glenn Sickie,
[23] who was a clinician. So he completed that in
[24] June. And we've supervised weekly. It did,
[25] quite frankly, change depending on what the

[1] circumstances of his travel were.

[2] There were times when he was in Atlanta
[3] working in the recording studio and we might
[4] have seen him less than weekly or less than
[5] biweekly. But, then, with the court's order, or
[6] based on our own opinion, we saw him more
[7] frequently when needed. I'm summarizing so if
[8] you need more detail, Judge, please tell me.

[9] From the point that we said that you need
[10] to come in whenever, we are going to be there
[11] whenever, there was never a time that he was
[12] never available for supervision. We drug tested
[13] every single time. The urines were negative
[14] every time.

[15] The two incidents that you referred to
[16] that I have in report are from March. Then, in
[17] New York, it was in August. My understanding is
[18] that those dispositions have been provided to
[19] the court. I think what I had might even be
[20] different than what you had at the time that I
[21] received it.

[22] We have had, certainly, a few hiccups, I
[23] guess, to say the least. But it was minor, in
[24] terms of what we would consider adjustments to
[25] supervision. It has not been anything major

[1] that we could not have continued to address, as
[2] far as our expectations. He is meeting the
[3] expectations. He was meeting the expectations.

[4] **THE COURT:** Anything else that
[5] you want to add with regard to your report?

[6] **THE WITNESS:** Let me just make
[7] sure. No, Your Honor. I think I have covered
[8] it all.

[9] **THE COURT:** Does either counsel
[10] have any questions concerning Ms. Subbil's
[11] report?

[12] **MS. HOFFMAN:** I have no
[13] questions, Your Honor.

[14] **MR. MCMONAGLE:** Yes, Your Honor.
[15] Judge, if I can have this marked. I sent
[16] an e-mail to the court. I don't know if you
[17] received it today. I ask this document be
[18] marked as D-1.

[19] **THE CRIER:** So marked, D-1, Your
[20] Honor.

[21] (Whereupon, the document was marked as
[22] Defendant's Exhibit No. 1 for
[23] identification.)

[24] **MS. HOFFMAN:** Mr. McMonagle did
[25] send me a copy as well.

[1] **MR. MCMONAGLE:** May I show a
[2] copy to Ms. Subbil, Your Honor?

[3] **THE COURT:** Yes.
[4] **DIRECT EXAMINATION**

[5] **BY MR. MCMONAGLE:**

[6] **Q.** Ms. Subbil, I want you to take a look at
[7] what Her Honor has marked as D-1. Do you
[8] recognize that document?

[9] **A.** I do.

[10] **Q.** Can you just briefly, for the record,
[11] tell the court what it is? I'm sure the court
[12] knows what it is, but --

[13] **A.** This is the treatment plan from the Cast
[14] Centers. This was, I'm going to guess, the
[15] first written documentation that we received
[16] which indicates that he was going to have the
[17] recovery support system, which I alluded to,
[18] after detoxification.

[19] **Q.** The first reference is on Tuesday,
[20] January 10th of 2017. Then if you go a couple
[21] pages back you will see there is another one in
[22] 2017, January 12th, of that year.

[23] **A.** Yes.

[24] **Q.** And, just to summarize, I think you
[25] touched upon this, Cast Centers through a

[1] Cecilia Milette, was in contact with you to let
[2] you know what was happening, in terms of his
[3] therapy, etcetera, in the home. Is that
[4] correct?

[5] **A.** Yes.

[6] **Q.** And they referenced a Dr. John Lloyd who
[7] was involved and prescribing medication,
[8] etcetera, trying to heal him and get him on the
[9] right track. Is that fair?

[10] **A.** Yes.

[11] **Q.** And, you mentioned the cost as well. If
[12] you go to the end of the document, and if you
[13] don't know, that's fine, but in conversation
[14] with Robert did he inform you that he had to pay
[15] nearly \$40,000.00 for that treatment?

[16] **A.** Yes.

[17] **Q.** After the completion of that treatment,
[18] which I understand took place in Georgia, he
[19] came back to Montgomery County and he, as I
[20] understand it, successfully completed the
[21] program that you folks put in place for him.

[22] **A.** Yes.

[23] **Q.** I want to move forward a little bit to
[24] some of the other events that bring us here,
[25] the event in St. Louis --

[1] **MR. MCMONAGLE:** And, I'll ask
 [2] Your Honor for this to be the next defense
 [3] exhibit, D-2.
 [4] **THE COURT:** Okay.
 [5] **THE CRIER:** Marking D-2, Your
 [6] Honor.
 [7] (Whereupon, the document was marked as
 [8] Defendant's Exhibit No. 2 for
 [9] identification.)
 [10] **BY MR. MCMONAGLE:**
 [11] **Q.** Ms. Subbil, I don't know if you have here
 [12] any pending documentation from St. Louis, but
 [13] just for record purposes, is it fair to say that
 [14] after the initial charges in this case that the
 [15] resolution in this case was that all charges be
 [16] dismissed against the defendant?
 [17] **A.** Yes.
 [18] **Q.** That was upon his completion of a
 [19] program. Is that fair?
 [20] **A.** Completion of community service, I
 [21] believe. Yes.
 [22] **Q.** And, I noticed that there was just one
 [23] little tweak in the report. It's fair to say
 [24] that he did not technically have to plead guilty
 [25] to anything in connection with that offense,

[1] this just says, what we will refer to as, I
 [2] guess, a diversion in the program that
 [3] ultimately allows for dismissal.
 [4] **A.** Yes. I think I had additional documents
 [5] that subsequently changed things.
 [6] **Q.** Thank you. With respect to that
 [7] particular incident, did you ever become aware
 [8] of the fact that the individuals at the airport,
 [9] that were involved in this incident, that work
 [10] for the airport, were actually fired from their
 [11] jobs because it was determined that they started
 [12] the fight?
 [13] **A.** Yes.
 [14] **Q.** Did you ever become aware that the
 [15] individuals who started this fight in St. Louis
 [16] had, in fact, started an encounter with the
 [17] defendant when he first arrived in St. Louis
 [18] when he came off of the plane?
 [19] **A.** Yes.
 [20] **Q.** In fact, that individual was hurling
 [21] homophobic epithets to the defendant, and some
 [22] of the individuals that he was with, when he got
 [23] off of the plane. Are you aware of that?
 [24] **A.** I can't say what they were saying but,
 [25] yes.

[1] **Q.** But the defendant leaves the airport,
 [2] goes to perform, comes back the next day and
 [3] that same individual starts a fight. Doesn't
 [4] he?
 [5] **A.** That is what was explained to me.
 [6] Yes.
 [7] **Q.** Were you aware, or did you see any social
 [8] media, of that individual when he was
 [9] broadcasting over social media where he was
 [10] bragging about starting a fight and fighting the
 [11] defendant? If that is not the case, then fine.
 [12] **A.** I can't say that I saw it.
 [13] **Q.** Okay. And, then moving forward with
 [14] respect to the other matters that you referenced
 [15] in your report. The situation in New York as I
 [16] understand it, the defendant was operating a
 [17] motorbike or motorcycle. Is that correct?
 [18] **A.** That's what I understand.
 [19] **Q.** Is it true to say that with respect to
 [20] that incident, all of those charges, likewise,
 [21] are pending dismissal for what we would call a
 [22] diversionary program, when he completes
 [23] community service, the charges will be
 [24] dismissed?
 [25] **A.** Yes.

[1] **Q.** You indicated in your report that the
 [2] defendant's supervision, and I'm kind of looking
 [3] at it, it prevents some unique challenges to
 [4] your department. Is that fair?
 [5] **A.** Yes.
 [6] **Q.** It's fair to say that Her Honor, at least
 [7] in terms of your interaction with the whole
 [8] situation, has allowed the defendant, through a
 [9] long journey, to try to continue with his career
 [10] to travel and to perform. Is that fair?
 [11] **A.** Yes.
 [12] **Q.** You, obviously, during the course of your
 [13] limited supervision have been involved with
 [14] interacting with him. Is that correct?
 [15] **A.** Yes.
 [16] **Q.** Would you agree with me that he's
 [17] responding well to what you are doing with him
 [18] now on probation?
 [19] **A.** Yes.
 [20] **Q.** And, that he is actively really trying to
 [21] work harder towards behavioral change.
 [22] **A.** Yes.
 [23] **Q.** Do you think that if the defendant is
 [24] permitted to continue on probation, and you are
 [25] able to supervise him that, that will continue?

[1] **A.** Yes.

[2] **Q.** In reading your report, and I wanted to
[3] touch briefly on it again, when finally
[4] confronting the defendant about the issue of
[5] drugs, he referenced to you that this was one of
[6] the biggest battles of his life, didn't he?

[7] **A.** Yes.

[8] **Q.** Have you been aware of the defendant's
[9] interaction with his son while on probation?

[10] **A.** Yes.

[11] **Q.** Thank you.

[12] **MR. MCMONAGLE:** I have noting
[13] further.

[14] **THE COURT:** I have a couple of
[15] follow-up questions on those questions that you
[16] have just asked.

[17] Ms. Subbil, you received a copy of the
[18] police report from St. Louis County. Is that
[19] correct?

[20] **THE WITNESS:** Yes.

[21] **THE COURT:** You sent a copy to
[22] me. Right?

[23] **THE WITNESS:** Yes.

[24] **THE COURT:** You were aware, or
[25] you are aware that page 6 of that report

[1] indicates that this defendant was observed, who
[2] was initially in a vehicle at the start of the
[3] fight outside of the airport, get out of the
[4] vehicle, run into the terminal and begin
[5] fighting; at one point stomping on a subject on
[6] the ground. That is what the report says.

[7] **THE WITNESS:** Yes. That is what
[8] it says. Yes.

[9] **THE COURT:** When you discussed
[10] just now what you understood the incident to be
[11] about, as it relates to this defendant, not any
[12] of the other persons; entourage, etcetera, as to
[13] this defendant's involvement, did you understand
[14] what the report said as to his involvement?

[15] **THE WITNESS:** Yes.

[16] **THE COURT:** Did you understand
[17] what the report said as to his involvement?

[18] **THE WITNESS:** I did understand
[19] it, Your Honor. I also had a conversation with
[20] the police officer in St. Louis who gave me the
[21] information that Mr. McMonagle is referring to,
[22] which was there was an initial argument the day
[23] before that there was some words said, I can't
[24] say exactly what the words were, and that this
[25] was a continuation. That is the information

[1] that was provided to me. I don't have the
[2] officer in here with me right now.

[3] **THE COURT:** But at the time of
[4] the initial fight, this defendant was outside.

[5] **THE WITNESS:** I understand, Your
[6] Honor. I read the report. Yes.

[7] **THE COURT:** So based upon that,
[8] you believe that this issue was of no concern
[9] for you?

[10] **THE WITNESS:** I'm not sure what
[11] you mean, Your Honor.

[12] **THE COURT:** The issue of his
[13] involvement in the incident in St. Louis.

[14] **THE WITNESS:** I did not say that
[15] it was of no concern. I do know that there is
[16] an e-mail that I sent to Your Honor after this
[17] incident occurred that gave you as much
[18] information that I had at that time, and that we
[19] recommended that we await disposition of the
[20] case. And, I think, at least, the way it works
[21] in Montgomery County, if you don't hear
[22] otherwise, then you are in agreement with the
[23] course of action that we are taking.

[24] **THE COURT:** As a matter of fact,
[25] did not want a detainer lodged. For me that was

[1] the only issue is whether a detainer should be
[2] lodged at the time. At that time I was willing
[3] to allow the case to be resolved. And it was
[4] resolved. But the fact of the matter; his
[5] involvement, came when he wasn't even inside of
[6] the terminal in the first place. That was the
[7] problematic part of it for me.

[8] It was not that there was some back and
[9] forth between the people that worked in the
[10] airport, and him on a previous day, but on the
[11] day of the incident which brings us to this
[12] court and his involvement, was that he was
[13] outside of the airport already and then went
[14] into a fighting situation when he was not
[15] involved in it originally. And, that was the
[16] time that he was in drug treatment. That was my
[17] concern.

[18] **THE WITNESS:** My position has
[19] always been to try to present to the court the
[20] information in the most unbiased manner as
[21] possible. It is not my position to determine or
[22] be the factfinder of guilt or innocence. I
[23] presented to the court, the information that I
[24] had that was provided to me.

[25] **THE COURT:** Well, at that point

[1] they would not have been any factfinding by
[2] anybody here anyway.

[3] **THE WITNESS:** Are you asking me
[4] would I be concerned with anyone's behavior that
[5] engages in a fight in the airport? I guess.

[6] **THE COURT:** No. I think at the
[7] time that he was involved in drug treatment that
[8] I had agreed to allow him to go to. That is
[9] part of the problem that I had with him.

[10] **THE WITNESS:** I did not see --

[11] **THE COURT:** But that did not
[12] present any problem for you. Correct?

[13] **THE WITNESS:** I did not see the
[14] correlation between the drug treatment and the
[15] fight in the airport.

[16] **THE COURT:** Now, let me ask you
[17] another question with regard to the drugs. I
[18] read to you specific information concerning many
[19] times of him testing positive for pills since
[20] 2008.

[21] Were you aware of any of that?

