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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 : 06-M-1039
 UNITED STATES OF AMERICA :
 :
 v. : July 24, 2006
 :
 STEVEN ROMBOM, : 500 Pearl Street
 : New York, New York
 Defendant. :
 -----X

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: UNITED STATES ATTORNEY
 BY: MARSHA ISAACSON, ESQ.
 ASSISTANT UNITED STATES ATTORNEY

For the Defendant: TODD TERREY, ESQ.

Court Transcriber: SHARI RIEMER
 TypeWrite Word Processing
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 Staten Island, New York 10312

Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 THE CLERK: United States of America v. Rombom.

2 Counsels, please state your names for the record.

3 MS. ISAACSON: Good afternoon, Your Honor. Marsha
4 Isaacson on behalf of the Government.

5 MR. TERREY: Good afternoon, Your Honor. For Mr.
6 Rombom, Litman Asche & Gioiella, 45 Broadway, New York, New
7 York by Todd Terrey.

8 THE COURT: All right. Please be seated if you're
9 not addressing the Court.

10 Can I have the time and date of arrest?

11 MS. ISAACSON: Your Honor, the defendant was arrested
12 at approximately 4:00 on Saturday which was July 22nd.

13 THE COURT: All right. Sir, I'm Judge Gorenstein.
14 Let me begin by telling you that you have the right to remain
15 silent. You're not required to make any statements now or in
16 the future. Anything that you do say can be used against you.
17 You have the right to be represented by counsel during all
18 court proceedings. If you could not afford an attorney I would
19 appoint one today to represent you. I understand that you have
20 retained counsel.

21 MR. TERREY: Your Honor, I'm actually standing in for
22 Mr. Rombom's retained counsel who's out of the -- I believe
23 he's out of the country right now. He's certainly out of town.
24 So I'm standing in for purposes of arraignment only.

25 THE COURT: Okay. I have before me a complaint. The

1 complaint contains a single charge. The charge is that in
2 April 2006 that you influenced, obstructed or impeded or
3 endeavored to do so the due administration of justice,
4 specifically that you impersonated an agent of the Federal
5 Bureau of Investigation in order to intimidate a government
6 confidential informant in a pending criminal matter for which a
7 trial is scheduled.

8 Counsel, have you seen this complaint?

9 MR. TERREY: Yes, sir.

10 THE COURT: Have you reviewed it with your client?

11 MR. TERREY: Yes, sir.

12 THE COURT: Are you waiving its public reading?

13 MR. TERREY: Yes.

14 THE COURT: Sir, you have a right to a hearing at
15 which the Government would have the burden of establishing
16 there was probable cause to believe that you committed the
17 crime with which you are being charged. However, there would
18 not be a hearing if you were indicted by a Grand Jury.

19 I'll hear from the Government next as to detention,
20 bail or release.

21 MS. ISAACSON: Your Honor, the Government believes
22 that it would be possible to come up with a bail package in
23 this case. I've not been able to come to any agreement yet
24 with Mr. Terrey. I believe it's Mr. Terrey's position as he
25 relayed to me that he thinks there should be no bail, just ROR

1 with no restrictions at all. It would be the Government's
2 proposal that the defendant be released on a \$400,000.00
3 recognizance bond co-signed by three financially responsible
4 co-signers and that he surrender all travel documents.

5 Due to the nature of the defendant's occupation, it's
6 very difficult to keep track of him, Your Honor. The FBI was
7 unable to find an address at which he lived that we could
8 verify he was actually staying at more than very rarely and the
9 defendant by his own admission does not like people to be able
10 to know where he is. In fact, the Government notes that on the
11 Pretrial Services Report the address that the defendant lists
12 as his employer's address is false. Because he listed that
13 address as his employer's address, the Police Department
14 revoked his permit to carry a gun because they investigated
15 whether or not he actually worked at that address and found
16 that he did not.

17 Also, the Government would note that although the
18 defendant says that he had a juvenile arrest of thirty years
19 ago and doesn't remember the specifics of it, it's the
20 Government's understanding that that arrest was for the
21 interstate transportation of explosives.

