

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF SOUTH CAROLINA

SPARTANBURG DIVISION

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UNITED STATES OF AMERICA,
Plaintiff,

* CRIMINAL NO. 6:22-cr-01012
* OCTOBER 17, 2023 9:57 A.M.
* GUILTY PLEA HEARING

vs.

LAWRENCE JOSEPH FLORENTINE,
Defendant.

* Before:
* HONORABLE DONALD C. COGGINS, JR.
* UNITED STATES DISTRICT JUDGE
* DISTRICT OF SOUTH CAROLINA

* * * * *

APPEARANCES:

For the Plaintiff:

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For the Defendant:

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* * * STENOTYPE/COMPUTER-AIDED TRANSCRIPTION * * *

1 PROCEEDINGS

2 (Court convened at 9:57 a.m.)

3 THE COURT: Thank you. Please be seated.

4 All right. Ms. Washington.

5 MS. WASHINGTON: Your Honor, the government calls
6 United States of America versus Lawrence Joseph Florentine.
7 It's Criminal Number 6:22-1012. Mr. Florentine is present in
8 the courtroom with counsel.

9 Your Honor, the government and Mr. Florentine had
10 entered into a plea agreement, and it's my understanding that
11 he intends to plead to Count 1 through 4 of the indictment
12 this morning.

13 THE COURT: All right. Thank you. Mr. Kendrick, is
14 that correct?

15 MR. KENDRICK: That's correct, Your Honor.

16 THE COURT: And is the defense prepared to go
17 forward?

18 MR. KENDRICK: We are, Your Honor.

19 THE COURT: All right. Madam Clerk, would you swear
20 the defendant, please.

21 THE CLERK: Sir, please stand, raise your right
22 hand, and state your name for the record.

23 THE DEFENDANT: Lawrence Joseph Florentine.

24 (Whereupon, the defendant is duly sworn on oath.)

25 THE DEFENDANT: I do.

1 **THE COURT:** Thank you, sir. Mr. Florentine, the
2 assistant U.S. attorney and your attorney tell me that you
3 wish to plead guilty today; is that correct?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** All right. In order for me to determine
6 that you are offering this plea freely, voluntarily, and
7 knowingly, it's going to require that I ask you a number of
8 questions today. This will take a little while to get
9 through. If you want to remain seated while you respond, you
10 may. I'll ask your counsel to pull the microphone over so
11 that I can hear you clearly. Before I begin with my
12 questioning of you, Mr. Florentine, let me ask Mr. Kendrick.

13 Mr. Kendrick, have you had sufficient time to confer
14 with your client about this matter?

15 **MR. KENDRICK:** Yes, sir.

16 **THE COURT:** Have you advised him of his
17 Constitutional rights and explained the Court process to him?

18 **MR. KENDRICK:** Yes, sir.

19 **THE COURT:** And do you believe he understands what
20 he's doing today?

21 **MR. KENDRICK:** Yes, sir.

22 **THE COURT:** All right. Thank you, sir.

23 All right. Mr. Florentine, by pleading guilty
24 you're going to be giving up certain important rights and
25 possible legal defenses that you may have under the law. In

1 order for me to convince myself that you understand those
2 rights and are giving those things up freely and voluntarily,
3 as I indicated I'm going to ask you a number of questions.
4 It's very important that you listen carefully to all of my
5 questions and everything that is said during this hearing. If
6 I give you information this morning that is different from
7 what others may have told you, even if it's different than
8 what your attorneys may have told you, you need to rely upon
9 what I tell you this morning. Do you understand that?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** If I ask you a question that you don't
12 understand, or if I use a word or phrase that you don't
13 understand, you need to let me know immediately so that I can
14 rephrase my question or explain it to you. If you don't say
15 anything, I'm going to presume that you understood all of my
16 questionings and everything else that was said during this
17 hearing. Likewise, if at any time during my questioning you
18 feel it is necessary to confer privately with your attorneys,
19 all you need to do is let me know that and I'll be happy to
20 give you that opportunity. Do you understand that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Now Mr. Florentine, you have been placed
23 under oath, and everything you tell me from here on out in
24 this hearing is material to your case so that if you answer
25 any of my questions falsely, those false answers can be used

1 against you in a later proceeding which could include a
2 prosecution for perjury or for making false statements to the
3 Court. Do you understand that?

