

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CRIMINAL NO. 15-196-1 (FLW)

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UNITED STATES OF AMERICA	:	<u>TRANSCRIPT OF PLEA</u>
	:	
v.	:	
	:	<u>APRIL 28, 2015</u>
BOBBY BOYE, a/k/a/ BOBBY	:	
AJIBOYE, a/k/a/ BOBBY	:	
AJI-BOYE,	:	
	:	
Defendant	:	
-----	:	

CLARKSON S. FISHER, UNITED STATES COURTHOUSE  
402 EAST STATE STREET, TRENTON, NEW JERSEY 08608

B E F O R E: THE HONORABLE FREDA L. WOLFSON, USDJ

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

PAUL J. FISHMAN, UNITED STATES ATTORNEY  
By: SHIRLEY U. EMEHELU, AUSA  
On behalf of the Government

K. ANTHONY THOMAS,  
On behalf of the Defendant

\* \* \* \* \*  
VINCENT RUSSONIELLO, CCR  
OFFICIAL U.S. COURT REPORTER  
(609) 588-9516

C E R T I F I C A T I O N

PURSUANT TO TITLE 28, U.S.C., SECTION 753, THE FOLLOWING TRANSCRIPT IS CERTIFIED TO BE AN ACCURATE TRANSCRIPTION OF MY STENOGRAPHIC NOTES IN THE ABOVE-ENTITLED MATTER.

A handwritten signature in blue ink, reading "Vincent Russoniello", written over a horizontal dashed line.

VINCENT RUSSONIELLO, CCR  
OFFICIAL U.S. COURT REPORTER

1 (In open court, defendant present.)

2

3 THE CLERK: All rise.

4 THE COURT: Thank you.

5 I'll have the appearances, then you may be  
6 seated.

7 MS. EMEHELU: Good morning, your Honor.

8 Assistant United States Attorney Shirley  
9 Emehelu on behalf of the United States. With me at  
10 counsel table is Special Agent Richard Tilenda of the  
11 FBI.

12 MR. THOMAS: Good morning, your Honor.

13 K. Anthony Thomas, Assistant Federal Public  
14 Defender, on behalf of Mr. Bobby Boye, who is standing  
15 to the right of me.

16 THE COURT: Thank you. You may be seated at  
17 this time.

18 I understand that Mr. Boye and the government  
19 have entered into a plea agreement and that Mr. Boye  
20 wishes to proceed with a Rule 11 hearing. Is that  
21 correct?

22 MR. THOMAS: That's correct, your Honor.

23 THE COURT: Would you please administer the  
24 oath.

25 ///

1 **BOBBY BOYE, sworn.**

2 **EXAMINATION BY the Court:**

3

4 THE COURT: Mr. Boye, do you understand that  
5 you are now under oath and if you answer any of my  
6 questions falsely your answers may later be used  
7 against you in another prosecution for perjury or  
8 making a false statement?

9 THE DEFENDANT: Yes, your Honor, I do.

10 THE COURT: Please state your full name.

11 THE DEFENDANT: Bobby Boye.

12 THE COURT: How old are you?

13 THE DEFENDANT: I'm 51.

14 THE COURT: What is your education?

15 THE DEFENDANT: I have two Master's degrees. I  
16 have a law degree, and two Master's degrees in law and  
17 tax accounting.

18 THE COURT: Are your degrees here in the United  
19 States?

20 THE DEFENDANT: Yes, UCLA, and an MBA in tax  
21 accounting from USC.

22 THE COURT: Thank you.

23 Mr. Boye, have you ever been treated or  
24 recently been treated for any mental illness or  
25 addiction to narcotic drugs of any kind?

1 THE DEFENDANT: Never.

2 THE COURT: In the last 24 hours have you taken  
3 any medication, any pills, any drugs, or drunk any  
4 alcoholic beverage of any kind?

5 THE DEFENDANT: I had vitamin C yesterday.

6 THE COURT: Beyond vitamin C, anything else,  
7 any medication?

8 THE DEFENDANT: No, I don't take any  
9 medication.

10 THE COURT: The oath that you have taken  
11 obliges you to provide me with truthful answers. So  
12 if, at any time, you do not understand my question,  
13 please let me know so I could try to make it clearer  
14 for you.

15 So please speak up if you do not understand my  
16 questions. All right.

17 THE DEFENDANT: Yes, I will.

18 THE COURT: Thank you.

19 Have you received a copy of the Information  
20 that is being filed against you in this case, that is,  
21 the written charges being made?