[22] **THE WITNESS:** No, Your Honor. I
[23] don't believe Montgomery County was provided
[24] with any of that information upon transfer of
[25] the case.

[1] **THE COURT:** Okay.

[2] Now, the next question that I have
[3] concerning the drug treatment is, as you know, I
[4] had asked to be kept abreast of all of the drug
[5] treatment. And, I indicated in my version of
[6] the facts that I had not received anything
[7] concerning any drug treatment by Cast Centers.
[8] Are you saying that you did send me
[9] something?

[10] **THE WITNESS:** I know initially in
[11] my status report that I did indicate what the
[12] treatment plan was. What I am reviewing right
[13] now I do believe, Your Honor, that I did send
[14] this to you, which was dated January 10th. I
[15] don't have anything further than that to supply
[16] to the court.

[17] **THE COURT:** So, you did not get
[18] it or you did not have a chance to supply it to
[19] the court.

[20] **THE WITNESS:** I did receive this
[21] paperwork with the medication, which was used
[22] medically to detox him while detoxing in
[23] Atlanta.

[24] **THE COURT:** So the page that we
[25] received from Mr. McMonagle dated January 12th

[1] with the list of medications, you're saying that
[2] you received that.

[3] **THE WITNESS:** Yes. I did, Your
[4] Honor. And, I thought that I sent that along
[5] with this other one. Maybe I did not. I am so
[6] sorry.

[7] **THE COURT:** So that part of the
[8] document appears to be three or four pages.
[9] That part of it appears to be four pages. Those
[10] four pages you did not send to me.

[11] **THE WITNESS:** I am sorry, Your
[12] Honor. Did you say I did not send to you?

[13] **THE COURT:** Your recollection is
[14] that you sent me the first page which, in fact,
[15] I do have. I do have the cover sheet to that.

[16] **THE WITNESS:** Okay.

[17] **THE COURT:** But the other four
[18] pages, which constitutes the substance of what
[19] the treatment plan was, are you saying you did
[20] or did not send it to me?

[21] **THE WITNESS:** I'm saying that I
[22] believe that I sent it to you, shortly after
[23] this was sent, I think, which I don't have the
[24] date here. But then I know that the financial
[25] implications were great in terms of the cost of

[1] treatment, and that's when the decision was made
[2] for Mr. Williams to return to Montgomery County
[3] and continue with treatment there. So this
[4] document dated January 12th was the initial plan
[5] that was sent from Cast Centers. And, I
[6] believe, that it pretty much got nixed shortly
[7] thereafter just due to the cost. And, we did
[8] not have an objection to him returning to
[9] treatment with Rise Above in Montgomery County.

[10] **THE COURT:** So let me ask you
[11] another question. The cover sheet to this
[12] indicates that he is going to be -- well, the
[13] original e-mail that he sent to me says that he
[14] was going to be treating with the Cast Centers.
[15] Recommendation from the person from ROC Nation
[16] who was making the arrangements, that e-mail
[17] indicated that he would be treating with the
[18] Cast Centers of West Hollywood.

[19] **THE WITNESS:** That is correct.
[20] That is where they are based. But they do the
[21] majority of their -- I was not familiar with
[22] them until they became involved with Mr.
[23] Williams' case. But the way I understand it is
[24] that they cater to people with notoriety. So
[25] people who have the ability to have treatment,

[1] not inpatient, but an alternative to a
[2] traditional inpatient treatment detox. And then
[3] again it continues on. But the cost, and I did
[4] not realize the cost, it was astronomical. I do
[5] remember that.

[6] **THE COURT:** Can you show me
[7] somewhere in the papers that you sent to me
[8] where it says that he was going to be doing
[9] detox in Atlanta?

[10] **THE WITNESS:** Your Honor, I
[11] reread what I sent to you. We have discussed it
[12] in Montgomery County several times. My
[13] understanding is that you were aware that it was
[14] in Atlanta.

[15] **THE COURT:** Okay. But there is
[16] nothing that you sent to me that says that it
[17] was in Atlanta. Is that correct?

[18] **THE WITNESS:** I guess not, Your
[19] Honor.

[20] **THE COURT:** Okay. And so, even
[21] though it is not in there, you just thought that
[22] I would know that he was going to be doing that
[23] in Atlanta?

[24] **THE WITNESS:** I did not say that,
[25] Your Honor.

[1] **THE COURT:** Okay. So what is it,
[2] then?

[3] **THE WITNESS:** It is that I
[4] thought that you were aware. I thought it was a
[5] conversation, because we did have many telephone
[6] conversations. Or in a subsequent e-mail I did
[7] say to you where it was. And, maybe I did not,
[8] Your Honor.

[9] **THE COURT:** Okay.

[10] **MR. MCMONAGLE:** Judge --

[11] **THE COURT:** Let me check my
[12] notes, please.

[13] **MR. MCMONAGLE:** I was going to
[14] show you something that --

[15] **THE COURT:** Is it related to that
[16] particular issue?

[17] **MR. MCMONAGLE:** It may be. You
[18] may have it. I just wanted to make sure you
[19] did.

[20] **THE COURT:** Okay.

[21] **MR. MCMONAGLE:** It may be
[22] helpful.

[23] **THE COURT:** Yes.

[24] **MR. MCMONAGLE:** May I approach,
[25] Judge? Again, I don't want to be

[1] presumptuous. It may or may not be.

[2] **THE COURT:** For the record
[3] defense counsel handed to me, this is dated
[4] January 13th, 2017, it says "Meek Mill
[5] Appearances". "February Meek Mill Appearances",
[6] I guess, is the cover sheet to this. Then it
[7] says, "he is in Atlanta in medical treatment as
[8] discussed with PO and Judge Brinkley".

[9] Now, I have to tell you that I don't have
[10] this. I have a different one. I have the one
[11] that has him at the Mandarin Oriental Hotel on
[12] Peachtree Street on travel with ZACS Studio. I
[13] don't have him off. It says, "Atlanta Georgia
[14] and off". It does not say where he is staying.

[15] For the record, the one that defense
[16] counsel has just showed me does not say where he
[17] is staying. It just says, where it says hotel,
[18] it says "medical treatment as discussed with the
[19] PO and Judge Brinkley". The venue is Atlanta.
[20] The event or appearance type says, "off". And
[21] these are January dates.

[22] However, the one that I received says
[23] that he is in Montgomery County January 7th, 8th
[24] and 9th and on the 10th he travels to Atlanta.
[25] And, then while he is in Atlanta he's at ZACS

[1] Studio and staying at the Mandarin Oriental
[2] Hotel on Peachtree Street in Atlanta. And, that
[3] continues through January 31st. That is the one
[4] that I have.

[5] So let me hand this one back to you, Mr.
[6] McMonagle, because the one that you handed up is
[7] not the one that I have.

[8] **MR. MCMONAGLE:** Okay.

[9] **THE COURT:** I just have a few
[10] more questions on the studio.

[11] My next question is regarding the order
[12] that I entered to travel to Greece.

[13] I entered an order pursuant to a request
[14] from Ms. Cocco on Wednesday, August 2nd, 2017.

[15] **MR. MCMONAGLE:** Judge, I hate to
[16] interrupt you. And, I apologize. I just wanted
[17] to make one other point. What I handed up to
[18] you, it is an e-mail in which you were carbon
[19] copied on.

[20] **THE COURT:** It does say that I am
[21] carbon copied on it.

[22] **MR. MCMONAGLE:** You are saying
[23] that you got a different e-mail. You got two
[24] different submissions.

[25] **THE COURT:** I can show you what I

[1] have.
[2] **MR. MCMONAGLE:** Because this
[3] clearly indicates that you were e-mailed this on
[4] January 13th, Friday, 2017 at 12:18 p.m. And I
[5] can't pronounce the last name but it's from an
[6] Agyennag. And, she carbon copied, you, Michael
[7] Gordon, Josh Mangle, Mary Braccia with the
[8] District Attorney's Office, Frank DeSimone and
[9] it says Meek 3.

[10] **THE COURT:** Well, why don't we
[11] ask Ms. Hoffman to look at her file and see if
[12] she has that too.

[13] **MS. HOFFMAN:** I don't see it.

[14] **THE COURT:** In the meantime I
[15] will hand defense counsel a copy of what I
[16] received.

[17] **MS. HOFFMAN:** Your Honor, I think
[18] maybe the easiest thing for me to do is to check
[19] with Ms. Braccia who has a copy of it unless
[20] Your Honor -- this box does not appear to be in
[21] chronological order.

[22] **MR. MCMONAGLE:** Your Honor, I see
[23] exactly what you are saying. This may have been
[24] updated by that later e-mail. Or maybe it was
[25] not a later e-mail. I don't know. I just know

[1] I have an e-mail to you with a full schedule on
[2] it. Maybe they sent one after this one.

[3] **THE COURT:** I don't know which
[4] one came later in time.

[5] **MR. MCMONAGLE:** I understand,
[6] Your Honor.

[7] **THE COURT:** As I was asking Ms.
[8] Subbil before, did you receive a copy of my
[9] order dated August 3rd allowing Mr. Williams to
[10] travel to Greece?

[11] **THE WITNESS:** I do recall that.

[12] Yes, Your Honor.

[13] **THE COURT:** Did you know that he
[14] did not travel to Greece?

[15] **THE WITNESS:** I believe I was
[16] made aware of the fact that he did not travel to
[17] Greece by Your Honor.

[18] **THE COURT:** So prior to my
[19] asking, because I was calling to ask you did you
[20] know that he did not go to Greece. You said,
[21] "no, I did not know". Right?

[22] **THE WITNESS:** That's correct,
[23] Your Honor.

[24] **THE COURT:** Prior to that had
[25] anyone from either Mr. Williams or any of the

[1] persons that he employed call you and tell you
[2] that he was not going to Greece but that, in
[3] fact, he was going to stay here and go to the
[4] Crystal Tea Room to an event where he was going
[5] to be performing?

[6] **THE WITNESS:** Not that I recall,
[7] Your Honor.

[8] **THE COURT:** And, then, you
[9] received an e-mail from me on August 17th, 2017
[10] ordering that he cannot travel outside of
[11] Philadelphia or Montgomery Counties except to
[12] attend the criminal hearings in St. Louis and
[13] New York.

[14] **THE WITNESS:** Yes, Your Honor.

[15] **THE COURT:** Were you aware of any
[16] events that he scheduled for those dates after
[17] August 17th outside of Philadelphia and
[18] Montgomery Counties?

[19] **THE WITNESS:** That he traveled to
[20] or just that were scheduled?

[21] **THE COURT:** That were scheduled.

[22] **THE WITNESS:** No, Your Honor. I
[23] did not pay attention to that.

[24] **THE COURT:** Were you also aware
[25] that your chief, Mr. Gordon, sent an e-mail to

[1] me indicating that you all would not want to
[2] continue to supervise after August 22nd?

[3] **THE WITNESS:** I am very aware of
[4] that, Your Honor.

[5] **THE COURT:** And, you indicated
[6] that you supervise differently in Montgomery
[7] County. Is that right?

[8] **THE WITNESS:** Did I say that just
[9] now?

[10] **THE COURT:** Well, today, I think
[11] you said you view things differently.

[12] **THE WITNESS:** So I would like to
[13] think that we treat each case individually, that
[14] we make determinations in terms of technical
[15] violations on how we feel it's appropriate to
[16] proceed, and that with all due respect, Your
[17] Honor, maybe judicial oversight is not as much
[18] as that we received in this case. So I think
[19] there is a decent amount of ability to make
[20] decisions on how we believe it's best
[21] appropriate to treat the individual case.

[22] **THE COURT:** Were you aware that I
[23] was out sick for much of 2016?

[24] **THE WITNESS:** No, Your Honor. In
[25] terms of judicial oversight, that you are

[1] talking about, since I have been involved in the
[2] case -- I'm sorry. I'm talking about since the
[3] case, under more specifically my own provision,
[4] which really I would say I became involved in
[5] January of 2017 to be fair, that's when I became
[6] involved and, while Mr. Gordon is not here, I
[7] believe, it is an accurate representation of my
[8] position as well.

[9] **THE COURT:** Thank you very much.

[10] Ms. Hoffman, any follow-up questions?

[11] **MS. HOFFMAN:** No, Your Honor.

[12] **MR. MCMONAGLE:** Just briefly,

[13] Your Honor.

[14] **BY MR. MCMONAGLE:**

[15] **Q.** You have been supervising him for a while

[16] **A.** Yes.

[17] **Q.** And, you have been made aware of all of
[18] the issues that Her Honor has already previously
[19] referenced. Is that fair?

[20] **A.** Yes.

[21] **THE COURT:** Based on that, are
[22] you, in Montgomery County, are you asked to make
[23] recommendations?

[24] **THE WITNESS:** Yes.

[25] **BY MR. MCMONAGLE:**

[1] **Q.** In this case were you asked to make
[2] recommendations?

[3] **A.** In this case, I believe, Your Honor, per
[4] our conversation, I was told that I don't need
[5] to make recommendations. That's not necessary
[6] here in Philadelphia.

[7] **THE COURT:** No. In Philadelphia
[8] County the probation department will do one of
[9] three things. They will make a recommendation.
[10] They will leave it to the court's discretion.

[11] Those are the two main things. They will make a
[12] recommendation that there is or is not a
[13] technical violation, or leave it to the
[14] discretion of the court. I don't know if
[15] Montgomery County does that or not.