22 Then finally I noted that the Pretrial Services
23 Agency recommends that the defendant surrender his firearm to
24 the nearest Police Department. The defendant has more than one
25 firearm. We know that as of ten years ago I think he had

1 purchased an Ozzie and that he has three handguns. That's all,
2 Your Honor.

3 THE COURT: Your bail conditions didn't include a
4 proposal with respect to the firearms.

5 MS. ISAACSON: The Government would request that he
6 turn in all firearms, Your Honor.

7 THE COURT: To who?

8 MS. ISAACSON: To ATF or to the nearest Police
9 Department. The FBI could also take custody of them, Your
10 Honor.

11 THE COURT: Counsel.

12 MR. TERREY: Your Honor, could I have one second,
13 please?

14 THE COURT: Sure.

15 [Pause in proceedings.]

16 MR. TERREY: Good afternoon, Your Honor. I'll try to
17 modulate myself as I address the Court but what's going on here
18 is really an absolute, absolute outrage. I can't believe that
19 I'm standing here today in the United States of America having
20 to deal with this particular situation.

21 Let me just quickly address a few things Ms. Isaacson
22 just said before I get into my main presentation. In terms of
23 the FBI being unable to find a home address of Mr. Rombom,
24 quite a few years ago -- Mr. Rombom has lived in the same
25 apartment for twenty years. Quite a few years ago the FBI

1 visited him at that address. We dispute and do not believe
2 that the FBI didn't know where his home address was.

3 In addition, Mr. Rombom has been represented by
4 counsel in connection with this matter for the past almost two
5 months. That attorney volunteered to surrender Mr. Rombom at
6 any point. They could have picked up the phone and asked where
7 is Mr. Rombom's home address. They could have asked me -- I'll
8 get to my role in a second -- or they could have asked his
9 attorney. This is a complete red herring. It's baloney.

10 In terms of the Pretrial Services Report, Ms.
11 Isaacson just quoted Mr. Rombom as having said that he didn't
12 remember the specifics. I was sitting with him when he was
13 interviewed by the Pretrial Services Officer. What he said was
14 that he did not remember the specific charge. He told them the
15 date. He told them the courthouse it took place, which was
16 this courthouse, and he told them the disposition. So to that
17 extent that's slightly inaccurate.

18 In terms of his employer's address, I was also with
19 him when he answered that question and what he told the
20 Pretrial Services Officer is that that was the address and he's
21 in the process of moving his office. So that doesn't appear in
22 the report either but that's what he said.

23 Let me start with Mr. Rombom's background and then
24 get into the facts of this case. As I said, he's lived in the
25 same apartment in Brooklyn for the last twenty years. He rents

1 that apartment. He's lived in the same zip code in Brooklyn
2 his entire life. He's now 47 years old. His parents who are
3 elderly and quite infirmed also live in that zip code and he
4 helps take care of them, et cetera. His business is also
5 located in the same zip code. He has no criminal record.

6 He's a licensed private investigator. He's licensed
7 in the State of New York. He's licensed in the State of Texas.
8 He's licensed in the State of Louisiana. He owns a piece of
9 property in the State of Texas in Curr County. There's a
10 mortgage on that property. He's on the board or a member of 25
11 or more investigative associations. He's been an investigator
12 for 25 years. He lectures all over the country.

13 On Saturday he was in the process of preparing to
14 give a lecture to a community of people who included law
15 enforcement people, private investigators when the FBI showed
16 up right before he was about to start his lecture in front of a
17 big group of people and arrested him and they arrested him
18 based on something they claim happened a few months ago and
19 I'll get into that in one second.

20 Mr. Rombom has been doing investigative work for my
21 firm for approximately 25 years. I've known him for the last
22 seven or eight years I've worked with him on numerous cases.

23 Your Honor, in a case being prosecuted by Ms.
24 Isaacson in this building, my firm represents a young attorney
25 who's accused of attempted money laundering. He got caught up

1 in a government sting operation and the primary defense in that
2 case is the defense of entrapment. In that case, my client was
3 introduced to a gentleman who referred to himself as a Prince
4 of Austria and this gentleman over the course of numerous
5 meetings offered basically the sun, the moon and the stars to
6 our client and then eventually dragged him into what he was
7 charged with and that case is currently pending before Judge
8 Griesa.