22 THE DEFENDANT: Can you say that again, please?

23 THE COURT: Have you received a copy of the  
24 Information?

25 THE DEFENDANT: Yes.

1 THE COURT: Do you understand that the  
2 Information charges: From in or about March 2012  
3 through in or about May 2013, in the District of New  
4 Jersey, and elsewhere, that you knowingly and  
5 intentionally conspired and agreed with others, known  
6 and unknown, to devise a scheme and artifice to  
7 defraud what is known as "Country A," and to obtain  
8 money and property from Country A by means of  
9 materially false and fraudulent pretenses,  
10 representations, and promises, and for the purpose of  
11 executing such scheme and artifice, transmitted and  
12 caused to be transmitted by means of wire  
13 communications in interstate and foreign commerce,  
14 certain writings, signs, signals, pictures, and  
15 sounds, in violation of Title 18, United States Code,  
16 Section 1343, and in violation of Title 18, United  
17 States Code, Section 1349.

18 Do you understand the charge against you in  
19 this case?

20 THE WITNESS: Yes, I do.

21 THE COURT: Have you discussed the charge and  
22 the case in general with Mr. Thomas as your attorney?

23 THE DEFENDANT: Yes.

24 THE COURT: Are you fully satisfied with the  
25 counsel, representation, and advice that he has given

1 to you in this case?

2 THE DEFENDANT: Yes.

3 THE COURT: Since this is proceeding by way of  
4 an Information, there are certain questions that I  
5 will ask you at this time.

6 You have been charged with the commission of a  
7 felony. You have a constitutional right to be charged  
8 by an Indictment of a grand jury. But you could waive  
9 that right and consent to being charged by Information  
10 of the United States Attorney. Instead of an  
11 Indictment, the felony charge against you has been  
12 brought by the United States Attorney by the filing of  
13 an Information.

14 Unless you waive Indictment, you may not be  
15 charged with a felony unless a grand jury finds by  
16 return of an Indictment that there is probable cause  
17 to believe that a crime has been committed and that  
18 you committed it. If you do not waive Indictment, the  
19 government may present the case to the grand jury and  
20 request it to indict you.

21 A grand jury is composed of at least 16 and  
22 not more than 23 persons, and at least 12 grand jurors  
23 must find that there is probable cause to believe you  
24 committed the crime with which you are charged before  
25 you may be indicted. The grand jury might or might

1 not indict you. If you waive Indictment by the grand  
2 jury, the case will proceed against you on the United  
3 States Attorney's Information just as though you had  
4 been indicted.

5 Mr. Boye, have you discussed the matter of  
6 waiving your right to Indictment by the grand jury  
7 with your attorney?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand your right to  
10 Indictment by a grand jury?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Have any threats or promises been  
13 made to induce you to waive Indictment?

14 THE DEFENDANT: No.

15 THE COURT: Do you wish to waive your right to  
16 Indictment by a grand jury?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: Mr. Thomas, do you see any reason  
19 why your client should not waive Indictment?

20 MR. THOMAS: No, your Honor.

21 THE COURT: If you have the Waiver of  
22 Indictment form, present it to your client. If he  
23 agrees, he should sign it at this time.

24 (Pause.)

25 THE COURT: Would you hand it up, please.



1 (Document handed up to the Court.)

2 THE COURT: First, I note that the Waiver of  
3 Indictment form has been signed in open court by both  
4 Mr. Boye and Mr. Thomas, after I have informed him of  
5 his rights, and I find that the waiver is knowingly  
6 and voluntarily made, it is accepted, I have signed  
7 it, and we will proceed.

8 Mr. Boye, my understanding is your willingness  
9 to plead guilty today is a result of discussions that  
10 you or your attorney have had with the attorney for  
11 the government. Is that correct?

12 THE DEFENDANT: That's correct.

13 THE COURT: You may have a seat at this time.  
14 I'd ask, Ms. Emehelu, if you would, please  
15 summarize the essential terms of the plea agreement.

16 MS. EMEHELU: Yes, your Honor.

17 The proposed plea agreement provides that, if  
18 Mr. Boye enters a guilty plea and is sentenced on the  
19 charge of conspiracy to commit wire fraud and  
20 otherwise fully complies with all the terms of the  
21 agreement, the U.S. Attorney's Office for the District  
22 of New Jersey will not initiate any further criminal  
23 charges against Mr. Boye for, between in or about  
24 March 2012 through in or about May 2013, conspiring  
25 with others, known and unknown, to commit wire fraud

1 by engaging in a scheme to defraud Country A, whereby  
2 Mr. Boye caused Country A to award a multi-million  
3 dollar consulting contract to his firm, Opus & Best  
4 Law Services, LLC, or Opus & Best, without disclosing  
5 his affiliation with Opus & Best to Country A, and  
6 then divert it to his own personal use the more than  
7 \$3.5 million that Country A paid to Opus & Best under  
8 the contract.