[16] **THE WITNESS:** So we would
[17] initiate the violation. I can say that we did
[18] not initiate the violation. I'm not sure if
[19] that's what you are asking. If we initiated a
[20] violation, we would have served the individual
[21] notice. We would have requested a GAG NON
[22] hearing, and through our paperwork we would have
[23] summarized the incident, meaning since the last
[24] violation, since the original sentence. If it's
[25] a first violation, we would summarize the

[1] behavior and then we would make a recommendation
[2] based on where we were at that point.

[3] **BY MR. MCMONAGLE:**

[4] **Q.** So you did not initiate a violation
[5] hearing.

[6] **A.** I did not initiate -- first of all
[7] Montgomery County does not have jurisdiction.
[8] This is not a Montgomery County case. As a
[9] courtesy, Montgomery County in August of this
[10] year was becoming difficult to supervise the way
[11] that we would like to supervise.

[12] **THE COURT:** Just to go back on
[13] that. I don't know if I mentioned earlier in
[14] February after this court sentenced the
[15] defendant, that the defendant requested that
[16] supervision be transferred to Montgomery County,
[17] and this court still was trying to help him and
[18] gave him what he wanted and transferred to
[19] Montgomery County.

[20] **THE WITNESS:** I did note that, to
[21] finalize things then, obviously, having been his
[22] probation officer for a period of time, and that
[23] will be up to Her Honor to decide what happens
[24] in the future, would be comfortable continuing
[25] supervising him, comfortable being his probation

[1] officer and not in prison.

[2] **MR. MCMONAGLE:** Clarification.

[3] **BY MR. MCMONAGLE:**

[4] **Q.** Montgomery County would continue on
[5] supervising him if asked, however, our interest,
[6] I need to clarify, now, in Montgomery County, I
[7] believe, Your Honor gave to Michael Gordon, that
[8] as of today, in Montgomery County is complete.
[9] Is that correct?

[10] **A.** That's correct.

[11] **MR. MCMONAGLE:** Thank you, Your
[12] Honor.

[13] **THE COURT:** Thank you.

[14] (WITNESS EXCUSED)

[15] **THE COURT:** Is Mr. Mangle here?

[16] **MS. HOFFMAN:** Yes, Your Honor.

[17] **THE CRIER:** Can you state your
[18] name and spell your last name for the record?

[19] **MR. MANGLE:** Josh Mangle,
[20] M-A-N-G-L-E.

[21] **THE CRIER:** Can you raise your
[22] right hand?

[23] JOSH MANGLE, M-A-N-G-L-E, after
[24] having been duly sworn, was examined and
[25] testified as follows:

[1] **THE COURT:** Mr. Mangle, part of
[2] the report that we have been discussing from
[3] Montgomery County was that there was a
[4] discussion concerning the house arrest portion
[5] of the defendant's sentence, which is my
[6] understanding, that you supervised.

[7] Is that correct?

[8] **THE WITNESS:** I did supervise
[9] that portion.

[10] **THE COURT:** Can you discuss that
[11] with the court, please?

[12] **THE WITNESS:** Mr. Gordon received
[13] a transfer request from Philadelphia County.
[14] After speaking with him, we decided to accept
[15] the case. I placed Mr. Williams on house arrest
[16] February 28th of 2016. He was scheduled to
[17] close house arrest on May 31st.

[18] However, due to the course of discretion
[19] an order was entered extending it until June 8th
[20] at which time an order terminating it was then
[21] issued.

[22] During Mr. Williams' house arrest time
[23] with us, he was ordered to not travel and no
[24] employment in relation to his music career. He
[25] was also ordered to do community service. A

[1] schedule was going to be provided to the court
[2] on a weekly basis or to the probation officer on
[3] a weekly basis.

[4] I saw him approximately every seven to
[5] 10 business days. In each of those visits I did
[6] take a urine test. I was in the bathroom with
[7] him when he submitted the urine samples. All
[8] test during that time were negative.

[9] The only two issues that I had were at
[10] the very beginning of house arrest; the first
[11] being on March 4th and the second was on March
[12] 8th. When he made additional stops to and from,
[13] we made it clear to him that, that behavior was
[14] not tolerated and if they continue we would cut
[15] him off the anklet and return the case.

[16] **THE COURT:** And, what is your
[17] understanding about why the house arrest was
[18] extended?

[19] **THE WITNESS:** I believe toward
[20] the end of the house scheduled house arrest
[21] time, a number of the community service places
[22] were not approved by the court, so I'm not sure
[23] of the exact number of hours but there were a
[24] number of hours that were not granted as
[25] countable hours for that community service time.

[1] Mr. Williams was made aware of that.

[2] The new schedule that was forwarded to
[3] the court, the order was cut, extending the
[4] house arrest, to complete those at which time he
[5] did that. Everything was forwarded to the
[6] court. I did not receive any subsequent order
[7] to terminate the house arrest.

[8] **THE COURT:** Was that the
[9] completion of the work that you did with the
[10] defendant?

[11] **THE WITNESS:** No. I supervised
[12] him. I continued to supervise him post-house
[13] arrest as well.

[14] **THE COURT:** So you and Ms. Subbil
[15] shared the supervision after the house arrest?

[16] **THE WITNESS:** To a degree. Yes.
[17] I continued to see him. He was granted, I
[18] believe, permission to resume his career. I'm
[19] not sure of the date. I know there was an order
[20] for allowing him to resume his activities in
[21] relation to his career.

[22] **THE COURT:** And, were you present
[23] in his residence when the urinalysis was taken
[24] with the oxycodone found inside of the house?

[25] **THE WITNESS:** I took the urine.

[1] **THE COURT:** So you took the
[2] urine.

[3] **THE WITNESS:** Yes, Your Honor.

[4] **THE COURT:** Okay.

[5] So, when you described in your e-mail to
[6] me on January 11th, and it says here; "On
[7] January 9th, 2017 at approximately 10:45 a.m.
[8] the supervisor, Josh Mangle, and I conducted a
[9] routine and scheduled a home visit with the
[10] offender at his address of record. Upon
[11] entering the living room I observed a packet of
[12] Fast Flush capsules on the sofa table.

[13] The supervisor, Mangle, proceeded to the
[14] offender's bathroom and secured a urine sample
[15] which tested positive for the presence of
[16] oxycodone.

[17] The offender denied any drug use and also
[18] denied any knowledge for the Fast Flush capsules
[19] that were located in the home. The offender
[20] subsequently reported that he was ill in
[21] Atlanta, Georgia and then in Miami, Florida in
[22] recent weeks.

[23] In Atlanta between December 18th and
[24] December 22nd of 2016 the offender was treated
[25] by Linda McIver, nurse practitioner. Attempts

[1] by this department to verify the nature of the
[2] visit and prescribe medications are ongoing.
[3] The offender did report that he was
[4] prescribed bitussin, a narcotic cough syrup, by
[5] Nurse McIver. As a result of the home visit the
[6] offender was directed to report to Montgomery
[7] County probation department by 3:00 p.m. to
[8] further address the issues.

[9] The offender reported, as directed, to
[10] the chief adult probation officer, Michael
[11] Gordon, supervisor Mangle and myself. The
[12] offender initially denied any illegal,
[13] unprescribed, drug use.

[14] Upon further questioning, the offender
[15] admitted to ingesting Percocet pills for
[16] approximately three weeks prior to the visit.
[17] He cited depression and recent stress
[18] spurts as reasons for his relapse.

[19] Further, the offender divulged that he
[20] has struggled with Percocet use on and off for
[21] years, and that this remains his biggest battle.

[22] The offender indicated that he has
[23] experienced withdrawal symptoms in his attempts
[24] of CC use and also requested assistance to
[25] address his drug use.

[1] The offender was directed to coordinate a
[2] drug and alcohol assessment and detoxification
[3] no later than January 10th, 2017 at 1:00
[4] p.m.

[5] In addition, a urine sample was secured
[6] in the office and sent to Redwood Toxicology for
[7] Confirmation. The results are pending.

[8] On January 10th supervisor Mangle and I
[9] spoke with Desiree Perez, COO of ROC Nation.
[10] Ms. Perez coordinated with the Cast Centers,
[11] West Hollywood, California for specimen and
[12] treatment of the offender.

[13] I received an initial treatment plan from
[14] Dr. Mylett, Executive Director, Cast Centers.
[15] "See attached. As per my conversation with Dr.
[16] Mylett, it is my understanding that the offender
[17] will receive approximately seven days of
[18] medically assisted detox. Additional
[19] information will be provided to Her Honor upon
[20] receipt".

[21] So you were present? You took the urine.
[22] He denied it. Later on he admitted it. Is that
[23] right?

[24] **THE WITNESS:** That's correct.
[25] The instant test we take in the field is just a

[1] positive or a negative for the presence of the
[2] base drugs. Based upon our internal
[3] conversations with him, we did not think that he
[4] was being one hundred percent accurate.

[5] We required him to come into the office
[6] and take a mail-in urine, at which time it would
[7] show the actual breakdown to the enzymes.

[8] During that conversation he maintained
[9] his position. Myself, Mr. Gordon and Ms. Subbil
[10] talked to him and said, "this was going to be
[11] mailed out. We can work with you as long as you
[12] are honest. If not we are going to notify the
[13] courts and what happens, happens, and that it
[14] would be on him".

[15] Mr. Williams then became clean and then
[16] became honest about his overall drug use, his
[17] addiction over a number of years. He did
[18] request the help.

[19] In Montgomery County when we reach that
[20] point where it is either sanction or
[21] incarceration, and we are leaning toward
[22] sanction, which would include treatment, we
[23] always try to come near that, towards insurance
[24] purposes, he was unsure exactly what his
[25] insurance coverage was so we at that point we

[1] coordinated with ROC Nation, who were the
[2] insurer's providers, and that's where we left
[3] off.

[4] **THE COURT:** Did you forward me
[5] any information concerning the treatment plan
[6] other than in West Hollywood, California?

[7] **THE WITNESS:** No. I did not.

[8] **THE COURT:** Any follow-up
[9] questions for Mr. Mangle?

[10] **MS. HOFFMAN:** No, Your Honor.

[11] **MR. MCMONAGLE:** Just briefly.

[12] **THE COURT:** Yes.

[13] **DIRECT EXAMINATION**

[14] **BY MR. MCMONAGLE:**

[15] **Q.** Mr. Mangle, good afternoon, sir.

[16] **A.** Good afternoon.

[17] **Q.** As I understand it, you touched upon the
[18] fact that when the defendant was on house
[19] arrest, part of the imposition of Your Honor's
[20] sentence was for him to perform certain aspects
[21] of the community service. Is that correct?

[22] **A.** That's correct.

[23] **Q.** And, you had referenced that he had done
[24] some community service which was not prescribed
[25] by Her Honor. Is that fair to say?

[1] **A.** Yes.
 [2] **Q.** What he actually did was visit 10 to 15
 [3] schools in Philadelphia. Is that correct?
 [4] **A.** I am not sure of the exact ones which
 [5] were not covered. I just know that the court
 [6] was very specific in what he was not permitted
 [7] to do, and he had to make up those hours.
 [8] **Q.** Right. After doing whatever he was
 [9] doing, Her Honor made clear that she wanted him
 [10] to do what she wanted him to do, which was to do
 [11] a variety of things which included veterans. Is
 [12] that fair?
 [13] **A.** That is correct.
 [14] **Q.** And, he actually went on to complete that
 [15] community service by volunteering with the
 [16] veterans in both Coatesville and Philadelphia.
 [17] Is that fair?
 [18] **A.** Yes.
 [19] **Q.** Now, Your Honor obviously talked a little
 [20] bit about the substance abuse issues where he,
 [21] at least, ultimately, indicated to you that he
 [22] has been struggling with it for years.
 [23] Since the time of that testing has he
 [24] remained, to the best of your understanding,
 [25] clean?

[1] **A.** Every subsequent hearing test has been
 [2] negative.
 [3] **Q.** Sir, thank you.
 [4] **MR. MCMONAGLE:** I have no further
 [5] questions.
 [6] **THE COURT:** Thank you, very much,
 [7] Mr. Mangle.
 [8] (WITNESS EXCUSED)
 [9] **THE COURT:** So let's move on now
 [10] to the information that I provided. And, we
 [11] have addressed what they provided. We have
 [12] addressed some of the information that I had
 [13] provided to counsel so he could be adequately
 [14] prepared. So we have discussed the activity
 [15] that was conducted during the house arrest
 [16] period. We have discussed the finding of the
 [17] Fast Flush capsules in the home, and the
 [18] admission of the illegal drug use. We have
 [19] discussed -- I'm not sure where the actual fall
 [20] through the cracks happened, but I was never
 [21] advised that the defendant was doing anything in
 [22] Atlanta at any private residence. Because the
 [23] form that you gave me discussed him not staying
 [24] in a hotel and not being really anywhere. But I
 [25] believe that he was doing ongoing recording in

[1] the studio. So there is a problem there with
 [2] him making sure that this court is advised
 [3] properly of where he is and what he is doing,
 [4] because that's the only basis for which he could
 [5] travel outside of Philadelphia and Montgomery
 [6] counties.
 [7] Now, let's go to the August 2nd request
 [8] to go to Greece and him not going to Greece.
 [9] Let me back up on one thing, when he was
 [10] arrested on or around March 15th, 2017 in St.
 [11] Louis, Missouri and charged with two counts of
 [12] assault.
 [13] At that time the District Attorney, I'm
 [14] sure, Ms. Hoffman, that you have that in your
 [15] records, the District Attorney requested that I
 [16] schedule a violation hearing.
 [17] Do you have that, Ms. Hoffman?
 [18] **MR. MCMONAGLE:** August. Is that
 [19] what Your Honor is indicating?
 [20] **THE COURT:** In March of 2017.
 [21] **MS. HOFFMAN:** I do have some
 [22] e-mails from this Braccia pertaining to that.
 [23] **THE COURT:** Were you aware of
 [24] that?
 [25] **MR. MCMONAGLE:** I was not.