9 We hired Mr. Rombom and his firm, which is Palorium
10 Inc. [Ph.], to do a background check investigation of this
11 government informant who pretended to be the Prince of Austria.
12 His name -- the Government turned over to us his name, his NCIC
13 criminal record. His name is Joseph Meyers also known as
14 Joseph Von Hochsberg Lothrengin [Ph.] also known as so many
15 names that it would take me a couple of hours to say it and I
16 won't bother.

17 In that case, and I think that's very important to
18 the legitimacy of the charges here, the Government has taken
19 the position and told us they are not calling Mr. Meyers, the
20 confidential informant, as a witness. We, the defense, have
21 told the Judge, the Government, everyone else that we're going
22 to be calling him as a witness. So to the extent that we've
23 been investigating him to gather information to undermine his
24 credibility but this -- upon reading the fact of this complaint
25 it may appear to be some sort of attempt to intimidate a

1 government witness but he's not a government witness. He's
2 going to be a witness called as a witness for the defense.

3 Over the course of many, many months involving
4 hundreds, if not thousands of hours of investigation, Mr.
5 Rombom has uncovered evidence regarding Mr. Meyers which is
6 really amazing. I'm not going to get into that too much right
7 now but I'll give you a few examples. This evidence will
8 absolutely destroy the credibility of Mr. Meyers at the trial
9 and also we believe this evidence will be devastating to the
10 image of the Federal Bureau of Investigation and that's why Mr.
11 Rombom is sitting here today arrested on what I believe to be
12 completely baseless charges which I'll get into in a second.

13 Basically, Mr. Meyers has been running around as a
14 government informant for the past twenty or so years and he has
15 been given literally a license to steal by the FBI. He commits
16 crimes up, down and sideways, never does any time for any of
17 it, and we believe we're the first people -- all credit goes to
18 Mr. Rombom -- have uncovered all this information and this
19 gentleman has never, even though he's made cases for the FBI
20 for the past twenty years, has never testified in any courtroom
21 as far as we're aware.

22 Just one example of something Mr. Rombom has
23 uncovered. As I mentioned before, the Government turned over
24 to us the NCIC criminal history purporting to be the criminal
25 history of Mr. Meyers. Lo and behold, completely missing from

1 that NCIC is a felony conviction in state court in Michigan,
2 Oakland County, Michigan 1991. Now, we've pilled the court
3 file from that conviction and we have the minutes of the
4 sentencing. Mr. Meyers was faced under the Michigan Sentencing
5 Guidelines facing prison time and the Judge said on the record
6 that the reason he wasn't giving Mr. Meyers any prison time was
7 due to the work that he was doing with the FBI. So we know, we
8 know that the FBI had actual knowledge of this felony
9 conviction of Mr. Meyers and they deep 6'd it and it's not on
10 the NCIC. Judge, there could be, the way this guy operates,
11 twenty, thirty other convictions out there that the FBI has
12 deep 6'd and that's the type of thing that Mr. Rombom's been
13 trying to uncover in the course of his investigation.

14 It gets even better on that particular case. The
15 police file in that particular case where Mr. Meyers was
16 convicted of a felony in Michigan, in the police file there was
17 an notation that Mr. Meyers was acquitted after trial which is
18 completely false. How that got in there we'll never be able to
19 prove but it's certainly very suspicious that an FBI informant
20 had a false notation in his file saying he was acquitted when,
21 in fact, he took a plea and was convicted.

22 Now, Judge, about -- I'm sorry I don't have the exact
23 date. I could get it but it was about a month-and-a-half ago -
24 - almost two months ago. The Government served on Mr. Rombom's
25 company a Grand Jury subpoena which sought all -- his entire

1 defense file in the case that we're defending and Ms. Isaacson
2 is prosecuting. We brought that to the attention of Judge
3 Griesa. We made a motion to quash the subpoena saying among
4 other things this is attorney work product, you cannot do this,
5 and the Government alleged as they allege in this complaint but
6 they did it an ex parte fashion and I believe the only things
7 we were told was that there was some claim of impersonating an
8 FBI agent but we weren't told anything else. But the
9 Government had a lengthy ex parte meeting with Judge Griesa on
10 that date after which we had an ex parte meeting with Judge
11 Griesa on that date and I believe the Government set forth
12 before Judge Griesa all of the facts set forth in this
13 complaint.