4 **THE DEFENDANT:** Yes, sir, Your Honor.

5 **THE COURT:** All right. Mr. Florentine, if you would
6 please state your full name for the record again.

7 **THE DEFENDANT:** Lawrence Joseph Florentine.

8 **THE COURT:** And how old are you, sir?

9 **THE DEFENDANT:** I'm 56 years old.

10 **THE COURT:** Tell me a little bit about your
11 educational background. How far did you go in school?

12 **THE DEFENDANT:** I have a master's degree in
13 business.

14 **THE COURT:** All right. And where were you born,
15 sir?

16 **THE DEFENDANT:** Islip, New York.

17 **THE COURT:** So you are a U.S. citizen?

18 **THE DEFENDANT:** Yes.

19 **THE COURT:** Do you have any difficulty whatsoever
20 understanding and communicating in the English language?

21 **THE DEFENDANT:** No, Your Honor.

22 **THE COURT:** Now, Mr. Florentine, this next series of
23 questions are questions that I have to ask of everyone in your
24 position, so please don't be offended by my asking you. Have
25 you used any type of alcohol or drugs within the last 24

1 hours?

2 **THE DEFENDANT:** No, Your Honor.

3 **THE COURT:** As you sit here this morning, are you
4 under the influence of any type of alcohol, drug, medication,
5 or any other substance that would affect your judgment, that
6 is, affect your ability to know what you're doing?

7 **THE DEFENDANT:** No. Not that would affect my
8 judgment, no, Your Honor.

9 **THE COURT:** Do you suffer from any type of medical
10 condition whether physical, mental, or emotional that would
11 affect your ability to understand what you're doing?

12 **THE DEFENDANT:** No, Your Honor.

13 **THE COURT:** All right. Let the record reflect that
14 based upon Mr. Florentine's appearance, his demeanor, and his
15 responses to my questions thus far, I do not believe that he
16 is impaired in any way.

17 Now, Mr. Florentine, are there any medications that
18 have been prescribed for you by a healthcare provider that
19 you're supposed to be taking but you are not currently taking
20 as directed?

21 **THE DEFENDANT:** No, Your Honor.

22 **THE COURT:** Have you ever been treated for any type
23 of mental illness?

24 **THE DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** Tell me about that. When was that?

1 **THE DEFENDANT:** I guess in the late 2000s I was
2 diagnosed as bipolar/manic depressive. I was treated for that
3 and just recently while incarcerated I was also treated for
4 the same.

5 **THE COURT:** All right. With respect to your more
6 recent treatment, what has that treatment consisted of?

7 **THE DEFENDANT:** I'm on two different medications
8 daily that I take.

9 **THE COURT:** All right. And what are those
10 medications?

11 **THE DEFENDANT:** Cymbalta in the morning, 30
12 milligrams, and Remeron, 30 milligrams in the evening.

13 **THE COURT:** While taking those medications does that
14 seem to control any symptoms related to your bipolar
15 condition?

16 **THE DEFENDANT:** Yes, sir. It's a mood enhancer.

17 **THE COURT:** While you are taking those medications
18 do you have any effect -- does it have any effect on your
19 judgment, your ability to understand what's going on either
20 from the drugs themselves or from the underlying condition?

21 **THE DEFENDANT:** No, Your Honor.

22 **THE COURT:** All right. Do you feel like you
23 understand what we're doing here this morning?

24 **THE DEFENDANT:** Yes, I do.

25 **THE COURT:** All right. Have you ever been treated

1 for any type of addiction to narcotic drugs?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Have you recently been seen by any type
4 of doctor, psychiatrist, psychologist, or mental health
5 professional?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Okay. Who is prescribing the medication
8 you're taking while incarcerated?

9 THE DEFENDANT: There is a -- I guess call her a
10 psych nurse. I don't know what her credentials are.

11 THE COURT: And when did you last see her?

12 THE DEFENDANT: I think it was back in May.

13 THE COURT: Okay. How often is anybody monitoring
14 your medication?

15 THE DEFENDANT: I haven't seen her since May.

16 THE COURT: Okay. I think you answered this but I
17 just want to be sure, have the prescriptions that she has
18 given you controlled your condition?