[1] **THE COURT:** So then ROC Nation,
 [2] Ms. Cocco or whoever was in the e-mail string
 [3] got the e-mail from Ms. Braccia requesting that I
 [4] schedule a violation hearing, and I did not at
 [5] the time.
 [6] **MR. MCMONAGLE:** I'm aware of
 [7] that, Judge.
 [8] **THE COURT:** Well, the rest of
 [9] these things that I mentioned in my letter sort
 [10] of speak for themselves. Let me find out if
 [11] defense has anything that you want to say on any
 [12] of the things.
 [13] **MS. HOFFMAN:** Your Honor, before
 [14] counsel starts, if I can just verify. I was
 [15] texting with Ms. Braccia to confirm whether she
 [16] had receipt of that January 13th e-mail that was
 [17] referenced earlier. She did receive the e-mail
 [18] as well.
 [19] **THE COURT:** Okay. Thank you very
 [20] much.
 [21] **MR. MCMONAGLE:** Judge, I can kind
 [22] of take them one by one if Your Honor would
 [23] allow me to do that. One; just following your
 [24] report as a guide, which I tried to do, and I
 [25] think it was elicited through testimony that

[1] it's pretty fundamentally clear that in the very
[2] beginning of the defendant's house arrest that
[3] he did embark on a journey in doing some things
[4] with schools. Your Honor, made it clear to him
[5] that, that was not what you wanted. Then
[6] immediately he shifted gears and was successful
[7] in completing what he needed to do with the
[8] veterans, obviously, something that as Your
[9] Honor would have hoped he would do, is
[10] inspiring.

[11] **THE COURT:** Just a matter of --
[12] I'm not sure whether I spoke to Mr. Mangle or
[13] Ms. Subbil about this. I believe it was Mr.
[14] Mangle. I did explain to him exactly what he
[15] was doing. It was not going to schools. It was
[16] not speaking to children. That is not what he
[17] was doing that I objected to.

[18] **MR. MCMONAGLE:** Okay.

[19] **THE COURT:** It did involve
[20] children, and doing something for children, but
[21] it was not going to the schools.

[22] **MR. MCMONAGLE:** Got it.

[23] **THE COURT:** Mr. Mangle probably
[24] forgot, but that is what it was.

[25] **MR. MCMONAGLE:** Okay. Then,

[1] Judge, Your Honor referenced, and there is
[2] really no dispute whatsoever from the defense
[3] about what has been referenced to as a battle
[4] that he has been waging, and at times losing and
[5] more recently winning in terms of his falling
[6] down with the substance abuse, I do think that
[7] it is clear now. I know that there has been
[8] confusion on Your Honor's part. And, obviously,
[9] the defendant always has to assume
[10] responsibility for not making sure that this
[11] court is aware.

[12] But I can assure you that he spent
[13] \$40,000.00 in rehabilitation monies to try to
[14] get himself well. And, when he got done paying
[15] all of that money for someone to actually stay
[16] and provide him therapy for a couple of weeks,
[17] he came back up here to Montgomery County and
[18] successfully completed their program. That's
[19] how I wanted to address that particular issue.

[20] I don't think it takes away from the fact
[21] that he fell down but, thereafter, he certainly
[22] stood back up.

[23] -- With respect to St. Louis, listen, this
[24] is St. Louis in a nutshell. Sometimes it's hard
[25] to be a celebrity. Sometimes it is great.

[1] Sometimes it is not. He gets off of a plane, to
[2] go to a performance that this court gave him, the
[3] opportunity to do, which there is no amount of
[4] thanks that could ever be given because of that.
[5] He did. He got on a plane. He arrived in St.
[6] Louis. And somebody, for whatever reasons,
[7] decides that they want to take a picture with
[8] him who works for the airport. Well, this
[9] somebody, obviously, took umbrage to the fact
[10] that he did not and that he wanted to just get
[11] back and go and do what he had to do; go to
[12] work.

[13] That individual starts to raise all kinds
[14] of epithets against him, his group, homophobic
[15] epithets. He does not wear a big hat. He walks
[16] to his job. He goes and performs his job. When
[17] he comes back, not coincidentally, the same
[18] individual is waiting. He does not get out of
[19] the car. His security gets out of the car. He
[20] hired independent security in St. Louis. That
[21] individual goes in to deal with the fact that he
[22] has a gun, goes into the terminal, and the other
[23] individuals that he was with, entered the
[24] terminal and this fellow sucker punches one of
[25] the people that he was with, really right in his

[1] presence while he is sitting in a car and he
[2] made the unpardonable mistake of running to the
[3] aid of a friend who was getting beaten. That's
[4] why he left the car.

[5] Now, Judge, I know that when he's on
[6] probation, you can't do it. You can't leave the
[7] car. Judge, I got to tell you, and I don't know
[8] how much I can do at 59, but if one of my
[9] friends is getting beaten in an airport and I am
[10] sitting in my car, I'm going. And, he did.

[11] So, I am not running from the fact that
[12] he left his car, but I am telling you, and I am
[13] looking you in the eye, he did not want any of
[14] this. He wanted to get on a plane and go home.
[15] The individual who sucker punched his friends
[16] got fired from the airport, has been charged
[17] with criminal offenses and those offenses,
[18] unlike his offenses, have been unresolved.
[19] So he stands there ready and poised to go to
[20] trial.

[21] Since that time he has been on a media
[22] campaign. You probably have seen some of it
[23] where it is all over social media, bragging
[24] about the fact that he beat up Meek Mill.
[25] That's what happened in St. Louis. And, that's

[1] why the District Attorney's office out there
[2] came to the inescapable conclusion that this
[3] case ought to be dismissed. They knew that he
[4] did not go there to start anything. And, they
[5] knew that he was not, in any way, shape or form,
[6] on that day involved in criminal activity. He
[7] went to the aid of a friend. And, now because
[8] of who he is, he sits here. They let him get on
[9] the plane, Judge. They let him get on the
[10] plane, which all he ever wanted to do, go there
[11] and work as you let him go to do, and then
[12] return.

[13] Now, with respect to --

[14] **THE COURT:** Let me ask you a
[15] question on that. Did you read the report?

[16] **MR. MCMONAGLE:** Yes.

[17] **THE COURT:** Did you read the part
[18] about him coming outside and stomping somebody
[19] on the ground?

[20] **MR. MCMONAGLE:** I read all of it.

[21] **THE COURT:** So are you saying
[22] that the person on the ground was his own person
[23] that he was stopping on the ground?

[24] **MR. MCMONAGLE:** I'm saying that
[25] there was a point in time when he got out of

[1] that car, that the person on the ground was his
[2] friend getting beaten up and the stakes turned
[3] obviously. The attacker became the attacked.
[4] You know how it goes. The guy gets the first
[5] couple of punches in. Puts his friend on the
[6] ground. He comes out of the car. He's in the
[7] car. He is not bothering a soul. He sees his
[8] friend getting beaten up. He goes to his aid.
[9] At the end of all of this, that fellow ends up
[10] on the ground. And, I think that it is pretty
[11] telling, Judge, and we all have been around a
[12] long time, do you think that individual would be
[13] charged with a crime if he was not criminally
[14] responsible?

[15] Listen, Judge, you are going to analyze
[16] this the way that you always do. But I will
[17] tell you, as it relates to that incident, that
[18] if I'm him, I'm here. If that was my friend
[19] getting beaten up on the ground, I'll tell you
[20] what, regrettably, I would be here.

[21] Of all the sins that we can visit on him,
[22] and you have been at this a bit, I mean you have
[23] been, but I got to tell you -- I don't know. I
[24] talked to my son about it. You know what my son
[25] said, that would have been you.

[1] Let me just say this about Greece. I
[2] don't know how I can put this. It's remarkable
[3] that you authorized this travel to Greece. It
[4] tells everybody everything, that they need to
[5] know, about you and what you have been trying to
[6] do here.

[7] He did not go to Greece to disrespect
[8] you. In fact, that is the last thing that he
[9] wanted to do. He did not go to Greece because,
[10] as usual, the last minute not doing this, not
[11] doing the right thing, he could not pull it off.
[12] He wanted to go to Greece. He regrets not going
[13] to Greece.

[14] Now, we get to phase two. Your Honor is
[15] under the impression that he went to a
[16] performance. He did not. He went to a party
[17] that was given by Dion Waiters, who is an NBA
[18] basketball player. He has the same party every
[19] year. He was not scheduled to perform there.
[20] He was never scheduled to perform there. When
[21] he got there to socialize and to hang out, they
[22] started playing his music, he had just cut an
[23] album, he got up and sang. He never thought
[24] that, that would in any way be in violation of
[25] anything that Your Honor wanted. He was not

[1] going to perform. But you get to a party --
[2] we just left my office, and we had five people
[3] asking him to perform and take pictures with
[4] him. It has nothing to do with his scheduled
[5] performance. He would have never gone down
[6] there on that particular event and not told you.

[7] And, then about not going to Greece, I
[8] guess what he should have done, and you don't
[9] run from it, he should have said I am not going
[10] to Greece. I did not know. I think Your Honor
[11] probably found out, I don't know how early days
[12] after that he did not go to Greece. I know
[13] there was a weekend that he was supposed to
[14] leave. Obviously, the individual that he was
[15] going to go with is here and has written you a
[16] letter.

[17] But there was never an intention at all
[18] to violate any kind of condition of his
[19] probation by going down to Philadelphia. There
[20] was never a scheduled performance. And, that is
[21] our position with respect to that.

[22] Now, New York, you can't make New York
[23] up. I mean, Judge, he's on a motorcycle. He's
[24] riding, and he does a wheelie. It gets put on
[25] instagram. The next thing you know he is

[1] charged with a felony. Sometimes this stuff is
[2] ridiculous, Judge. Sometimes it does not pay to
[3] be a celebrity.

[4] So what happens? By the time the
[5] prosecutor's office finds out about it and looks
[6] at it, they think, what. You know what they
[7] did? They resolved the entire matter. What do
[8] they do? They say we are going to put it in the
[9] diversionary program just like what was done in
[10] St. Louis.

[11] Now, you have been doing this for a long,
[12] long time. Do you think either one of those law
[13] enforcement agencies would have allowed someone
[14] who years ago have been convicted of a felony to
[15] go into the diversionary programs if both of
[16] those cases weren't uttered nonsense in terms of
[17] his criminal responsibility to be involved in?
[18] He is not perfect. I get it. He's as close to
[19] it as he can. You can't fall off the rungs of
[20] the ladder. I get it. But, New York; a
[21] wheelie.

[22] Travel, travel, travel. I read your
[23] supplement. I have read your supplement to the
[24] probation report, and I get it. Because you
[25] gave him the opportunity to build a career. You

[1] did. And, you may not want to own that. You may
[2] not want to say that, but you did.

[3] I have submitted two letters to you. And
[4] I will submit them as part of the record today.
[5] I ask this be marked as D-3.

[6] **THE CRIER:** Marking D-3, Your
[7] Honor.

[8] (Whereupon, the document was marked as
[9] Defendant Exhibit N0. 1 for
[10] identification.)

[11] **MR. MCMONAGLE:** I e-mailed these
[12] to you earlier. And, I hate to do it now, but I
[13] ask Your honor to take a look at them briefly.
[14] And, I don't know if these, if you want me to
[15] address this part of it now because this goes to
[16] the issue of ultimate disposition. I bring them
[17] up for a reason. One of them is from Jay Z.
[18] And, the other one is from a gentleman who is in
[19] the courtroom today, who at some point, if Your
[20] Honor would like, would be happy to address you.
[21] It comes with a letterhead of Connecticut. But
[22] it is, obviously, from Michael Rubin who is one
[23] of the owners of the Philadelphia 76ers. Both
[24] of them wrote letters to the court.

[25] I have read both letters. And, they

[1] certainly did not get together to write their
[2] letters. And, they both say the same thing,
[3] pretty much, in a lot of different ways, to my
[4] point, that you had as much to do with his
[5] future than anybody.

[6] On one of his albums, most recently, he
[7] put a tribute at the end for a bunch of
[8] different people, including you. Because he
[9] gets it. He knows that he is not perfect. He
[10] knows that he is struggling. He knows that he
[11] has tried to climb the ladder and has come down
[12] rungs. And, you have let him stay on the
[13] matter. You have.

[14] But when you look at this, when you look
[15] at travel and you look at what he is trying to
[16] do, those performances that you talked about,
[17] that you said he scheduled while he was ordered
[18] not to travel, not true. All of them were
[19] scheduled before you put in the order for him
[20] not to travel. And, what did they do? They
[21] canceled them. And, then they rescheduled them.
[22] Why? Money. And, I got Mr. Brinkley here to
[23] address any questions that the court has
[24] concerning that. I'm happy to call him.