14 At the end of that, and I have the minutes of the end
15 of that proceeding where the Judge came back and issued his
16 ruling and I can hand these up to the Court, but just to
17 paraphrase what Judge Griesa said, he said that he was -- he
18 ruled that he was not going to enforce the subpoena until after
19 our trial was completed. He said that he did not want any
20 interference with the defense investigation because we
21 explained to Judge Griesa that Mr. Rombom in addition to having
22 done great work in the case already had a lot of other work to
23 do. So Judge Griesa addressed us and the prosecutors, said a)
24 he said we don't want any intimidation of witnesses,
25 misrepresentation of identity and so forth to which we said

1 fine, that didn't happen here and it won't happen anyway but it
2 didn't happen here and he as far as I can see basically
3 instructed the Government to let us do their investigation.

4 Now two months later nothing has changed yet they
5 decide to arrest our client in the middle of a seminar he's
6 giving to inflict -- basically to ruin his life. That's what
7 they did.

8 I would like to hand these minutes up to the Court if
9 that's all right.

10 THE COURT: I'll accept your representations as to
11 what Judge Griesa said.

12 MR. TERREY: And obviously we're going to have to
13 bring this up with Judge Griesa. I believe he's still on
14 vacation but this is -- I don't even know what this is going to
15 do to this -- to that case.

16 Now let me get to the complaint for just a minute and
17 then I'll be done. I appreciate the patience the Court is
18 showing with me. On Page 2, Paragraph 5 is written something
19 which is very key to understanding what's going on here. The
20 FBI agent relates that, in or about April and June, 2006,
21 assisted by a translated when necessary, I spoke individually
22 with each member of the California family. And there are three
23 witnesses set forth in this complaint, W-1, W-2 and W-3, who
24 are, according to the Government at least, the in-laws of
25 Joseph Meyers, the alleged Prince of Austria.

1 W-1 and W-2, who are Mr. Meyers, the Government says
2 it's his wife. Maybe it is. As far as we know he's still
3 married to a woman in Michigan with whom he has three children
4 and hasn't paid any child support in the last 15 years while
5 he's running around as an FBI informant, but that's a separate
6 matter.

7 W-1 and W-2 are the step father and mother of the --
8 I'll call her the wife of Joseph Meyers. W-1 and W-2 do not
9 speak much English at all and they are the ones, according to
10 the complaint, who are making claims that one says Mr. Rombom
11 introduced himself to W-1 as a Government Investigator,
12 whatever that means. W-2 says Rombom introduced himself to her
13 as an FBI Agent.

14 Now, when this interview took place, as least in part
15 there was one person there who actually speaks English well and
16 that's W-3. And you look at the complaint and lo and behold
17 there's no allegation from W-3 that Mr. Rombom did anything
18 wrong whatsoever.

19 So the Government has taken upon -- taken it upon
20 themselves to arrest him in the most public manner possible to
21 make a blatant attempt to ruin his life based on allegations
22 from two people who don't even speak English when the third
23 person who does speak English doesn't back up any of it. I
24 mean how is this happening?

25 Judge, under these circumstances, I mean it's an

1 outrage that Mr. Rombom will suffer any consequence whatsoever
2 based on these charges, but he's a person with deep roots in
3 the community, he's determined to fight these charges. He
4 shouldn't be required to post any bail whatsoever. He's a
5 person of very modest means.

6 In terms of travel restrictions, Judge, I know the
7 Government has already done everything they can to try to put
8 him out of business. But his business is traveling around the
9 country and around the world. He's done a lot of work and he's
10 internationally renowned as a Nazi Hunter, he's traveled all
11 over the world, he's been featured in hundreds of magazines --
12 or -- excuse me -- newspaper articles and magazine articles as
13 well. And for him to have any travel restrictions whatsoever
14 will be a significant crushing blow to his business to the
15 extent that his business hasn't already been crushed by what I
16 submit to you is outrageous behavior by the Government.