19 THE DEFENDANT: I believe so, yes, Your Honor.

20 THE COURT: Have you had any need to see someone
21 because of that condition since May?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: All right. Are you satisfied with the
24 services of your attorneys?

25 THE DEFENDANT: I am, Your Honor.

1 **THE COURT:** Have you had sufficient time to meet
2 with them and discuss your case with them before coming to
3 this decision?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Have they advised you of your rights and
6 explained the Court process to you?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Have they specifically explained to you
9 the possible consequences that may take place as a result of
10 this proceeding, that is, as a result of you pleading guilty?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** Have you told them everything that you
13 want or need to tell them about your case?

14 **THE DEFENDANT:** I have, Your Honor.

15 **THE COURT:** Have they done everything you have asked
16 them to do for you?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** Is there anything that you would like
19 your attorneys to do for you before we proceed this morning?

20 **THE DEFENDANT:** No, Your Honor.

21 **THE COURT:** Do you authorize and request that they
22 speak on your behalf during this hearing?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** All right. Mr. Kendrick, taking into
25 consideration everything you know about this case, do you

1 agree with Mr. Florentine's decision to plead guilty?

2 **MR. KENDRICK:** Yes, Your Honor.

3 **THE COURT:** And do you have any concerns about his
4 competence to make that decision based on your interactions
5 with him?

6 **MR. KENDRICK:** No, Your Honor. He's met with all
7 four of the lawyers at various points, and I don't think any
8 of us have ever had a problem with communicating with him.
9 And we believe he understands everything we've told him.

10 **THE COURT:** Ms. Washington, any concerns as to
11 competency from the government?

12 **MS. WASHINGTON:** None, Your Honor.

13 **THE COURT:** All right. I find that the defendant,
14 Lawrence Joseph Florentine, is competent to plead guilty to
15 the charges against him and I so find for purposes of this
16 record.

17 Now, Mr. Florentine, you are offering, as I
18 understand it, to plead guilty to Counts 1 through 4 in the
19 indictment now pending against you. The indictment is simply
20 the written document the government uses to charge you with a
21 crime. It's not evidence of anything. It's just allegations.
22 Have you had an opportunity to review a copy of the indictment
23 and go over it with your attorneys?

24 **THE DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** Have they explained the charges against

1 you?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** Have they gone over with you what the
4 government would have to prove in order to sustain those
5 charges?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** Have they talked to you about the
8 penalties that you may face upon conviction on those charges?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** All right. In order to satisfy myself
11 that you do in fact understand the nature of the charges
12 against you, the essential elements the government would have
13 to prove in order to convict you of those charges, and the
14 maximum possible penalties that you may face upon conviction,
15 at this time I'm going to ask the assistant U.S. attorney to
16 briefly go over those charges, elements, and penalties, and
17 I'm going to ask you to listen carefully as she does so.

18 Ms. Washington.

19 **MS. WASHINGTON:** Your Honor, as to Count 1,
20 Mr. Florentine is offering to plead guilty to Count 1 which
21 charges that between on or about June 9, 2020, and June 11,
22 2020, in this district and elsewhere, that he did knowingly
23 and unlawfully cause his spouse, an intimate partner, N.Z.F.,
24 to travel in interstate commerce by force, coercion, duress,
25 and fraud, and in the course of and to facilitate such conduct

1 and travel, did commit a crime of violence, namely murder, as
2 defined in Title 18 United States Code § 1111, which resulted
3 in the death of N.Z.F.; in violation of Title 18 United States
4 Code § 2261(a)(2) and 2261(b)(1).

5 The elements of that offense, Your Honor, are, one,
6 that the defendant and the victim are spouses and intimate
7 partners. The defendant caused the victim to cross a state
8 line by force, coercion, duress, or fraud. That in the course
9 of or as a result of that conduct the defendant intentionally
10 committed a crime of violence as charged in Count 1 upon the
11 victim. Four, as a result of this crime of violence the
12 victim died. And lastly that the killing constitutes murder,
13 that is, the unlawful killing of a human being with malice
14 aforethought.