[25] But the way he tells me is this, we got

[1] Your Honor's order, I have been trying to
[2] communicate and do what I can. We canceled,
[3] like with Syracuse. When we canceled with a
[4] venue, we rescheduled. We don't want to lose
[5] all the money. We don't want to lose his
[6] reputation. We harbor the hope that in the
[7] future Your Honor kind of laid down where we
[8] would be if we had to address all of this stuff,
[9] that after that time forward if this matter is,
[10] God willing, successfully resolved and resolved
[11] in some way that allows him to continue his
[12] career, then we will go to those venues. And
[13] honor our commitment that was made previous to
[14] Your Honor's demands.

[15] So I did not want you to think that they
[16] were actually just going ahead and scheduling
[17] things for the first time. As I understand it
[18] that is not accurate; that they were
[19] rescheduling events that were previously
[20] scheduled with the hope that at some point in
[21] time in the future that he can go and perform.

[22] Now, I got to be honest with you that if
[23] you would like me to finalize my thoughts, I'll
[24] do that now, unless you want me to hold them
[25] until Your Honor wants to hear more from us.

[1] But that addresses the issues that were raised
[2] in Your Honor's letter. And, then, I had a lot
[3] more to say about the disposition should Your
[4] Honor want to hear me on that subject as well.

[5] **THE COURT:** With regard to the
[6] incident in St. Louis, it's your position that
[7] because the defendant came out of a car, outside
[8] of the airport, into an ongoing fight and was
[9] stomping, not his friend on the ground, but
[10] stomping another person on the ground that,
[11] that's okay?

[12] **MR. MCMONAGLE:** What I'm saying
[13] to you is, his friend that was on the ground,
[14] who had a bullet in his head, and who had
[15] required countless amounts of treatment because
[16] of it, he thought he was going to be seriously
[17] injured, or maybe even killed. And, he went to
[18] his aid and he got involved in it.

[19] Now, from a law enforcement perspective
[20] and a perspective of, is there a crime there,
[21] the law enforcement agency that investigated
[22] that case came to the conclusion that there was
[23] not. And, I don't think it's for us to decide
[24] differently. Was it the best choice in the
[25] world?

[1] **THE COURT:** I don't know if they
[2] came to the conclusion that there was not a
[3] crime. He was charged. Correct?

[4] **MS. SUBBIL:** He was. I do want
[5] to point out that it does state on D-2, which
[6] was marked by Mr. McMonagle that they did amend
[7] the charges to illegal parking and littering.
[8] And, they withdrew the assault charges. Now why
[9] they did that I don't know but that is what is
[10] indicated on D-2.

[11] **MR. MCMONAGLE:** They made that
[12] determination. I did not. And, for that reason
[13] I would ask you to honor that determination
[14] because they did look at it. They did interview
[15] the individual --

[16] **THE COURT:** For that reason he's
[17] not in direct violation. Yes. I agree with you
[18] on that. Neither one of them constitute a
[19] direct violation.

[20] **MR. MCMONAGLE:** Okay. And I am
[21] not quarreling with the way Your Honor has layed
[22] it out. I'm just trying to kind of put a final
[23] point on a pencil, if that makes any sense.

[24] **THE COURT:** I understand.
[25] With regard to having an order to travel

[1] to Greece and stay in Philadelphia, and telling
[2] no one, your suggestion to the court should view
[3] that how?

[4] **MR. MCMONAGLE:** I'm not going to
[5] suggest how you should view it.

[6] **THE COURT:** I'm just sitting here
[7] concerned --

[8] **MR. MCMONAGLE:** Here is my
[9] thought on it. He asked for the moon. You gave
[10] it to him. He asked to go to Greece. You said
[11] he can go. He did not go. Certainly nothing
[12] wrong with that whatsoever; not going. And, his
[13] reasons for not going, he can tell you why at
[14] the last minute he could not pull it off. But
[15] certainly there is nothing wrong with that.
[16] He was not trying to let you think he was in
[17] Greece when he was in Philadelphia. I hope you
[18] don't believe that for a second. He just could
[19] not pull it off. That certainly is not a
[20] technical violation, not letting you know that
[21] he did not go on a trip that you allowed him to
[22] go. I don't think so. But I have to defer to
[23] you.

[24] In terms of the Philadelphia part I
[25] thought that Your Honor's concern was that he

[1] was scheduling a performance in Philadelphia
[2] that did not happen. That was not the case.
[3] What he ended up doing was not going on a trip
[4] that you allowed him to go on. He went to
[5] Philadelphia for an event that he is allowed to
[6] go to. And, it was not a scheduled performance.
[7] And, he was not there to perform. I don't think
[8] that is a technical violation.

[9] **THE COURT:** Just like Made in
[10] America. I read something in some of the
[11] quotes.

[12] **MR. MCMONAGLE:** Jay Z wrote you
[13] on that.

[14] **THE COURT:** Yes. His letter says
[15] he was coming to Made in America. He was not
[16] supposed to perform, but he did. I asked him to
[17] come up on stage.

[18] **MR. MCMONAGLE:** Yes. I get it.
[19] They pulled him up on stage.

[20] **THE COURT:** And, they pulled him
[21] out of the audience at a party and put him up on
[22] the stage at the crystal tea room. Right? You
[23] are saying the same things happen over and over
[24] again. He goes some where. He's not
[25] performing, but he pulls this off, but he does

Robert Williams VOP Hearing Part 2

Notes of Testimony

November 6, 2017

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[1] pending court case that Meek Mill will not --
[2] I always say maybe. There's a chance that he
[3] might not be allowed to perform there. And
[4] they said, well, we want to replace him, but
[5] we want to still advertise him just in case
[6] he's allowed to. And all of those shows were
[7] replaced. If you look at two days prior or
[8] three days prior with the artist who had
[9] already been previously booked two weeks
[10] prior, which was Yo Gotti.

[11] **THE COURT:** So your communication
[12] was that he might be able to come before...

[13] **THE WITNESS:** No, Your Honor. My
[14] communication was exactly what you said in the
[15] e-mail, that he cannot perform until after the
[16] cases in St. Louis and the New York case,
[17] which was October the 12th --

[18] **THE COURT:** Until further order of
[19] the Court.

[20] **THE WITNESS:** -- until further order
[21] of the Court. Those schools, they believe
[22] that he'll be allowed to perform, because they
[23] really wanted Meek to be a part of their
[24] homecoming experience.

[25] **THE COURT:** All right. Thank you

[1] very much.

[2] **MR. MCMONAGLE:** Thank you, sir.
[3] (Witness excused.)

[4] **THE COURT:** Anything else from
[5] either lawyer?

[6] **MR. MCMONAGLE:** No, Your Honor.

[7] **MS. HOFFMAN:** I have nothing, Your
[8] Honor.

[9] **THE COURT:** Okay. I find the
[10] defendant in technical violation of this
[11] Court's order for all of the reasons listed in
[12] the letter that I mentioned, including testing
[13] positive for drugs after this Court has
[14] extended numerous opportunities for treatment
[15] from -- most of the treatment the defendant
[16] engaged in was privately obtained, whether it
[17] was through Mr. El-Shabazz or through -- there
[18] was Mr. El-Shabazz scheduling treatment, there
[19] was treatment through the Court when the
[20] defendant was first incarcerated, and one more
[21] when he was at Hoffman Hall. And now the
[22] treatment that -- well, the treatment that you
[23] scheduled.

[24] But in between all of those
[25] treatments, and I read it into the record,

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[1] originally, the defendant has had this ongoing
[2] problem that he has not addressed. I think in
[3] part because the defendant actually refuses to
[4] do any sort of NA/AA 12-Step group treatment.
[5] He has always wanted to do only individual
[6] treatment just by himself, and that's been
[7] consistent throughout his time and his
[8] problems. So that's a technical violation, as
[9] well as the traveling and scheduling travel in
[10] violation of this Court's order, continuing to
[11] travel. I'm sorry, going to -- well, staying
[12] in Philadelphia when he's supposed to be in
[13] Greece and not telling anybody.

[14] And, in particular, the use of the
[15] Fast Flush product to wash the urine. As I
[16] read into the record earlier, the defendant
[17] had given the Probation Department a sample of
[18] cold water, and at the last listing claimed
[19] that the cold water was because he had drank a
[20] lot of water. That became an issue the last
[21] time. The defendant hired a professional
[22] person to say that it wasn't altered, that
[23] when they found a large amount of Creatine in
[24] the sample, that that wasn't to alter the
[25] results of the test. So this has been an

[1] ongoing problem over a long period of time.

[2] There's some issues the Court has
[3] with the scheduling of the detox in Atlanta,
[4] about giving the Court proper notice of that,
[5] because the Court was not given notice. The
[6] Court was given notice that it was going to
[7] take place in West Hollywood. The defendant
[8] picked up two new cases in the process, one in
[9] St. Louis, one in New York. Those are not
[10] direct violations, but the activity engaged in
[11] results in what I believe to be conduct which
[12] may mean that he's not suitable for probation
[13] status anymore. I find those are technical
[14] violations. So the defendant is in technical
[15] violation for all of the reasons I just
[16] mentioned.

[17] In addition, there's one other
[18] situation that I didn't go into detail, and
[19] that is that the defendant was permitted to do
[20] a photoshoot in Philadelphia on September
[21] 15th. In addition, on September 15th, he gave
[22] the address as Power Productions. There was
[23] no mention of doing a video on the streets of
[24] Philadelphia on that same day, and that was
[25] not part of the request. However, it came to

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[1] the Court's attention that that's exactly what
[2] the defendant said subsequent to the -- I
[3] don't know how it came to be, but the
[4] defendant was on social media indicating that
[5] he was doing a video at 3 o'clock in the
[6] morning in the streets of Philadelphia when he
[7] was supposed to have just been doing a
[8] photoshoot at Power Plant Productions. No
[9] information was given to the Court concerning
[10] any video on that same day. That's just
[11] another example of the defendant not providing
[12] the Court with sufficient information as to
[13] what he's doing, and only a 72 hour notice was
[14] given for the Power Plant photoshoot. That's
[15] just another example of how the defendant just
[16] does, basically, what he wants. So he's in
[17] technical violation.

[18] We'll proceed to sentencing today.

[19] **MR. MCMONAGLE:** Your Honor, with
[20] your permission, I wanted to call one witness
[21] on the issue of sentencing briefly. Michael
[22] Rubin, Your Honor.

[23] **THE COURT OFFICER:** State your name
[24] for the record, spell your last name.

[25] **THE WITNESS:** Michael Rubin,

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[1] R-U-B-I-N.

[2] ---

[3] . . . MICHAEL RUBIN, having been duly sworn,
[4] was examined and testified as follows:

[5] ---

[6] **MR. MCMONAGLE:** May I, Your Honor?

[7] **THE COURT:** Yes.

[8] ---

[9] **DIRECT EXAMINATION**

[10] ---

[11] **BY MR. MCMONAGLE:**

[12] **Q** Mr. Rubin, please just identify yourself
[13] for the Court and tell us your occupation.

[14] **A** Sure. My name is Michael Rubin. I am
[15] the founder and CEO of Fanatics, Rue La La, and
[16] ShopRunner, and also one of the owners of the
[17] Philadelphia 76ers.

[18] **Q** And was it your request that I bring you
[19] here today?

[20] **A** It was.

[21] **Q** Please tell Her Honor how it is you have
[22] gotten to know my client and please express to her
[23] any sentiments that might be helpful to her in
[24] imposing and fashioning a sentence in this case?

[25] **A** Sure. Unlike anybody else in this court,

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[1] I have no economic interest in Meek. I have no --
[2] you know, we have purely just a personal
[3] friendship. We met, I think, about four years ago
[4] at an NBA game. And, you know, for me, I'm in the
[5] business of -- we deal with, you know, every sports
[6] league in the world, every team, we deal with
[7] hundreds of athletes. And, you know, when Meek sat
[8] next to me and realized, you know, what I did for a
[9] living, he started asking me tons of business
[10] questions, and I found it really interesting that a
[11] guy who I would perceive as this, you know, kind of
[12] hardcore rapper was so interested in business and
[13] how he could advance himself in his career.

[14] So I think we started kind of as mild friends.
[15] You know, we liked having him out to the
[16] Philadelphia Sixers. The fans loved having him
[17] come there. And that kind of started our
[18] relationship. Over the last four years, we've
[19] become very close friends. We come from completely
[20] different worlds. I have huge respect for him. I
[21] think we probably perceive him differently. I see
[22] him as somebody who, you know, wasn't fortunate
[23] like me to have all the guidance to help him in his
[24] life, and I think he's somebody who has great
[25] potential to take the world, quite frankly, that's

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[1] very divided right now and help unify it.

[2] So, you know, for me, I was only here today as
[3] a friend, because I have his best interest and the
[4] state's best interest. My last company that I
[5] started was a Philadelphia-based company. eBay
[6] purchased it in 2011. We have thousands of
[7] employees in the State of Pennsylvania. I just
[8] bought a company, Majestic, it sells baseball
[9] jerseys. So we have 500 employees in the State of
[10] Pennsylvania.