17 In addition, I mean Mr. Rombom, in connection with
18 his investigations, is often working for various attorneys. I
19 mean to the extent -- he's perfectly willing to inform Pretrial
20 Services whenever he leaves the state, the country, whatever,
21 provide itinerary, provide hotels, provide airlines. No
22 problem whatsoever. What we do not want to happen is for him
23 to have to inform the Government -- the prosecutors -- of his
24 whereabouts because, Judge, they've been trying to investigate
25 our investigation in this particular case and we submit that

1 for him to be forced to let the prosecutors -- especially
2 prosecutors who are prosecuting a case in which he's an
3 investigator, know where he's going in advance, would have a
4 chilling effect on my other client's ability to defend himself
5 and the other clients of Mr. Rombom for whom he's doing
6 investigative work.

7 For those reasons, Your Honor, I request that the
8 Court release Mr. Rombom on his own recognizance, not impose
9 any travel restrictions whatsoever. And given both the
10 absolutely weak nature of the charges and combined with Mr.
11 Rombom's standing and roots in the community, I don't see any
12 need for pretrial supervision either. Thank you, Your Honor.

13 THE COURT: A couple of questions. Is there an
14 objection to the request regarding the guns? It sounded like
15 the license had been revoked anyway.
16 do to this -- to that case.

17 MR. TERREY: Yeah, I believe the license is revoked
18 mandatorily after an arrest and no, there is no objection to
19 that unless the Court somehow has the power today to quash the
20 arrest, which unfortunately, I think you do not.

21 THE COURT: If you could just clear up the issue on
22 the office. I -- the Government didn't elaborate when they
23 said the office address was false. How -- what is that
24 address, how long had he been there, was it rented, is it --
25 was -

1 MR. TERREY: Sure. Okay. That's an address Mr.
2 Rombom has used to receive mail for the past 20 years. He goes
3 in there approximately once a month. The NYPD took the
4 position that that wasn't a sufficient connection to the office
5 --

6 THE COURT: What is it? Is it a post office drop?

7 MR. TERREY: It's an attorney's office.

8 THE COURT: It's an attorney's office that he -

9 MR. TERREY: He's a client of Mr. Rombom -

10 THE COURT: Got it.

11 MR. TERREY: -- who lets him use the office when he
12 needs an office.

13 THE COURT: I guess you say he's no longer using that
14 office?

15 MR. TERREY: Well, he's going to change the -- since
16 the NYPD took the position that that can't -- that's not a
17 legitimate office for him to have a permit connected to, he's
18 going to change to a different address.

19 THE COURT: The permit -- the gun permit?

20 MR. TERREY: Yes, the gun permit, correct.

21 THE COURT: All right. There was something you said
22 at the beginning and perhaps I misinterpreted it that led me to
23 believe that you were in contact with the U.S. Attorney's
24 Office with respect to the potential of these very charges and,
25 therefore, you said that, you know, they should have contacted

1 you for a voluntary surrender.

2 MR. TERREY: Yes. It --

3 THE COURT: I just wasn't sure if I understood that
4 correctly and if you could describe the nature of your contact
5 with the U.S. Attorney's Office.

6 MR. TERREY: Absolutely. I -- at the time the Grand
7 Jury subpoena was served on Mr. Rombom, Mr. Rombom retained
8 counsel, whose name is Stanley Rupkin [Phonetic] to represent
9 him in connection with the Grand Jury subpoena.

10 Subsequent to that -- when it was, I can't remember --
11 -- it was at least a month and a half ago -- the FBI agents
12 showed up at the home of Mr. Rombom's elderly in firmid parents
13 and we believed -- we, meaning myself, Mr. Litman and his
14 attorney, Mr. Rupkin, believed that the FBI must be looking for
15 Mr. Rombom to arrest him since they know he's represented by
16 counsel. At that point Mr. Rupkin -- I am told by Mr. Rupkin --
17 I wasn't party to the conversation -- called up the Assistant
18 U.S. Attorney, either Ms. Isaacson or Mr. Feldman -- I don't
19 know which -- and said I understand that you're looking for my
20 client to the extent that you're seeking to arrest him. We
21 would be happy to arrange a voluntary surrender. And that
22 happened a couple of months ago.