15 The possible penalties, Your Honor, in this case
16 because death resulted, is imprisonment for life or any term
17 of years, a fine of \$250,000, and a term of supervised release
18 of not more than five years, plus a special assessment fee of
19 \$100.

20 As to Count 2, Your Honor, the defendant is offering
21 to plead guilty to use of a firearm to cause death during a
22 crime of violence. Count 2 reads that on or about June 9,
23 2020, in this district and elsewhere, that the defendant
24 knowingly did use and carry a firearm during and in relation
25 to a crime of violence as charged in Count 1 of this

1 indictment, which is prosecutable in a court of the United
2 States, and did cause the death of a person through the use of
3 a firearm, in such a manner to constitute murder, as defined
4 in Title 18 United States Code § 1111, in that the defendant
5 with malice aforethought, did unlawfully kill N.Z.F., by
6 shooting her with a firearm; in violation of Title 18 United
7 States Code § 924(j)(1).

8 The elements of the offense charged in Count 2 were,
9 one, that the defendant knowingly used and carried a firearm.
10 That the use or carrying of a firearm occurred during and in
11 relation to a crime of violence as charged in Count 1, which
12 is prosecutable in a court of the United States. Three, that
13 the use or carrying of the firearm caused death of the victim.
14 And four, that the killing constitutes murder, that is, the
15 unlawful killing of a human being with malice aforethought.

16 Possible penalties as to Count 2. Because the
17 killing constitutes murder -- penalties -- the possible
18 penalties are imprisonment for a term of years or for life.
19 He's ineligible for probation or suspension of a sentence, a
20 fine of \$250,000, and a term of supervised release of at least
21 five years, plus a special assessment fee of \$100.

22 Mr. Florentine is offering to plead guilty to
23 Count 3. And in Count 3 the indictment charges obstruction of
24 justice. And it reads that between on or about June 9 and
25 June 22 of 2020, in this district and elsewhere, that the

1 defendant did knowingly alter, destroy, mutilate, and conceal
2 a record, document, intangible object, including but not
3 limited to electronic communications and other electronically
4 stored information, with the intent to impede, obstruct, and
5 influence the investigation and proper administration of a
6 matter within the jurisdiction of a department and agency of
7 the United States, that is, a possible violation of Title 18
8 United States Code § 2261(a), which is a matter the defendant
9 contemplated was within the jurisdiction of the Federal Bureau
10 of Investigation, and in relation to and in contemplation of
11 such matter; all in violation of Title 18 United States Code §
12 1519.

13 The elements of the offense charged in Count 3 are,
14 one, that the defendant altered, destroyed, mutilated,
15 concealed, covered up, or falsified a record, document, or
16 tangible object. That the defendant did so knowingly. And
17 that the defendant acted with the intent to impede, obstruct,
18 or influence the investigation of a matter within the
19 jurisdiction of an agency of the United States, or in relation
20 to or in contemplation of any such matter.

21 The possible penalties, a maximum term of
22 imprisonment of not more than 20 years, a fine of \$250,000,
23 and a term of supervised release of not more than three years,
24 plus a special assessment fee of \$100.

25 Lastly, Mr. Florentine is offering to plead guilty

1 to Count 4. In Count 4 the grand jury charges in Count 4 that
2 on or about June 11, 2020, in the District of South Carolina
3 and elsewhere, that the defendant did knowingly use a fire in
4 the commission of a felony, namely, interstate domestic
5 violence resulting in death, as charged in Count 1, in
6 violation of Title 18 United States Code § 2261(a), which is
7 prosecutable in a court of the United States; all in violation
8 of Title 18 United States Code § 844(h).

9 The elements of that offense are that the defendant
10 committed the crime of interstate domestic violence resulting
11 in death as charged in Count 1. That the defendant knowingly
12 caused the use of fire in the commission of the crime of
13 interstate domestic violence resulting in death as charged in
14 Count 1 of the indictment.

15 The possible penalties, a term of imprisonment of
16 not less than ten years consecutive to any other term of
17 imprisonment, ineligible for probation or suspension of
18 sentence during a term of imprisonment, a fine of \$250,000, a
19 term of supervised release of not more than three years, plus
20 a special assessment fee of \$100.

21 **THE COURT:** Thank you.