9 The plea agreement also provides on pages 4  
10 through 7 inclusive that Mr. Boye agrees to forfeit  
11 certain items:

12 First, a forfeiture money judgment in the  
13 amount of \$4,233,015.42;

14 Any contents of five JP Morgan Chase bank  
15 accounts ending in 0399, 6170, 5820, 7116 and 2735,  
16 respectively;

17 As well as three vehicles, namely, a 2012  
18 Bentley Continental, a 2012 Range Rover, and a 2011  
19 Rolls Royce;

20 Two watches, namely, an IWC "DaVinci"  
21 Perpetual and a Franck Muller "Conquistador Grand  
22 Prix" watch; and.

23 Four real estate properties located in Ramsey,  
24 North Haledon, Oakland, and Elizabeth, New Jersey,  
25 respectively, or any proceeds traceable to those

1 properties.

2           The plea agreement also includes a Schedule A  
3 with factual and Guideline stipulations, including the  
4 applicable base offense level 7, and the applicable  
5 loss calculation, specifically, a stipulation that the  
6 total loss resulting from the wire fraud conspiracy  
7 was more than \$2.5 million but not more than \$7  
8 million, resulting in an increase of 18 levels from  
9 the base offense level.

10           In addition, the parties have stipulated that  
11 Mr. Boye abused a position of trust, resulting in a  
12 two-level enhancement, and that he is entitled to a  
13 three-level reduction for acceptance of  
14 responsibility.

15           Finally, the plea agreement includes an agreed  
16 upon total Guidelines offense level of 24, and an  
17 appellate waiver, which I can discuss in greater  
18 detail, if your Honor wanted to go through the waiver  
19 colloquy.

20           THE COURT: I will be doing that. Feel free  
21 to just briefly describe it on the record.

22           MS. EMEHELU: Yes, your Honor.

23           Essentially, if Mr. Boye is sentenced within  
24 the Guideline range resulting from an offense level 24  
25 or below that range, he waives his right to file an

1 appeal, collateral attack, or other post-conviction  
2 motion, with the exception of a later motion,  
3 post-conviction motion, of ineffective assistance of  
4 counsel. That is the only exception.

5 The government likewise waives its right to  
6 file an appeal if Mr. Boye is sentenced within the  
7 Guideline range resulting from an offense level 24 or  
8 higher than that range.

9 The government believes that these are the  
10 essential terms of the plea agreement entered into by  
11 the parties, your Honor.

12 THE COURT: Thank you.

13 Do you have the plea agreement at counsel  
14 table, Mr. Thomas?

15 MR. THOMAS: Yes, I do, your Honor.

16 THE COURT: Would you put it before your  
17 client, please.

18 Mr. Boye, you are being shown the plea bargain  
19 letter in this case. Have you read the entire plea  
20 agreement?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: And have you had an opportunity to  
23 discuss the plea agreement with your lawyer before you  
24 signed it?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: Please look at the agreement and  
2 let me know if your signature appears there.

3 THE DEFENDANT: Yes.

4 THE COURT: Mr. Thomas, does your signature  
5 appear as defense counsel?

6 MR. THOMAS: Yes, your Honor.

7 THE COURT: Ms. Emehelu, does your signature  
8 appear or that of a representative of the U.S.  
9 Attorney's Office?

10 MS. EMEHELU: Yes, your Honor.

11 THE COURT: Thank you.

12 Mr. Boye, do you feel with the explanations  
13 and advice of your attorney that you fully understand  
14 all of the terms of plea bargain letter?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: That letter is supposed to set out  
17 all the bargains, benefits, things that flow to you in  
18 exchange for your willingness to plead guilty to the  
19 Information.

20 Do you feel that the plea bargain letter sets  
21 forth both accurately and completely all of the terms  
22 of the plea bargain as you understand it?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Do you have any questions at all  
25 that you wish to ask me or your attorney about what

1 the plea bargain letter means or what any of the words  
2 or phrases in there mean?

3 THE DEFENDANT: No.

4 THE COURT: Do you understand the terms of the  
5 plea agreement?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Has anyone made any other or  
8 different promises or assurances to you of any kind in  
9 an effort to induce you to enter a plea of guilty in  
10 this case?

11 THE DEFENDANT: No.

12 THE COURT: Has anyone attempted in any way to  
13 force you to plead guilty in this case?

14 THE DEFENDANT: No.

15 THE COURT: Are you pleading guilty of your own  
16 free will because you are guilty?

17 THE DEFENDANT: That's correct.

18 THE COURT: Do you understand that the offense  
19 to which you are pleading guilty is a felony offense?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: If your plea is accepted, you will  
22 be adjudged guilty of that offense and that  
23 adjudication may deprive you of certain civil rights,  
24 such as the right to vote, the right to hold public  
25 office, the right to serve on a jury, and the right to

1 possess any kind of firearm. Do you understand those  
2 consequences?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Your plea agreement also provides  
5 that under certain circumstances you are waiving or  
6 giving up your right to file an appeal or collaterally  
7 attack the sentence imposed in this case. Are you  
8 familiar with those terms?