23 THE COURT: Okay. Thank you. Anything else from the
24 Government?

25 MS. ISAACSON: Your Honor, I'm not going to get into

1 the merits of this complaint and to try to litigate this matter
2 at this point. I just do want to clarify though that it has
3 been the Government's position throughout, that we have not
4 decided whether or not we are calling Mr. Meyers as a witness
5 at the trial and that's how we have -- what we've informed them
6 in writing.

7 MR. TERREY: Your Honor, that's not correct. I don't
8 have the minutes with me, but she has told the -- Judge Griesa
9 flat out that we're not calling him, but --

10 THE COURT: Go ahead, Ms. Isaacson.

11 MS. ISAACSON: And Judge Griesa did express concern
12 about the effect of this investigation on -- of Mr. Rombom on
13 the ability of Mr. Santoro to conduct his defense, but he also
14 expressed a great concern for the ability of, you know, our
15 witnesses, the Government's witnesses to be safe. It was
16 definitely a balancing concern and the Judge, in no way, told
17 us that we could not move forward with the complaint in this
18 case.

19 The Government would stand by its request that bond
20 of \$400,000, co-signed by three financially responsible
21 persons, be imposed in this case.

22 The Government has no objection to the defendant
23 letting Pretrial Services know of where he intends to travel to
24 as opposed to the United States Attorney's Office and providing
25 them with the details. That is fine. If the Government would

1 request, of course, that he provide them -- if he's conducting
2 business in another state, he provide them with his license so
3 at least for the business that he's going to conduct in the
4 state to make sure that he is not performing private
5 investigative work without authorization. That's all.

6 THE COURT: Did you --

7 MR. TERREY: That reminds me of one thing I forgot.
8 They have taken his private investigator's license and seized
9 it as evidence and he needs that back. It's an I.D.? It's an
10 I.D., a private investigator's identification. Excuse me. Not
11 license.

12 THE COURT: Seized it in what context?

13 MR. TERREY: That --

14 THE COURT: At the time of arrest?

15 MR. TERREY: I believe so.

16 MS. ISAACSON: We have it at the time of arrest right
17 now, Your Honor. We can make copies of it and return the
18 original to him.

19 THE COURT: And return the original -- I'm sorry.

20 MS. ISAACSON: I believe we -- we have, I believe,
21 still have the original. We have not yet returned the original
22 to him as yet.

23 THE COURT: Well, are you planning to return it or --

24 MS. ISAACSON: I have not -- we've not yet reached
25 that determination, Your Honor.

1 THE COURT: What's the mechanism for their getting it
2 back? Is this a Rule 41 Application? I just -- it's not
3 really a Rule 5 Application so I just want to think about the
4 right way to do this.

5 MS. ISAACSON: Right. The Government may be applying
6 -- Your Honor, if we can make a sufficient copy of it, we're
7 happy to return the original to him. We just have not had a
8 chance to make a color photocopy of it as yet.

9 THE COURT: Let's say that you aren't able to do that
10 and want to keep it and they want it back, what our mechanism
11 for getting it back if they have one? I mean the application,
12 having been made, I feel I have to now rule on it either by
13 saying I'm not empowered to do it as part of the initial
14 appearance process or to at least say what that process might
15 be, if there is one. I don't know. Maybe there isn't one. I
16 assume it's 41 -- maybe it's a 41G Application.

17 MS. ISAACSON: Yeah, for return of property, similar
18 to --

19 THE COURT: I think -- I think --

20 MS. ISAACSON: -- similar to when there's a search
21 warrant.

22 THE COURT: I don't think I can be involved in that at
23 this stage.

24 MR. TERREY: Fair enough.

25 THE COURT: I mean think, until there's an indictment,

1 I think the application would come to the Magistrate Judge. I
2 just don't feel comfortable with an oral application. So if you
3 want to make a written application, do that. Okay?

4 MR. TERREY: Okay. Hopefully we can work it out in
5 the interim.

6 THE COURT: Now, I got sidetracked. I was about to
7 ask a question of Ms. Isaacson which was whether in fact there
8 had been a call offering a voluntary surrender of this
9 individual.