22 All right. Mr. Florentine, did you listen carefully
23 to the information that was presented as to the charges, the
24 elements, and penalties related to the counts to which you are
25 offering to plead guilty?

1 the scope of my question, my question is, do you understand
2 the nature of these charges, the elements the government would
3 have to prove, and the maximum possible penalties that you may
4 face --

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** -- as to these four counts?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** And understanding all of that do you
9 still wish to plead guilty understanding that you have a plea
10 agreement that we're going to go over in a few moments and
11 subject to any provisions in that plea agreement?

12 Understanding the nature of the charges, elements, and
13 possible penalties, do you still wish to plead guilty?

14 **THE DEFENDANT:** I do, Your Honor.

15 **THE COURT:** All right. The Court finds that the
16 defendant, Lawrence Joseph Florentine, fully comprehends and
17 understands the nature of the charges against him and
18 generally what elements the government would have to prove if
19 a trial were held, as well as the penalties associated with
20 the offenses charged.

21 Now Mr. Florentine, as I indicated earlier, by
22 pleading guilty to these charges you're going to be giving up
23 certain important rights and possible legal defenses that you
24 may have as a criminal defendant. I want to make sure and go
25 over those with you at this time, so I want you to listen

1 carefully as I do so.

2 Under the Constitution and laws of the United States
3 you have a right to plead not guilty. And if you plead not
4 guilty you are entitled to a public and speedy trial by a jury
5 on the charges contained in the indictment. It does not
6 matter to me whether you choose to plead guilty or not guilty.
7 If you were to decide to plead not guilty and you requested a
8 trial by jury, you would also be entitled to a number of
9 procedural rights as a defendant in a criminal case. Now I'm
10 going to go over some of those with you at this time.

11 You would have the right to the assistance of
12 counsel for your defense at every stage of your case, and if
13 you could not afford an attorney, one would be appointed for
14 you without cost to you. Of course you're currently being
15 represented by a number of very experienced and competent
16 legal counsel, and I would expect that they would remain with
17 you through the trial of your case.

18 There's no burden of proof upon you whatsoever. You
19 are presumed innocent of any and all charges until and unless
20 the government proves you guilty of each and every element of
21 the offenses beyond a reasonable doubt. You would be presumed
22 innocent, and the government would be required to prove you
23 guilty by competent evidence and beyond a reasonable doubt
24 before you could be found guilty, and you would not have to
25 prove your innocence.

1 The witnesses for the government would have to come
2 here to court and testify in your presence, and your attorneys
3 could cross-examine the government's witnesses, and your
4 attorneys could object to other evidence being offered by the
5 government in its case. And while there's no burden of proof
6 upon you, your attorneys could offer evidence on your behalf
7 if you so choose.

8 Likewise, while there's no burden of proof upon you,
9 if a trial were held, you would have the right to testify in
10 your own defense if you chose to do so. However, you would
11 also have the absolute right not to testify. And if you chose
12 not to testify, I would specifically inform and instruct the
13 jury that no inference or suggestion of guilt whatsoever could
14 be drawn from the fact that you did not testify.

15 You would have the right to the issuance of
16 subpoenas to compel the attendance of witnesses to come here
17 and testify for your defense and to compel the production of
18 other evidence for your defense. Again, while there's no
19 burden of proof upon you, if you -- if a trial were held and
20 you had witnesses that you wanted to come here and testify on
21 your behalf, this Court will assist you and your attorneys in
22 having those witnesses brought here to court.

23 And finally, if a trial were held, in order for you
24 to be found guilty the jury would have to reach a unanimous
25 verdict by all of its members.

1 Now Mr. Florentine, do you understand these
2 important rights as I have outlined them for you?

3 **THE DEFENDANT:** I do, Your Honor.