[11] And I'm only here because I think Meek has
[12] great potential, but I also recognize he -- I hear
[13] everything you're saying and I hear the
[14] frustrations and I know he hasn't handled himself
[15] perfectly in every case, and I know you've got his
[16] best interest at heart and you're trying to help
[17] him to lead a better life and so am I. I think,
[18] honestly, together, I think, we can help him, and I
[19] think it would be a real shame if, you know,
[20] together, the Court and, you know, hopefully -- you
[21] know, I think I'm fortunate to have him as a friend
[22] and he's fortunate to have me as a friend -- if we
[23] couldn't help him get to a better place. I really
[24] think he has all of the potential.

[25] You know, I'm in a position where I have lots

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[1] of people trying to get me to do things for them,
 [2] and this is -- I've never come -- people have asked
 [3] me to do stuff like this before. He didn't ask me.
 [4] I asked him, could I come for him. And I've never
 [5] done anything like this before. And it's because I
 [6] think he has so much potential.
 [7] So, I know ultimately, you know, you're going
 [8] to make the decisions that are in the best interest
 [9] of the State of Pennsylvania, but I really think
 [10] he's somebody who can make a big difference in this
 [11] world. And I think he's got, you know, tens of
 [12] millions of people that follow him. We also own
 [13] the Prudential Center, the Devils. We have lots of
 [14] people who come perform at our venues. And a lot
 [15] of people, you know, won't stop and take a picture
 [16] with everybody and won't be nice to everybody.
 [17] As a matter of fact, I actually got an e-mail
 [18] from somebody who sits next to me at the Sixers,
 [19] and they said, I just want you to know that your
 [20] friend, Meek, I watched people stop and ask him for
 [21] a picture every second, and I've never seen him say
 [22] no. He's nice to everybody. He said he's such a
 [23] great example. He said all the kids love seeing
 [24] him there, he's just so nice to everybody. So,
 [25] it's just a different respect that I wanted the

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[1] opportunity to share with you. And if you have any
 [2] questions, I'd love to answer them for you as well.
 [3] **THE COURT:** Does the Commonwealth
 [4] have any questions?
 [5] **MS. HOFFMAN:** I have no questions,
 [6] Your Honor.
 [7] **MR. MCMONAGLE:** Thank you, sir.
 [8] **THE COURT:** Thank you.
 [9] **THE WITNESS:** Thank you for the
 [10] opportunity, Your Honor.
 [11] (Witness excused.)
 [12] **MR. MCMONAGLE:** Judge, I don't know
 [13] if you want to hear from the defendant before
 [14] me or after me.
 [15] **THE COURT:** Let me get the
 [16] Commonwealth's recommendation.
 [17] **MS. HOFFMAN:** Your Honor, as Your
 [18] Honor knows, I am relatively new to this
 [19] proceeding. And, obviously, Your Honor is in
 [20] a better position to know the history of the
 [21] defendant. But I can state from what I've
 [22] heard today and the records that I've been
 [23] able to review prior to today, it does appear
 [24] to me that the defendant is -- from where he
 [25] started with Your Honor back in 2007, I

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[1] believe, almost ten years ago, or over ten
 [2] years ago at this point, to where he is today,
 [3] that he has grown leaps and bounds since that
 [4] date. Is he perfect at this point and is he
 [5] in perfect compliance? Certainly, not. Does
 [6] he have technical violations with Your Honor?
 [7] He certainly does.
 [8] But the person I think that is
 [9] before you today is not the person who was
 [10] before you back in 2007. He has been, as far
 [11] as the Court is concerned and as far as anyone
 [12] is aware, clean since January of 2017. Almost
 [13] nine, ten months at this -- more than that,
 [14] ten, eleven months at this point. And he has
 [15] been being tested since then. It seems to be
 [16] that the biggest problem that faces him before
 [17] this Court is his inability, or his
 [18] representing his inability to make sure that
 [19] everyone is aware of his travel plans and
 [20] where he intends to go.
 [21] And I believe that -- I do believe
 [22] speaking to -- prior to the stipulation when I
 [23] had the opportunity to speak to Mr. Saunders,
 [24] who is the one who gets the dates and
 [25] schedules them for him, that they have

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[1] attempted since Your Honor's August order to
 [2] be in as much compliance as they understood it
 [3] to be at that time, and I do truly think it is
 [4] a misunderstanding as to what that compliance
 [5] meant after your August order that he not be
 [6] permitted to perform anywhere else.
 [7] I do recognize that these violations
 [8] have been happening for years and they're
 [9] technical violations. They have been
 [10] happening for a long time, but I do not think
 [11] that they are violations that require the
 [12] defendant to be incarcerated at this point.
 [13] He is on Your Honor's supervision, I believe,
 [14] through 2022, which is another five years at
 [15] this point. I do think that Your Honor
 [16] keeping him on your supervision, and I do
 [17] understand that Your Honor does not want it to
 [18] be through Montgomery County anymore, maybe
 [19] having it back in Philadelphia to keep a
 [20] tighter hand on him would be an appropriate
 [21] resolution of this matter. Thank you.
 [22] **THE COURT:** Mr. McMonagle.
 [23] **MR. MCMONAGLE:** Judge, I don't know
 [24] what it's like for him. I always say all the
 [25] time, I'm lucky. My father grew up in an

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[1] orphanage, and I'm not supposed to be here.
 [2] But when I got a call from him, and I guess
 [3] you said I'm number whatever, I had to do some
 [4] checking. And I'm not the kind of guy who
 [5] just, you know, checks what they write about
 [6] your career. I wanted to find out who he was,
 [7] where he'd been and where he was going. I'm
 [8] more interested in what kind of father he is
 [9] to his son than I am about what kind of music
 [10] he makes. And for the record, I'm a
 [11] Springsteen and Rolling Stones fan. So I
 [12] don't think I'm coming from a point of
 [13] understanding. But I found out a little bit
 [14] about that.

[15] You know, his mom is here, and he
 [16] didn't want his son to be here. His son would
 [17] have come, but he didn't want to put him
 [18] through that. He's so interested in the idea
 [19] that he has a son who's learning how to speak
 [20] a foreign language. When I first met him,
 [21] that's the first thing that came out of his
 [22] mouth. He talked about his son. That tells
 [23] me something. You know why? Because you know
 [24] his story with his dad. Never in his life.
 [25] It takes a special kind of guy to be a father

[1] when you really didn't have one. That's a
 [2] starting point for me in terms of looking into
 [3] his eyes to see what's in his soul. I don't
 [4] know him like you do, but I'm getting to know
 [5] him a little.

[6] And I don't think it's a coincidence
 [7] that good, respected, revered people in law
 [8] enforcement like her, like probation, want you
 [9] to keep him on the ladder, don't want you to
 [10] go put him on the other side of that wall.
 [11] And there's a reason for it. Because they've
 [12] looked, they've spent time, they've seen
 [13] things. And I'm not saying that he hasn't
 [14] fallen down or done any wrong. But as two
 [15] letters were submitted to you, they both said
 [16] the same thing. You have kept him on that
 [17] ladder. And I know that your obligation isn't
 [18] to him. It is to the Commonwealth of
 [19] Pennsylvania. But I know you and I know that
 [20] you saw and see something in him that is
 [21] remarkable.

[22] And I have never dealt with
 [23] addiction. We're in an opiate crisis right
 [24] now. And people, all kinds of people, all
 [25] different zip codes, all different ways of

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[1] life, they try to fight it, and they fail and
 [2] they struggle and they fall down and some
 [3] don't ever get back up. And I know that that
 [4] has been a problem with him and you've
 [5] referenced that as a technical violation, and
 [6] maybe you're right. He doesn't know how to
 [7] heal himself. But, you know, we have an
 [8] ability now to handle this and to deal with it
 [9] and to keep trying. And I say to you, and I
 [10] mean it sincerely, if you send him on the
 [11] other side of that wall, Judge, that hope gets
 [12] extinguished.

[13] You know, being a celebrity like
 [14] him, you kind of think it's easy, but, you
 [15] know, try being with him in the wee hours of
 [16] the morning when the doubt creeps in and you
 [17] start hearing the haters in your ear and you
 [18] start wondering if you're really as good as
 [19] maybe your next record. And maybe if you hear
 [20] people chasing you down the street and maybe
 [21] if you can continue to be successful, it's not
 [22] all that you might think it is. And
 [23] sometimes, quite frankly, you fall down, and
 [24] you do rely on people. You get punished for
 [25] it sometimes, but you do have to rely on

[1] people. You do have to put your future in
 [2] other people's hands if you want to have a
 [3] career. And they're trying their best.
 [4] They're not perfect. Mr. Brinkley, he doesn't
 [5] have a bad bone in his body. He wouldn't
 [6] disrespect you at gunpoint. But the ultimate
 [7] results of what has happened here is that they
 [8] haven't been as good as they should be.

[9] The district attorney is right.
 [10] That's not a reason, Judge, for us to send him
 [11] on the other side of that wall, because hope
 [12] does get extinguished. Even the people that
 [13] aren't rooting for him, and I know that you're
 [14] not rooting but you're there, they don't want
 [15] to see him fail, because he is hope. He came
 [16] from nothing. And look where he is because of
 [17] all the things you've tried, that they've
 [18] tried, that they've tried. And he's close,
 [19] Judge, I got to tell you. This gentleman is
 [20] not going to walk in here with no dog in the
 [21] fight, with nothing to gain from it, and put
 [22] his reputation on the line and speak to you, a
 [23] co-owner of the 76ers, if he doesn't see
 [24] something remarkable, something worth saving.
 [25] You know, I tend to go on. And I've

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[1] known you a long time, and I know that there's
[2] nothing I could ever say or do that will ever
[3] talk you in or out of anything that you're
[4] going to do. But I want to thank you for
[5] being the watchman over this young man. Thank
[6] you for giving him an opportunity to continue
[7] to climb up on a ladder. His future is in
[8] your hands. And he's come a long way, Judge.
[9] He's 30. And he wasn't supposed to be here.
[10] That's the amazing thing about it. He's not
[11] supposed to be 30. From where he came, he's
[12] not supposed to make it, and he's made it.

[13] Give him a chance to be better. And
[14] I know that I'm not the first lawyer that's
[15] come in here, but I can look you in the eye
[16] and I can tell you something, there's
[17] something here, there's something here, a good
[18] father, a good son. And don't think for a
[19] second he doesn't respect what you've tried to
[20] do, and don't think for a second he's trying
[21] to fail. I don't believe that. I don't
[22] believe that. Thank you, Your Honor.

[23] **THE COURT:** Mr. Williams, it's your
[24] turn.

[25] **THE DEFENDANT:** I would like to

[1] start by addressing the issues one by one. I
[2] would like to start with, like, the Percocet
[3] addiction. I've been on and off the drug for
[4] a few years now. And to me, the position I
[5] always played, it was always, like,
[6] embarrassing to me to ever even admit that to
[7] anybody, to have the public know I was
[8] addicted to Percocets. I first got addicted,
[9] I think it was, like, a dentist appointment
[10] when I got my two wisdom teeth pulled, and I
[11] was taking one a day and then I started taking
[12] two a day, and then I did that for, like, two
[13] weeks until my prescription ran out. And a
[14] few days later, about four or five days later,
[15] my body felt like I needed it. I didn't take
[16] it with any intent to disrespect Your Honor,
[17] yourself, the Court. My body was in a place
[18] where I really felt like I needed it. I
[19] didn't know that taking a Percocet was almost
[20] similar to like doing heroin, you know?

[21] Even when I got in front of
[22] Ms. Subbil, I don't have any connection with
[23] her. I met her through probation. She always
[24] told me, if you throw yourself out the window,
[25] I'm not gonna catch you. I want to help you.

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[1] If you got a drug addiction, let me know. She
[2] made me comfortable enough in that room to
[3] where I just told her. I said I got a drug
[4] addiction, I've been dealing with it for a
[5] long time. I feel like this has been, like,
[6] my biggest battle I've ever been in, and I
[7] want to deal with it.

[8] I was telling her, like, different
[9] situations I've been in, being, like, the only
[10] one in my family, like, to make it this far
[11] and be successful. Everybody, not everybody
[12] depending on me, but me having to be, like,
[13] the savior of my family, for my little
[14] cousins, my son. Everybody young in my family
[15] generation. And I admitted to it, I was using
[16] Percocets. And I told her, I'm like, it feels
[17] like I'm, basically, running from my dreams,
[18] I'm high every day, I'm high all the time, and
[19] I can't even really process the fact that I
[20] worked this hard to be there, because this is
[21] what I dreamed of as a kid, to be in this
[22] position. And now that I'm here, I'm, like,
[23] I'm high, I can't even really feel the
[24] effects, am I dreaming? I'm telling them,
[25] like, I don't even really remember the joy

[1] part of my ride of me climbing this far. So I
[2] told her, I'm ready to quit, I'm ready to
[3] battle it. And that's what I did, I battled
[4] it.

[5] Somebody from Roc Nation, she deals
[6] with all the other artists, and I'm not the
[7] only artist that ever had a drug addiction,
[8] sort of like Michael Jackson. Prince died
[9] from opiates. It's big doctors that do it on
[10] a high level, and it costs a lot of money. I
[11] even told her, I was like, I'm not really
[12] trying to pay this type of money to go through
[13] a withdrawal. And she was like, you made the
[14] mistake, you got to pay.