9 THE DEFENDANT: Yes.

10 THE COURT: I will now ask you certain  
11 questions in that regard.

12 Do you understand that in the absence of a  
13 waiver, the law permits every defendant, such as  
14 yourself, to file an appeal of a conviction or  
15 sentence if you believe that there has been an error?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Do you understand that in the  
18 absence of a waiver, you have a right, if you believe  
19 that there has been an error, to file a collateral  
20 challenge to your conviction or sentence under 28  
21 U.S.C., Section 2255?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: Do you understand that by pleading  
24 guilty, you are automatically waiving your right to  
25 appeal any errors that occurred before your entry of

1 this guilty plea including any rulings on any pretrial  
2 motions that may have been filed?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: And do you understand, as set forth  
5 in your plea agreement, if I impose a sentence that  
6 falls within or below the Guidelines range applicable  
7 to an offense level 24, you cannot file an appeal, a  
8 Section 2255 petition, writ, motion, or any collateral  
9 attack challenging your sentence?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And do you understand that your  
12 plea agreement only allows you to challenge your  
13 sentence under the following circumstances:

14 One, if I impose a sentence that is above the  
15 range applicable to the offense level 24;

16 Two, to challenge my determination of your  
17 criminal history category; or

18 Lastly, to claim that you received  
19 constitutionally ineffective assistance of counsel.

20 Do you understand that those are the only  
21 circumstances under which you can file an appeal?

22 THE DEFENDANT: Yes, I do, your Honor.

23 THE COURT: Did you discuss the effect of this  
24 unconditional guilty plea and waiver of appeal and  
25 waiver of your right to file for post-conviction



1 relief with your attorney?

2 THE DEFENDANT: Yes, I did.

3 THE COURT: Are you satisfied with the  
4 explanations that he has provided to you?

5 THE DEFENDANT: Yes, I am.

6 THE COURT: At this time, I'm going to, first,  
7 describe the statute under which you have been  
8 charged, and then the maximum penalties that you face.

9 Title 18, United States Code, Section 1343  
10 provides in relevant part:

11 "Whoever, having devised or intending to  
12 devise any scheme or artifice to defraud, or for  
13 obtaining money or property by means of false or  
14 fraudulent pretenses, representations, or promises,  
15 transmits or causes to be transmitted by means of  
16 wire, radio, or television communication in interstate  
17 or foreign commerce, any writings, signs, signals,  
18 pictures, or sounds for the purpose of executing such  
19 a scheme or artifice, shall be guilty of a crime  
20 against the United States."

21 Section 1349 provides:

22 "Any person who conspires to commit any  
23 offense under this chapter, including wire fraud,  
24 under 18 U.S.C., Section 1343," which I just read to  
25 you, "shall be guilty of a crime against the United

1 States."

2 First, do you understand the statute under  
3 which you have been charged?

4 THE WITNESS: Yes, I do.

5 THE COURT: The maximum penalties are as  
6 follows:

7 A statutory maximum prison sentence of  
8 20 years.

9 A statutory maximum fine equal to the greatest  
10 of \$250,000, or twice the gross amount of any  
11 pecuniary gain that any persons derived from the  
12 offense, or twice the gross amount of any pecuniary  
13 loss sustained by any victims of the offense.

14 Any fines imposed by the Court in excess of  
15 \$2500 are subject to the payment of interest.

16 You will be ordered to pay a mandatory special  
17 assessment of \$100 for the single count of conviction,  
18 which must be paid on or before the date of  
19 sentencing.

20 You may be ordered to pay restitution.

21 You may be ordered to give notice to any  
22 victims of your offense.

23 The Court may impose a term of supervised  
24 release of not more than 3 years, which would begin at  
25 the expiration of any term of imprisonment imposed.

1           And if you are placed on a term of supervised  
2 release and then violate any of the conditions of that  
3 release before the term expires, you may be sentenced  
4 to not more than 2 years imprisonment in addition to  
5 any prison term previously imposed and in addition to  
6 the statutory maximum term of imprisonment I have just  
7 outlined for you, and you may be required to serve an  
8 additional term of supervised release.

9           Mr. Boye, do you understand the penalties that  
10 you face as a result of your guilty plea?

11           THE DEFENDANT: Yes, I do.

12           THE COURT: All right. At this time, as well,  
13 I'm going to briefly describe the Sentencing  
14 Guidelines.

15           First, however, do you understand that the  
16 United States Sentencing Guidelines are advisory and  
17 not mandatory?

18           THE DEFENDANT: Yes.

19           THE COURT: And, thus, do you understand that  
20 this Court, I, may impose a sentence that is higher or  
21 lower than that recommended by the Guidelines?