4 **THE COURT:** If you plead guilty and I accept your
5 plea, you will be giving up your right to a jury trial and all
6 of these other rights I have just gone over with you. There
7 had be no trial, and I will enter a judgment of guilt and
8 sentence you on the basis of this guilty plea. Do you
9 understand that?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** If you plead guilty you will also have
12 to give up your right not to incriminate yourself since I will
13 be asking you questions about what you did in order to satisfy
14 myself that you are in fact guilty as charged, and you will
15 have to acknowledge and admit to that guilt. Do you
16 understand that?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** Now Mr. Florentine, if restitution is an
19 issue in the case, and given the nature of this case and based
20 upon my review of your plea agreement I believe it may be an
21 issue in your case, if you plead guilty and I accept your plea
22 you may be required to make restitution to a victim or victims
23 of your acts either by payment of money or in personal
24 services as may be directed by this Court. If such
25 restitution is ordered, your failure to comply with that court

1 order may be the basis for revoking any period of supervised
2 release that might be imposed as part of your sentence. Do
3 you understand that?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** The offenses to which you are offering
6 to plead guilty are felony offenses. If your plea is accepted
7 you may be deprived of valuable civil rights, such as the
8 right to vote, to hold public office, to serve on a jury, and
9 to possess any kind of firearm. It may also affect your
10 ability to receive certain government benefits. Do you
11 understand that?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** If the offense to which you are pleading
14 guilty carries a maximum sentence of 20 years or more, and at
15 least two of these counts do, you would be ineligible for any
16 probationary sentence pursuant to Title 18 United States Code
17 § 3561(a)(1). Do you understand that?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** If forfeiture is an issue in the case,
20 and I don't know that it is, but if it is and I accept your
21 plea of guilty, I can order you to forfeit certain property to
22 the government. Do you understand that?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** Again, if you plead guilty, the Court is
25 obligated to impose a mandatory special assessment fee as to

1 each count of the indictment that you are admitting to, and
2 that fee is payable immediately upon sentencing. In this case
3 you're offering to plead guilty to four counts. The mandatory
4 special assessment is \$100 per count. So it would be a total
5 of \$400. Do you understand that?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** Now Mr. Florentine, do you still wish to
8 plead guilty?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** Do you need any additional time to
11 discuss this matter with your attorneys?

12 **THE DEFENDANT:** No, Your Honor.

13 **THE COURT:** All right. If you plead guilty or if
14 you are convicted by a jury at the trial of this case, then it
15 will fall to this Court to determine the appropriate sentence
16 to be imposed. In determining the appropriate sentence I'm
17 required to consider the statutory sentencing factors set out
18 by Congress in Title 18 § 3553(a) of the United States Code,
19 and also the advisory sentencing guidelines issued by the
20 United States Sentencing Guidelines Commission. Those
21 guidelines are used as the starting point in determining your
22 sentence. The Court is obligated to calculate the applicable
23 guideline range and to consider that range, as well as any
24 possible departures or variances under the sentencing
25 guidelines and the other factors set out in 18 U.S.C. §

1 3553(a). In addition, the Court will also consider the
2 purposes of sentencing which include punishment, deterrence,
3 incapacitation, and rehabilitation in making its determination
4 of an appropriate sentence under the circumstances in your
5 case. Do you understand that?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** Now, have you and your attorneys talked
8 about how the statutory factors and advisory guidelines might
9 affect your sentence in this case?

10 **THE DEFENDANT:** Yes, sir, Your Honor.

11 **THE COURT:** Do you understand that I will not be
12 able to determine the guideline range for your case until
13 after the presentence report has been completed, and both you
14 and the government have had an opportunity to review that
15 report and to challenge the reported facts and application of
16 the guidelines as recommended by the probation officer who
17 prepares that report?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** Do you understand that even after it has
20 been determined what guidelines apply to your case, I have the
21 authority to impose a sentence that is more severe or less
22 severe than that called for by the guidelines because those
23 guidelines are only advisory?

24 **THE DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** Do you understand that any sentence I

1 may ultimately impose may be different from and possibly
2 greater than any estimate your attorneys or anyone else may
3 have given you?

4 **THE DEFENDANT:** Yes, I do, Your Honor.