[15] So when I started, it was supposed
[16] to be a seven day process where I had somebody
[17] living with me for seven days. What I did, I
[18] had two random people I met that was doctors,
[19] they lived in the house I was in for two
[20] weeks. I had a doctor that I used in Atlanta
[21] for, like, regular checkups, she came and gave
[22] me IVs every day to help flush my body.
[23] Because usually with Percocets, it takes
[24] almost about two, three months to get it
[25] totally out of your body, for your body to

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[1] start functioning again without the craving.
[2] I did everything I could, and I overcame that.
[3] And when I seen you didn't violate me on the
[4] spot, at that point, I just really knew, like,
[5] I had to give it up myself. It wasn't a Court
[6] gonna make me give it up, my mom, my family.

[1] promoted. And the same way how y'all can pull
[2] up stuff on the screen, no matter what happens
[3] today, you'll be able to see it in the future.
[4] You just Google Meek Mill, rapper Meek Mill,
[5] it talks about Percocet addiction.

[7] A lot of my family, I was acting a
[8] certain way that I shouldn't have been acting.
[9] I wasn't acting like myself due to drugs, and
[10] I had to come to a point myself where, when
[11] you violated me at the time, I said, I want to
[12] stop this, this is my biggest enemy, and I
[13] did. And from that standpoint, I wanted to
[14] carry on like a campaign. I never put it in
[15] the newspaper. I never promoted it, had my
[16] probation send it to the Judge. Every
[17] interview when my album rolled out, my main
[18] subject I talk about was Percocets, because I
[19] was done with it. I could admit to it now.

[6] I make sure I go through every step
[7] with the people that follow me, because I know
[8] in Philadelphia, it's like, I don't know if
[9] y'all know, but every kid I know is on
[10] Percocets, along with myself and mostly every
[11] kid from the place where I come from. I made
[12] sure I took leadership of the campaign where I
[13] told these kids not to use Percocets and what
[14] it's done to my life and how it, basically,
[15] deteriorated my dreams, and I only did that
[16] because I really felt as though I was done
[17] with it. I couldn't admit to it. Once I got
[18] it under control, I stood up. It took me
[19] about four months to get my brain together. I
[20] was kind of, like, confused. I could never
[21] focus. I couldn't think straight. That was
[22] the symptoms of just getting off of opiates,
[23] and I did it. That was my biggest battle.

[20] In the business I'm in, every
[21] rapper, they talk about doing drugs. It's,
[22] like, not in my best interest to talk about
[23] not taking Percocets. I felt like that was my
[24] enemy. I had to stand up as a man and battle
[25] it. Every interview I did, I made sure I

[24] And through the grace of God and
[25] your courtroom, I wanted the neighborhood to

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[1] deliver that message to the younger kids. If
[2] you would have just violated me off the jump
[3] when you found out I had a dirty urine, I
[4] said, you know, I just wanted to take that and
[5] really, like, pay back to the community.

[1] And while we was on the road, two
[2] weeks later, his brother got shot in the same
[3] spot in front of his mom's face. He was
[4] killed. He's been on the road ever since. He
[5] kind of couldn't even really go back home.
[6] Like, my little brother. I wouldn't say my
[7] son, because he's 18 years old. He's my
[8] little brother. He got shot in the head. The
[9] bullet was lodged in his -- I asked him to
[10] come here and speak, but he's kind of far
[11] away.

[6] These kids that I used to rap about
[7] taking Percocets, I don't know if -- I doubt
[8] if you listen to the type of music I make. I
[9] didn't rap this Percocet not one time on my
[10] CD, because I feel like I would be selling my
[11] soul, telling these kids to take Percocets and
[12] knowing this is my biggest battle and what I
[13] went through. I overcame that.

[12] I got off the plane, and when I got
[13] off the plane, I go through this every day.
[14] When I get off the plane, I might be asleep
[15] through the flight. When I'm asleep, if I
[16] just woke up, I have, like, a wake up face and
[17] a morning face, and I don't just take pictures
[18] if I just woke up two minutes ago. And the
[19] guy asked me for a picture. I said, I don't
[20] want to take a picture right now. I'm headed
[21] to my show.

[14] The airport situation in St. Louis,
[15] I couldn't travel about a year ago, and I had
[16] my lawyer make that emergency call to you
[17] about my friend in Baltimore. He was shot in
[18] his head. His name is Pacino. At this time,
[19] he was a juvenile. He was about 18, 19 years
[20] old. He was shot in his head. I made sure I
[21] came to Baltimore and I went to see him that
[22] day, and I told his mom that I'm taking him on
[23] the road with me. I'm able to travel and keep
[24] me and my friends out of, like, harms way, and
[25] I told his mom I'm taking him with me.

[22] I had an on duty airport officer
[23] with me. Like, he met me at the gate, because
[24] my security couldn't meet me at the gate. The
[25] guy continued to threaten us, call us names,

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[1] and I was a man about it. I kept walking. I
 [2] let him call me every name in the book.
 [3] Before I came in this courtroom,
 [4] where I come from, how you're taught from a
 [5] baby coming up, you're taught to not let
 [6] nobody disrespect you, not to let nobody
 [7] threaten you. I did that. I left, went to my
 [8] show, went to the after party. The after
 [9] party was over at 3 o'clock in the morning. I
 [10] barely got sleep. Woke back up, went to the
 [11] airport at 9 in the morning. I pull up to the
 [12] airport at 9 in the morning. I only had one
 [13] security guard. That's all I can afford. He
 [14] went in, he checked his firearm. And when he
 [15] checked his firearm, Chino was getting out of
 [16] the car, taking the bags to take them in.
 [17] The first person at the door is this
 [18] airport worker who just walked us out the
 [19] whole way. And Chino, he's probably 18 at the
 [20] time, 140 pounds. Somebody, 200 pounds plus,
 [21] punches him in the face. That's all I see
 [22] through the window, and I see this is the guy
 [23] from yesterday. He punches, basically, my
 [24] little brother in the face. The way I was
 [25] taught, I definitely made a mistake, but the

[1] way I was taught, if somebody, like, touches
 [2] your family, you go protect them. And at his
 [3] brother's funeral, I told his mother, like I
 [4] didn't want to say nothing to her, I didn't
 [5] know what to say to her at the funeral, when I
 [6] got a chance to say something to her, I said
 [7] that I'm taking your son on the road, I'm not
 [8] gonna let nothing happen to him, because I
 [9] know she was going through trauma at the time,
 [10] and that's all I could offer. They had the
 [11] money to pay for the funeral. It wasn't about
 [12] money.
 [13] I just felt like I could play a big
 [14] brother role to this kid. And he punches him
 [15] and is getting over on him, beating on him.
 [16] He got him on the ground. Like, when you say
 [17] I kicked the person, I only kicked and swung
 [18] because he's on top of my friend. He's way
 [19] bigger than my friend. And it wasn't just
 [20] him, it was two airport workers that was
 [21] actually fighting, and it was the two of us
 [22] actually fighting. And, you know, it just got
 [23] out of control. And everybody, they came for
 [24] me. I was the rapper. They came for me.
 [25] Nobody else got arrested. They took me to the

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[1] back, gave me a citation.
 [2] And at first when they arrested me,
 [3] it was kind of aggressive. They roughed me
 [4] up, it was aggressive, took me in the back.
 [5] And when they reviewed the tape, the cops even
 [6] told the guy, like, you deserve everything you
 [7] got. They wrote me a citation. I asked them,
 [8] I said, when you write the citation, could
 [9] you, like, be specific, because I'm on, like,
 [10] intense probation? Like, I could be violated,
 [11] and I could lose my freedom from just trying
 [12] to protect my family.
 [13] I did, like, my research. I be on
 [14] the computers a lot. I did my research.
 [15] Like, it's not against the law in St. Louis to
 [16] try to protect your family member if somebody
 [17] takes action first. And, yes, I do believe I
 [18] made a mistake by getting out of that car, but
 [19] it wasn't an intent to disrespect the law,
 [20] break the law. I wanted to protect my little
 [21] brother. He's getting punched in his face and
 [22] his head, and he's got a bullet in his head,
 [23] after I promised his mom I would bring him
 [24] home safe. And, you know, things just got out
 [25] of hand.

[1] And I tried -- that happens to me
 [2] everyday. Like, I hang on South Street, I
 [3] hang in the downtown area of Philadelphia,
 [4] where, like, I'm to the point I can't hang in
 [5] the streets anymore without getting in
 [6] trouble. And I can't afford to pay security
 [7] \$400 a day when I'm not working in
 [8] Philadelphia. So I'm forced to be downtown in
 [9] crowds of people where everybody asks me for a
 [10] picture. I take probably five hundred
 [11] pictures a day. I'm like only the one artist
 [12] that take all the pictures. Some people I
 [13] just say no to because I be physically tired,
 [14] and people disrespect me all the time. Call
 [15] me all types of names because I don't want to
 [16] take a picture. I been learn how to walk away
 [17] from that stuff.
 [18] But the guy who just -- I felt
 [19] threatened, I felt my family was threatened.
 [20] I just took action. My instincts kicked in.
 [21] Like, I used this reference in a rap verse
 [22] where I said, like, your parents teach you how
 [23] to fight, fight before they teach you how to
 [24] write, write.
 [25] Like, growing up as a kid in my

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[1] culture, you see everybody got a baby.
[2] Everybody tell their baby, fight, fight,
[3] fight, fight. And one day I just looked at it
[4] in a certain way. And that's what I was
[5] taught growing up. Like, you go to school
[6] with so many bullies in our neighborhood, and
[7] your mom tell you -- I used to get straight As
[8] in school. I started off and people, like,
[9] roughing me up in school. My mom telling me,
[10] don't let nobody beat you up. And, you know,
[11] I had to get aggressive.

[12] I've been in jail before. When I'm
[13] inside them walls, it's like hell on Earth to
[14] me. I got to protect myself. I'm, like, the
[15] only one that really has, like, a -- I
[16] wouldn't say a bright future at the moment --
[17] has a bright future and has, like, a big
[18] situation at hand where it's, like, me versus
[19] everybody. And I don't want to be in there
[20] fighting. But sometimes people ain't waiting
[21] on what I got going on. I got to protect
[22] myself, I have to walk with my chin up, I got
[23] to get involved in activities that I don't
[24] want to be in. I got to talk a certain way,
[25] be a certain way around criminal activity that

[1] I wouldn't be around if I wasn't in this
[2] position.
[3] I came in this courtroom as a
[4] criminal. I was carrying guns, I was selling
[5] weed. I was being a criminal. My father, he
[6] got killed in South Philadelphia. I was
[7] carrying a gun. I seen the way my mom cried
[8] when my dad got killed. I'm like, I can't die
[9] in South Philadelphia. I carried a gun. Even
[10] when I came into this courtroom, I didn't know
[11] anything about the justice system. I came
[12] here the minute that I had a gun without even
[13] pleading. From there on out, I was 18 years
[14] old. I'm 30 years old now. I'm not in it,
[15] criminal activity.

[16] As far as the Percocet, that was a
[17] very bad addiction. I have family members
[18] that was on heroin and died from doing heroin.
[19] I know they didn't want to die. They died
[20] because they was addicted. I didn't want to
[21] be in a courtroom, my freedom on the line,
[22] with my son at risk, my whole family at risk,
[23] because I'm taking the pills. It was
[24] something that my body did to me. I'm trying
[25] to move on without taking too long.

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[1] The New York situation, I was in New
[2] York. You kind of know me, Your Honor. I've
[3] been riding motorcycles my whole life. If
[4] rapping wasn't my vice, if I didn't get paid
[5] for rapping, I would be riding motorcycles.
[6] This is what I love. This is what I'm willing
[7] to die for, riding motorcycles. And I
[8] actually retired. The day they locked me up
[9] for a bike and my freedom was on the line, I
[10] retired. And this is the No. 1 thing I love,
[11] is family and then it's bikes.

[12] I don't know if you ever see, like,
[13] when you got 50 black young kids riding around
[14] on dirt bikes, them 50 young kids are not from
[15] the same neighborhood. Like, people look at
[16] it like we just ride reckless or we're just
[17] riding around. These kids are not from the
[18] same neighborhood. Like, most of these kids
[19] got problems with each other. Some of these
[20] guys, they killed some of these guys' family
[21] members and brothers. But while the bikes is
[22] out, especially when I'm involved, when the
[23] bikes is around, it's just one unity. It's
[24] almost like a street rule. Like, nobody is
[25] allowed to progress against another black male

[1] all because of this brotherhood of these
[2] bikes, and this is something I grew up to
[3] love.

[4] Even in New York, I would never walk
[5] around in New York, in the ghettos of New
[6] York, by myself. But being as though I'm on
[7] the bike and the brotherhood of people I got
[8] around me, nobody would let nothing happen to
[9] me. I don't know even know them guys.

[10] I was at a charity basketball
[11] game -- and I've been riding bikes, posted on
[12] Instagram my whole life, my whole probation.
[13] I've been pulled over on bikes at least twenty
[14] times. Actually, one day I seen Ms. Treas
[15] Underwood in traffic. I was on Parkside,
[16] probably about me and four motorcycles. I
[17] pulled up on the side of her window. She was
[18] like, you better be careful on them bikes.
[19] And I had my helmet on. And I was like, yeah,
[20] I'mma be careful on the bikes, Ms. Underwood.
[21] And I pulled off, and I went back to what I
[22] was doing. I've been doing this my whole
[23] life.