22           THE DEFENDANT: Yes, I do.

23           THE COURT: Are you aware that the Sentencing  
24 Guidelines take into account the actual conduct in  
25 which you engaged, consider the victims of your

1 offense, the role that you played, and whether or not  
2 you have engaged in any obstruction of justice or have  
3 accepted responsibility for your acts?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you also understand that your  
6 criminal history is an important factor in applying  
7 the Sentencing Guidelines?

8 THE DEFENDANT: Yes.

9 THE COURT: And do you understand that until a  
10 Presentence Report is completed, it is impossible for  
11 either me or for your lawyer to know exactly what  
12 sentence range will be required by the Guidelines?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you also understand that it may  
15 be necessary to resolve disputed facts contained in  
16 the Presentence Report and that also may affect the  
17 applicable Guidelines and your sentence?

18 THE DEFENDANT: Yes.

19 THE COURT: Have you discussed the Sentencing  
20 Guidelines with your attorney?

21 THE DEFENDANT: Yes.

22 THE COURT: Has he explained to you the various  
23 considerations that go into determining what Guideline  
24 shall be applied?

25 THE DEFENDANT: Yes.

1           THE COURT: And certainly by having reviewed  
2 the plea agreement, my understanding is your attorney  
3 has attempted to predict for you what the Guideline  
4 range may be based on the information that he  
5 currently has. Is that correct?

6           THE DEFENDANT: That's correct, your Honor.

7           THE COURT: But do you understand that at this  
8 point in time, it may be impossible for him to make a  
9 completely accurate assessment as to the Guideline  
10 range which will actually apply in your case because  
11 he does not yet have all the necessary information and  
12 has not seen the Presentence Report?

13          THE DEFENDANT: Yes.

14          THE COURT: And do you understand that you will  
15 not be able to withdraw your plea on the ground that  
16 anyone's prediction as to the Guideline range proved  
17 to be inaccurate?

18          THE DEFENDANT: Yes.

19          THE COURT: Do you also understand that the  
20 Court will not be able to determine the Guideline  
21 sentence for your case until after the Presentence  
22 Report has been completed and you and the government  
23 have had an opportunity to challenge the reported  
24 facts and the application of the Guidelines  
25 recommended by the Probation Office?

1 THE DEFENDANT: Yes.

2 THE COURT: And do you understand the sentence  
3 imposed may be different from any estimate your  
4 attorney may have given you?

5 THE DEFENDANT: That's correct.

6 THE COURT: And do you realize that any  
7 stipulations or agreements between you and the  
8 government as to what the applicable facts are or what  
9 the guidelines are, are not binding on me if the  
10 Presentence Investigation Report or other sources  
11 persuade me that they are inaccurate?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you also understand that there  
14 is no parole in the federal system and that if you are  
15 sentenced to prison, you will not be released on  
16 parole prior to the completion of the sentence that I  
17 actually impose on you except for good time credits,  
18 if any?

19 THE DEFENDANT: Yes.

20 THE COURT: While I understand from the  
21 Pretrial Services report that you are a naturalized  
22 citizen, nevertheless, I'm going to ask you these  
23 questions out of an abundance of caution.

24 Do you understand that if you are not a  
25 citizen of the United States, your guilty plea to the

1 charged offense would likely result in your being  
2 subject to immigration proceedings and removed from  
3 the United States?

4 THE DEFENDANT: Yes.

5 THE COURT: Did you consult with counsel about  
6 any possible immigration consequences?

7 THE DEFENDANT: Yes.

8 THE COURT: All right.

9 At this time, I'm going to describe for you  
10 certain rights that you have.

11 Do you understand that you have a right to  
12 plead not guilty to any offense charged against you  
13 and to persist in that plea to a trial by jury.

14 THE DEFENDANT: Yes.

15 THE COURT: During a trial, you would also have  
16 the right to the assistance of counsel for your  
17 defense, the right to see and hear all the witnesses  
18 and have them cross-examined in your defense, the  
19 right on your own part to decline to testify unless  
20 you voluntarily elected to do so in your own defense,  
21 and the right to the issuance of subpoenas or  
22 compulsory process to compel the attendance of  
23 witnesses to testify in your defense.

24 Mr. Boye, do you understand you would have  
25 those rights at a jury trial?

1 THE DEFENDANT: Yes.

2 THE COURT: Also, at a jury trial, you would  
3 have the benefit of the presumption of innocence. The  
4 Court would instruct the jury that consistent with  
5 your presumed innocence, they must look upon you as  
6 innocent of all the charges against you and that that  
7 presumption continues during the jury deliberations,  
8 thereafter, until such point in time, if it ever  
9 arrived, when a unanimous jury was satisfied that the  
10 government had proved your guilt beyond a reasonable  
11 doubt.

12 Also, at a trial, you would have no duty to  
13 testify or to introduce any evidence. I would  
14 instruct the jury that they could not hold that  
15 against you or consider it in any way.