10 MS. ISAACSON: Yes, Your Honor, there had been and the
11 United --

12 THE COURT: Your contention was that you had to do the
13 arrest 'cause you -- 'cause what exactly? You didn't know what
14 his real address -- home address was?

15 MS. ISAACSON: Your Honor, the United States
16 Attorney's Office made the determination that voluntary
17 surrender was inappropriate in this case.

18 THE COURT: I understand that, but if the -- and the
19 reason was -- I mean you're now seeking bail conditions. So
20 you now have to justify why this individual is a flight risk.
21 So --

22 MS. ISAACSON: We -- Your Honor, I think part of the -

23 -

24 THE COURT: by the way, you didn't say the basis on
25 which you were seeking the bail conditions. I assume it's

1 flight risk and now --

2 MS. ISAACSON: It is flight risk, yes, Your Honor.

3 THE COURT: Okay.

4 MS. ISAACSON: Because I had also mentioned that it's
5 very -- his ties here are limited although he says he has lived
6 here in the same zip code for a long period of time. The FBI
7 has been unable to located the place where he stays most
8 nights. We did go to the address in Brooklyn where he claims
9 he has lived, but the landlord there says that, at most, she
10 sees him once a month. Accordingly, although it was very nice
11 of his attorney to make that offer, if we notify the attorney
12 that there had been a complaint and the defendant decided not
13 to turn himself in, as the attorney claimed he would have, we
14 would have had a very, very difficult time locating him.

15 We chose the conference because it was the one time
16 that we believed that he was going to be in this jurisdiction
17 when we would be able to find him.

18 MR. TERREY: Your Honor, Mr. Rombom's landlord is not
19 a female. It's a male. His name is Steven Williams. I don't
20 know who they spoke to, but that information is totally
21 inaccurate.

22 MS. ISAACSON: We spoke -- they spoke to the wife,
23 Your Honor.

24 THE COURT: All right. Having considered all the bail
25 factors including this nature of the charges and the strength

1 of the evidence, I don't believe that any significant bail
2 conditions are warranted here. So I'm willing to release the
3 defendant without a bond, subject to regular pretrial
4 supervision, no travel restrictions. He will have to surrender
5 a passport, however, and have no new applications. If there's
6 an application to leave the country, I guess that could be
7 considered at a later time. He is to turn in any guns to the
8 FBI, or if they so direct him to the New York City Police
9 Department.

10 What date should I put for the preliminary hearing?

11 MR. TERREY: Judge, on the travel restrictions, Mr.
12 Rombom has a trip planned to China. I don't know if that's
13 something you want to address. Today I would --

14 THE COURT: When is the trip and for what purpose?

15 MR. TERREY: He has a meeting scheduled for Wednesday
16 to -- with his client to set up the trip and it's for due
17 diligence in Fuchi in Provence [Phonetic] which needs to be
18 done in the next 30 to 45 days.

19 THE COURT: Well, any other foreign travel planned?

20 MR. TERREY: Not at the moment, but as I said before,
21 his -- he travels internationally very frequently.

22 THE COURT: Right. Well, I mean I have no reason to
23 believe this individual is going to flee to China.

24 What I'd like to do is I'd like the surrender of the
25 travel -- of the passport and then an application to be made to

1 make this trip to China with the documentation of what it's for
2 and the purpose and so forth and then to have the application
3 made on the understanding that at the time the bail conditions
4 were set, I was open to the idea that a legitimate trip to
5 China would be a reasonable thing to permit. Okay?

6 Anything -- I asked you about the preliminary hearing
7 date.

8 MR. TERREY: Yes. As soon as possible, Judge.

9 THE COURT: That would be August 7.

10 Anything further from the Government?

11 MS. ISAACSON: I would just inquire if the defendant
12 still will be in China as of August 7.

13 MR. TERREY: He'll go after.

14 THE COURT: Okay. Anything further from the
15 Government?

16 MS. ISAACSON: Not now, Your Honor.

17 THE COURT: All right. From defense counsel?

18 MR. TERREY: No, sir.

19 THE COURT: All right. Thank you.

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