[24] And being a celebrity, sometimes
[25] everybody not gonna agree with me. Like, I'm

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[1] in the ghetto of New York City, uptown,
[2] Spanish area. I'm at a charity basketball
[3] game. It ain't no celebrities coming up
[4] there. I'm almost, like, risking my life even
[5] being there, but I'm still there for my
[6] people, because I'm a people's person. That's
[7] the only way, like, somebody like that to be
[8] able to touch me, if you compare me to, like,
[9] a Jay-Z. Jay-Z is 40 something years old.
[10] He's got a full family. His girl is a
[11] celebrity. He never really come in contact
[12] with, like, people. My whole image is dream
[13] chasing. I'm based off of coming in contact
[14] with people. If I don't come in contact with
[15] people, my music wouldn't even resonate the
[16] way it resonates.

[17] And, you know, I came in contact
[18] with the people at the charity game. When I
[19] left the charity game, I had my car parked on
[20] the side. The bikes pulled up. All the kids
[21] telling me to wheelie the bike. I wheelied
[22] the bike. And I had made a bad decision by
[23] even investing my life into this being my
[24] hobby, but this is what I've been loving since
[25] a kid, what I've always been in. From state

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[1] to state, when you let me go on tour, I always
[2] had bikes on the back of my tour bus. I rode
[3] state to state. The most thing we ever got is
[4] a ticket.

[5] I went home that night, I did Jimmy
[6] Fallon. I came back to that area to perform a
[7] show. When I came back, they just locked me
[8] up from, like -- I didn't even know what they
[9] was locking me up for. And I asked her. She
[10] was like, you was on the bike the other day.
[11] And I was like, what, I'm in a car, what you
[12] mean I'm on a bike? They were like, you're on
[13] a bike, you're arrested. They locked me up,
[14] took me to the police station.

[15] And the first thing I'm hearing is,
[16] you're on parole. And when they asked me --
[17] when the cops pulled me over, they asked me,
[18] like, if I'm on parole. Nine times out of ten
[19] any police officer that deal with me and come
[20] in contact with me, they know I'm on
[21] probation, and they know how tight my
[22] probation is. I was riding a bike.

[23] Like, we going through a crisis
[24] where, like, these young kids caught up in the
[25] system, they ain't worried about police

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[1] officers, all that types of stuff. They
[2] charged me with an F1 felony. That just broke
[3] my spirit so much that I rode a bike down the
[4] street, and they try to just kill me. I'm
[5] telling them at the police station, like,
[6] y'all gonna kill me, y'all charging me with an
[7] F1 felony, and I got to go back in front of a
[8] Judge that gave me seven or eight chances with
[9] an F1 felony just for popping a wheelie on a
[10] bus. Y'all trying to kill me right now.
[11] Let's just charge me with what I need to be
[12] charged with. My lawyer is on the scene.
[13] Like, they know what they're doing. They're
[14] charging me with an F1 felony.

[15] I got in front of the district
[16] attorney. The district attorney was fair.
[17] And they were like, it's not an F1 felony.
[18] The Judge at the time, she mandated me to do a
[19] driving class, a 60 hour driving class over
[20] the internet. I did it, and I got it done.
[21] And that just was a mistake I made. I never
[22] felt that riding a bike would get me sent to
[23] prison.

[24] I was actually -- previously, I used
[25] to have an endorsement for riding dirt bikes.

COMMONWEALTH V. ROBERT WILLIAMS

[1] Like street bikes is almost like skateboarding
[2] downtown. Skateboarding downtown, when you
[3] skateboard at City Hall and you jump off the
[4] rails, them kids, they just get locked up for
[5] that because it was kind of like reckless
[6] endangerment. You could hurt an old lady
[7] walking by, you could hurt a kid walking down
[8] the street.

[9] Bike life is the African American
[10] culture of skateboarding, and this is what
[11] we've been fighting for. Like, this is the
[12] only thing that ever brung (sic) us together.
[13] And I may have made a mistake, but I never had
[14] an intention on disrespecting you or catching
[15] a case. I never even thought that was a
[16] possibility of being a crime.

[17] As far as scheduling shows, what you
[18] said, everything you said is totally correct.
[19] Like, I'm not allowed to be on the e-mails
[20] when my lawyers are e-mailing with the DA or
[21] the Judge. I don't see most of the e-mails.
[22] Like, when I'm hearing this stuff, some of
[23] this stuff is brand new to me. All I know is,
[24] the Judge told me I cannot travel. It's been
[25] two months I haven't been traveling. Before

Robert Williams VOP Hearing

Notes of Testimony

December 17, 2015

[1] CHRISTOPHER MCFILLIN - EXAMINATION BY THE COURT

[2] **A.** Not until November.
[3] **Q.** Not until November?
[4] **A.** Right.
[5] **Q.** So your involvement has been limited to one
[6] meeting in January 2000 -- February 2015 since 2009?
[7] **A.** Right.
[8] **Q.** Okay. I am still not clear why you're here
[9] today. Because you don't have any personal
[10] knowledge of most of what has been going on since
[11] 2009. But okay, let's just go through. I am going
[12] to follow up on the questions that have been asked
[13] by counsel.

[14] With regard to the sample that we have
[15] testimony firsthand knowledge of the supervising
[16] person in the urinalysis unit. We have firsthand
[17] first person testimony that that person based upon
[18] their knowledge and experience and actually
[19] performing the urinalysis says it was cold water.

[20] Have you ever sent a sample that was
[21] believed to be cold water for analysis to any
[22] facility? That's a yes or no question.

[23] **A.** Yes.

[24] **Q.** Okay. What sample did you send that you
[25] believed to be water to your facility where you have

JUDITH J. HALL, C.R.R., R.M.R

[1] CHRISTOPHER MCFILLIN - EXAMINATION BY THE COURT

[2] **Q.** Okay. Well, let me ask you this. If you send
[3] it out for analysis and you got it back and it
[4] wasn't urine, did you ever get anything back that
[5] wasn't urine on those thousands that you talked
[6] about?

[7] **A.** I don't know if it would specify not urine.
[8] It would come back tampered.

[9] **Q.** Okay. And what would you do then? When you
[10] were -- because you said this is based upon your
[11] experience as actually being a probation officer who
[12] took urines. Go ahead.

[13] **A.** Well, Your Honor, every case is different. If
[14] it's someone that has consistently positive urines,
[15] we would either take them into custody or set up a
[16] hearing. If it was someone that hasn't been giving
[17] us positive urines, we would probably give them
[18] another urine, you know. There is a lot of
[19] variables that go into the decision process.

[20] **Q.** Well, as I understand the prior information in
[21] this case is that this defendant received a
[22] urinalysis that showed creatine, and we talked about
[23] that during your direct testimony, and two days
[24] later he gave this sample that was believed to be
[25] cold water.

JUDITH J. HALL, C.R.R., R.M.R

[1] CHRISTOPHER MCFILLIN - EXAMINATION BY THE COURT

[2] to pay for each sample that goes out?
[3] **A.** Well, Your Honor, I wouldn't know like what
[4] sample it was. When the report would come back, it
[5] would read, you know, it wasn't urine or it was
[6] tampered with.

[7] **Q.** No, no. Let me rephrase my question then.
[8] You indicated that there was a time as probation
[9] officers when you actually took the urine samples
[10] yourself?

[11] **A.** Right.

[12] **Q.** Those thousands of samples that you testified
[13] that you took personally, did you personally ever
[14] send out a sample that you believed to be water for
[15] analyst?

[16] **A.** Yes, Your Honor, we had -- when we did it
[17] ourselves, we had a temperature strip on the cup,
[18] and we had different types of urines during those
[19] years. So we would still test them and send them
[20] out for testimony purposes.

[21] **Q.** That had no color? That was believed by you
[22] to be water?

[23] **A.** Well, that's why we had the temperature strip
[24] on it. So if it came back that it wasn't reaching
[25] the temperature, then we were able to act on it.

JUDITH J. HALL, C.R.R., R.M.R

[1] CHRISTOPHER MCFILLIN - EXAMINATION BY THE COURT

[2] **A.** We didn't get the creatine back until 11/9.
[3] So I had no knowledge that it was creatine on 11/4.
[4] **Q.** Well, going to the creatine. Have you taken
[5] urine samples in the past when you were a probation
[6] officer those thousands that you mentioned that
[7] contained creatine?

[8] **A.** Yes.

[9] **Q.** And when you got creatine in the sample, what
[10] would you do with it?

[11] **A.** Contact the offender. Have them come back in,
[12] and again, it depends on what's going on with that
[13] offender. Do we have a lot of urines that are
[14] positive. Do we have a lot of negative urines, but
[15] we can't just violate on a creatine urine.

[16] **Q.** Okay. And if it was within your knowledge
[17] because this person was in your caseload that the
[18] person had tested positive for numerous drugs in the
[19] past, would that have any weight on whether or not
[20] you did anything in terms of scheduling a violation
[21] hearing?

[22] **A.** Yes.

[23] **Q.** And when you said that -- you said we have
[24] people who deal with out-of-town and out-of-state
[25] defendants. Now, the Interstate Compact Unit, Ms.

JUDITH J. HALL, C.R.R., R.M.R

Robert Williams

Airport Police Arrest Notification

March 15, 2017

S 58154867 8 of 11

AIRPORT POLICE ARREST NOTIFICATION

F-41A (01/11)

COMPLAINT/INFORMATION/SUMMONS

COUNTY OF ST. LOUIS vs.		Last Name Williams		First Name Robert		MI R		Defendant	
Address 2243 W. Altheim		City Philadelphia PA		State PA		Zip 19121		Date of Birth [REDACTED]	
Age 29		Phone No. [REDACTED]		Social Security Number [REDACTED]		Employer and Address N/A		Height 6'03"	
						Race B		Sex M	
						Weight 180			

Defendant committed the following offense in the unincorporated portion of St. Louis County, to wit:

ON OR ABOUT	AT OR NEAR (LOCATION)	AT (TIME)	REPORT NUMBER	COGIS
03-15-2017	Lambert Airport	1515 AM (PM)	17-13283	5160.D

X	VIOLATION	SLCRO	PENALTY	X	VIOLATION	SLCRO	PENALTY
	Air Pollution by Motor Vehicle	612.040	612.390		Interfered with Police Officer	701.110	701.120
X	Assault Prohibited	716.065	716.180		Larceny Prohibited	716.140	716.180
	Destruction of Property	716.040	716.180		Minor in Possession of Alcohol	801.150	801.330
	Destruction of County Property	716.050	716.180		Minor in Possession of Tobacco	602.300	602.370
	Disturb the Peace by Barking Dog	716.075	716.180		Possession of Drug Paraphernalia	716.172	716.180
	Disturb the Peace by Loud Noise	716.073	716.180		Possession of Marijuana	716.170	716.180
	Disturb the Peace by Threats	716.060	716.180		Trespassing Prohibited	716.150	716.180
	Disturb the Peace - Permitted	716.070	716.180		Trespassing on County Property	101.080	101.100

Other to wit: *Subject joined in on an assault by kicking the victim who was on the ground during an altercation*
 In violation of Section 716.065 the penalty for which may be found in Section 716.180

By reason of: *Subject intervened in a fight in progress on behalf of a fellow passenger who was in a fight. When originally approached Williams was inside of a vehicle and decided any involvement in the fight. Williams indicated that he did not know what happened and why I approached him.*

To the above named defendant: You are hereby summoned to appear personally in the Municipal Court of St. Louis County, Division West at the address indicated below, on May 11/2017 at 6:00 AM / PM to answer to the above violation.

[] 21 Village Square, Hazelwood, MO (N) [X] 82 Clarkson-Wilson Center, Chesterfield, MO (W) [] 4544 Lemay Ferry Rd., St. Louis, MO (S)

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE ABOVE COURT ON THE DATE AND TIME SPECIFIED. I UNDERSTAND THAT IF I FAIL TO APPEAR, A WARRANT MAY BE ISSUED FOR MY ARREST.

Above complaint is true as I verify believe.

Officer PO Tyson 14406 DSN 14406 Reviewing Officer's Signature [Signature] DSN 14291

On information the undersigned prosecutor complains and informs the court that the above facts are true as he/she verily believes.

Name & Title _____ Date _____

Robert Williams
Certificate of Disposition
October 12, 2017

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

CERTIFICATE OF DISPOSITION
NUMBER: 111753

THE PEOPLE OF THE STATE OF NEW YORK
VS

WILLIAMS, ROBERT
Defendant Date of Birth: 05/06/1987

190 PRESIDENTIAL BLVD
Address NYSID Number: 14012443M

BALCYNYD PA
City State Zip Date of Arrest/Issue: 08/17/2017

Docket Number: 2017NY043737 Summons No:

PL 120.20.00 AM VTL 1212.00 UM
Arrestment Charges

Case Disposition Information

Date	Court Action	Judge	Part
10/11/2017	ADJOURNED	CPL SECTION 170.55	CESARE, H
04/10/18	Reste Dismiss	M.H.	

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

HARGROVE, M
COURT OFFICIAL SIGNATURE AND SEAL DATE: 10/12/2017 FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)