16 Thus, at your trial, you would have no burden  
17 of proving anything and the sole burden of proof would  
18 be upon the government to prove each and every  
19 essential element of the crime charged beyond a  
20 reasonable doubt, and that burden would never shift  
21 from the government at any time.

22 Mr. Boye, do you understand that you have the  
23 right to appointment of counsel if you could not  
24 afford one for the trial and appeal if there were a  
25 guilty verdict?



1 THE DEFENDANT: Yes, I do.

2 THE COURT: Do you also understand that by  
3 entering a plea of guilty, if that plea is accepted by  
4 me, that there will be no trial?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand that you will  
7 have waived or given up your right to a trial, as well  
8 as the other rights associated with the trial, that I  
9 have just described for you?

10 THE DEFENDANT: Yes.

11 THE COURT: I've previously read to you the  
12 statute under which you have been charged. I'm now  
13 going to describe the essential elements of the crime  
14 to which you are pleading guilty, and the government  
15 would have to prove each and every one of the  
16 essential elements beyond a reasonable doubt:

17 Section 1349, of Title 18, the elements are as  
18 follows:

19 First, that two or more persons agreed to  
20 commit wire fraud;

21 Second, that you were a party to or member of  
22 that agreement; and

23 Third, that you knowingly joined the  
24 agreement.

25 The elements of the object of the conspiracy,

1 that is, wire fraud, in violation of Title 18, Section  
2 1343, are as follows:

3 First, that someone devised, or intended to  
4 devise, a scheme or artifice to defraud another of  
5 money or property;

6 Second, that you knowingly and wilfully  
7 participated in the scheme or artifice with specific  
8 intent to defraud another of money or property; and

9 Third, for the purpose of executing or  
10 attempting to execute that scheme the use of  
11 interstate wires occurred.

12 Do you understand the essential elements of  
13 the crime to which you are pleading guilty?

14 THE WITNESS: Yes, I do.

15 THE COURT: And do you understand the  
16 government would have to prove each of those beyond a  
17 reasonable doubt?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: At this time, I'm going to ask you  
20 questions about what you did in this matter.

21 Starting in or about April 2010, were you  
22 working as an international petroleum tax advisor for  
23 a foreign sovereign nation, that I will refer to as  
24 "Country A"?

25 THE DEFENDANT: Yes.

1 THE COURT: From in or about March 2012 through  
2 in or about May 2013, in the District of New Jersey,  
3 and elsewhere, did you knowingly and intentionally  
4 conspire and agree with others to enrich yourself by  
5 fraudulently obtaining, and attempting to obtain,  
6 lucrative consulting contracts from Country A for your  
7 entity, Opus & Best Law Services, LLC, that I'll refer  
8 to as "Opus & Best" in the rest of the questions?

9 THE DEFENDANT: Yes.

10 THE COURT: In or about February 2012, did you  
11 learn that Country A was soliciting bids for a  
12 contract to provide legal and tax accounting advice to  
13 Country A?

14 THE DEFENDANT: Yes.

15 THE COURT: I'm going to refer to that as the  
16 "contract" in the rest of my questions.

17 Around the same time, in or about March 2012,  
18 did you create Opus & Best for the purpose of bidding  
19 for the contract from Country A and other countries?

20 THE WITNESS: Yes.

21 THE COURT: In or about March 2012, did you  
22 author several fraudulent documents submitted by Opus  
23 & Best to Country A, in connection with Opus & Best's  
24 bid for the contract?

25 THE DEFENDANT: Yes.

1 THE COURT: And I'll refer to those documents  
2 in the ensuing questions as the "bid documents."

3 Around this time, in or about March 2012, did  
4 you pay a relative to create a website for Opus &  
5 Best, which contained numerous misrepresentations,  
6 including but not limited to, false claims regarding  
7 Opus & Best's credentials and experience?

8 THE WITNESS: Yes.

9 THE COURT: Did you also create or cause others  
10 to create Opus & Best email accounts, including an  
11 email account for a purported partner at Opus & Best  
12 with the initials DL?

13 THE DEFENDANT: Yes.

14 THE COURT: I will refer to that email account  
15 as the "DL email account."

16 On or about March 17th, 2012, did you cause an  
17 email containing the bid documents to be sent from the  
18 DL email account to representatives of Country A, in  
19 order to submit Opus & Best's formal bid for the  
20 contract?

21 THE WITNESS: Yes.

22 THE COURT: Did the bid documents that you  
23 caused to be submitted contain a number of false  
24 statements and material misrepresentations that were  
25 intended to give Country A the misimpression that Opus

1 & Best was a legitimate established firm?

2 THE DEFENDANT: Yes.

3 THE COURT: Specifically, did you falsely claim  
4 in the bid documents that Opus & Best was founded in  
5 1985, when in reality you created Opus & Best in or  
6 about March 2012 for the purpose of submitting the  
7 fraudulent bid documents to Country A?

8 THE DEFENDANT: Yes.

9 THE COURT: Did you falsely claim in the bid  
10 documents that Opus & Best was registered as a legal  
11 and accounting services provider in Europe, the Middle  
12 East, and Africa, when in reality the newly formed  
13 Opus & Best was only registered in the State of New  
14 York?

15 THE DEFENDANT: Yes.

16 THE COURT: Did you also falsely claim in the  
17 bid documents that Opus & Best employed numerous first  
18 class attorneys, accountants, and economists who  
19 practiced in the mining, oil and gas sector, when in  
20 reality you were the sole member of Opus & Best?

21 THE DEFENDANT: Yes.

22 THE COURT: Did you falsely claim in the bid  
23 documents that Opus & Best's relevant consulting  
24 experience over the past 5 years purportedly included  
25 the provision of consulting services to another

1 foreign sovereign nation, which I'll refer to as  
2 "Country B," when in reality Opus & Best had never  
3 done consulting work for Country B?

4 THE DEFENDANT: Yes.

5 THE COURT: At the time you submitted the bid  
6 documents to Country A, and as part of your employment  
7 as a legal advisor to Country A, did you serve on a  
8 committee responsible for reviewing and evaluating the  
9 submitted bids for the contract including Opus &  
10 Best's submission?

11 THE DEFENDANT: Yes.

12 THE COURT: I'll refer to that committee as the  
13 "bid review committee."

14 By virtue of sitting on the bid review  
15 committee, do you acknowledge that Country A trusted  
16 you to advise them correctly?

17 THE DEFENDANT: Yes.

18 THE COURT: Did you cause the bid documents  
19 that Opus & Best submitted to falsely state that there  
20 was no conflict of interest entailed by Opus & Best's  
21 proposed engagement, when in reality your affiliation  
22 with Opus & Best created a conflict of interest and  
23 rendered you a third-party beneficiary of the proposed  
24 contract?

25 THE DEFENDANT: Yes.

1 THE COURT: In or about 2012, did Country A  
2 award Opus & Best the contract?

3 THE DEFENDANT: Yes.

4 THE COURT: On or about June 3, 2012, did you  
5 and others cause Country A to enter into a contract  
6 for consulting services with Opus & Best -- I'll refer  
7 to it as the "consulting contract" -- which consulting  
8 contract listed you as one of the two project  
9 coordinators acting on behalf of Country A?

10 THE DEFENDANT: Yes.

11 THE COURT: Was the consulting contract in the  
12 amount of approximately \$4,900,000?

13 THE DEFENDANT: Yes.

14 THE COURT: Upon becoming a project  
15 coordinator, did you fail to disclose to Country A  
16 your affiliation with Opus & Best?

17 THE DEFENDANT: Yes.

18 THE COURT: Did you cause Country A to wire a  
19 total of approximately \$3,510,000 from a Country A  
20 account to the Federal Reserve Bank of New York --  
21 I'll refer to it as the "Country A account" -- to Opus  
22 & Best's JP Morgan Chase account ending in 0399?

23 THE DEFENDANT: Yes.

24 THE COURT: I'll refer to that as the "Opus &  
25 Best 0399 account."

1 Do you acknowledge that these wires were  
2 processed via transmissions from New Jersey to New  
3 York?

4 THE DEFENDANT: Yes.

5 THE COURT: Specifically, on or about June 15,  
6 2012, did you cause Country A to wire approximately  
7 \$1,080,000 from the Country A account to the Opus &  
8 Best 0399 account?

9 THE DEFENDANT: Yes.

10 THE COURT: On or about July 20, 2012, did you  
11 cause Country A to wire approximately \$432,000 from  
12 the Country A account to the Opus & Best 0399 account?

13 THE DEFENDANT: Yes.

14 THE COURT: On or about August 3, 2012, did you  
15 cause Country A to wire approximately \$720,000 from  
16 the Country A account to the Opus & Best 0399 account?

17 THE DEFENDANT: Yes.

18 THE COURT: On or about December 12, 2012, did  
19 you cause Country A to wire approximately \$648,000  
20 from the Country A account to the Opus & Best 0399  
21 account?

22 THE DEFENDANT: Yes.

23 THE COURT: On or about December 17, 2012, did  
24 you cause Country A to wire approximately \$630,000  
25 from the Country A account to the Opus & Best 0399



1 account?

2 THE DEFENDANT: Yes.

3 THE COURT: In or about 2013, did you attempt  
4 to obtain additional business from Country A?

5 THE DEFENDANT: Yes.

6 THE COURT: For example, in or about  
7 March 2013, after you and others registered an Opus &  
8 Best entity as a Hong Kong company -- that I'll refer  
9 to as "Opus & Best-Hong Kong" -- did Opus & Best-Hong  
10 Kong along with a local Hong Kong law firm cause a  
11 proposal to be sent to Country A for training Country  
12 A's employees in conducting tax auditing?

13 THE DEFENDANT: Yes.

14 THE COURT: Did you and others seek an advanced  
15 payment of approximately \$250,000 from Country A for  
16 this proposed venture with Opus & Best-Hong Kong?

17 THE DEFENDANT: Yes.

18 THE COURT: Did you divert the more than  
19 approximately \$3.5 million wired by Country A to Opus  
20 & Best for purported consulting services for your own  
21 personal use?

22 THE DEFENDANT: Yes.

23 THE COURT: Did you use more than \$2 million of  
24 the total proceeds of the fraud to purchase four  
25 properties located in New Jersey, three luxury

1 vehicles, and two designer watches?

2 THE DEFENDANT: Yes.

3 THE COURT: In committing the actions described  
4 in the Information, did you act knowingly, wilfully,  
5 and with the intent to defraud?

6 THE DEFENDANT: Yes.

7 THE COURT: And are you pleading guilty today  
8 because you are, in fact, guilty of the crime charged  
9 in the Information, that is, conspiring to commit wire  
10 fraud?

11 THE DEFENDANT: Yes.

12 THE COURT: Ms. Emehelu, would you please  
13 represent what the government would be prepared to  
14 prove at trial if the case proceeded to trial.

15 MS. EMEHELU: Yes, your Honor.

16 The United States represents that, had this  
17 matter proceeded to trial, the government would have  
18 been prepared to prove beyond a reasonable doubt all  
19 of the essential elements of the offense charged in  
20 the Information.

21 The government would have proven beyond a  
22 reasonable doubt that the funds paid by Country A to  
23 Opus & Best were transmitted by means of interstate  
24 wire.

25 The government would have proven its case

1 through the introduction of, among other things,  
2 documentary evidence, including the fraudulent bid  
3 documents submitted, or caused to be submitted, by Mr.  
4 Boye to Country A, bank and other business records,  
5 witness testimony, and email and other communications.

6 The United States believes that, in  
7 conjunction with the representations set forth by the  
8 United States, as well as Mr. Boye's affirmative  
9 answers to the questions posed by your Honor, that  
10 this will provide a sufficient factual basis for the  
11 Court to accept his guilty plea to the proposed  
12 Information.

13 THE COURT: Thank you.

14 Mr. Boye, how do you now plead to the charge  
15 in the Information, guilty or not guilty?

16 THE DEFENDANT: Guilty.

17 THE COURT: It is the finding of the Court in  
18 the case of United States v. Bobby Boye that the  
19 defendant is competent and capable of entering an  
20 informed plea, that he is aware of the nature of the  
21 charge and the consequences of the plea, and that the  
22 plea of guilty is a knowing and voluntary plea  
23 supported by an independent basis in fact containing  
24 each of the essential elements of the offense.

25 The plea is therefore accepted and the

1 defendant is now adjudged guilty of that offense.

2 Mr. Boye, a written Presentence Report will be  
3 prepared by the Probation Office to assist me in  
4 sentencing. You will be asked to give information for  
5 the report and your attorney may be present if you  
6 wish.

7 You and your attorney will have the  
8 opportunity to read the Presentence Report before the  
9 sentencing hearing and file any objections to the  
10 report before the sentencing hearing.

11 At the sentencing hearing you will have the  
12 opportunity to speak in mitigation of your sentence  
13 and your attorney will be given the opportunity to  
14 speak on your behalf as well.

15 You will now be referred to the Probation  
16 Office for a Presentence Investigation Report with  
17 sentencing scheduled for August 13, 2015, at  
18 10:00 a.m..

19 Mr. Boye has been on pretrial release with  
20 bail conditions. Are there any applications in that  
21 record?

22 MS. EMEHELU: None by the government, your  
23 Honor.

24 MR. THOMAS: No, your Honor, not at this time.

25 THE COURT: Thank you.

1           Then, at this time, I'll take the original of  
2 any of the documents I haven't received, the  
3 Information, the plea agreement, and the Rule 11  
4 application, please.

5           (Document(s) handed up to the Court,).

6           THE COURT: Anything else, counsel?

7           MS. EMEHELU: No, thank you, your Honor.

8           MR. THOMAS: No, your Honor.

9           THE COURT: Thank you.

10          THE CLERK: All rise.

11          (Proceedings concluded.)

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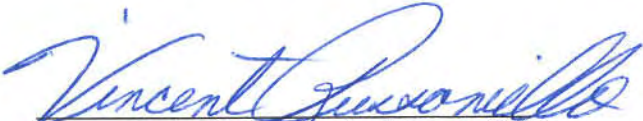
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C E R T I F I C A T E

I, **Vincent Russoniello**, Official United States Court Reporter and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.

  
Vincent Russoniello, CCR  
Certificate No. 675

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