5 **THE COURT:** Now Mr. Florentine, in calculating the
6 range of sentence under the advisory guidelines and
7 determining an appropriate sentence under the facts of your
8 case, this Court will take into account all conduct,
9 circumstances, and injuries associated with your criminal
10 conduct, whether or not that conduct has been formally charged
11 by the government or is included in the counts you are
12 admitting to in the indictment. The Court will consider all
13 relevant conduct at the time of sentencing. There's no
14 limitation on the information that I can consider at the time
15 of sentencing concerning your background, your character, and
16 your conduct as long as that information is reliable. The
17 Court will take all of these factors and all of that
18 information into consideration in determining an appropriate
19 sentence under the facts and circumstances of your case. Do
20 you understand that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Do you understand that parole has been
23 abolished, and that if you are sentenced to prison you will
24 not be released early on parole?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** All right. Now Mr. Florentine, it's my
2 understanding that you have entered into a written plea
3 agreement with the government, and I've been provided with a
4 copy of that document. I'm going to ask your attorney to have
5 a copy in front of you that you can refer to.

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** This plea agreement which I believe was
8 filed yesterday and is dated October 16, 2023, I'm going to
9 ask you to turn to the last page, Mr. Florentine, which I
10 believe is page 8. On that page there are a number of
11 signature lines. The very first signature line is for
12 Lawrence Joseph Florentine, defendant. Is that your
13 signature, sir?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** And to the left of your signature is
16 dated 16 October 2023. Did you sign this document yesterday?

17 **THE DEFENDANT:** Yes, I did.

18 **THE COURT:** Now, before you signed this agreement,
19 Mr. Florentine, did you have a full and complete opportunity
20 to review it, study it, and to go over it with your attorneys?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** And did they explain it to you and
23 answer any questions you had concerning it?

24 **THE DEFENDANT:** They did, Your Honor.

25 **THE COURT:** Do you believe that you understand each

1 and every provision contained in this plea agreement?

2 **THE DEFENDANT:** I do, Your Honor.

3 **THE COURT:** At the time you signed it did you enter
4 into it freely, voluntarily, and knowingly?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** All right. Mr. Florentine, I want to
7 establish for the record that your understanding of this is
8 consistent with the government's understanding of these
9 provisions. And in order to do that I'm going to have the
10 prosecutor go over the material provisions of your plea
11 agreement and summarize those. And I'm going to ask you to
12 follow along as she does so.

13 Now, before she begins, I want to point out that
14 paragraphs 1 through 5 go over the charges, the elements, and
15 the penalties that we have previously gone over with you.

16 Do you have any further questions regarding those,
17 or do you need any additional time to confer with your
18 attorneys about those?

19 **THE DEFENDANT:** No, Your Honor.

20 **THE COURT:** Do you understand those charges,
21 elements, and penalties?

22 **THE DEFENDANT:** I do, Your Honor.

23 **THE COURT:** All right. Ms. Washington, with that in
24 mind I believe you can begin with paragraph 6.

25 **MS. WASHINGTON:** Thank you, Your Honor. Picking up

1 with paragraph 6, the defendant understands and agrees that
2 monetary penalties, including special assessment fees,
3 restitution, and fines, and other payments may be required
4 under his sentence and imposed by the Court. He understands
5 that those payments are due and payable immediately. As the
6 Court has advised Mr. Florentine, he will be assessed a
7 100-dollar special assessment fee for each felony count to
8 which he's pleading guilty. He agrees to enter into the
9 Bureau of Prisons Inmate Financial Responsibility Program if
10 he is sentenced to a term of incarceration without having
11 satisfied the monetary penalties.

12 Paragraph 7. Provided the defendant complies with
13 all the terms of the agreement, the government agrees to
14 dismiss the remaining counts of the indictment at sentencing.
15 Mr. Florentine understands that the Court may consider these
16 dismissed counts as relevant conduct under the sentencing
17 guidelines.

18 The defendant understands that the obligations of
19 the government within this agreement are expressly contingent
20 upon his abiding by federal and state laws. In the event he
21 fails to comply with any of the provisions of this agreement
22 either express or implied, the government will have the right,
23 at its sole election, to void all of its obligations under
24 their agreement, and the defendant will have no right to
25 withdraw his plea of guilty.

1 In paragraph 9 it addresses or further addresses
2 restitution. The defendant agrees that pursuant to Title 18
3 United States Code § thirty -- 36 -- 366A and 3663, any and
4 all applicable provisions -- any and all applicable provisions
5 of law, the Court shall order restitution for any loss caused
6 by the defendant for, one, any offense charged in this case
7 including any dismissed count and, two, any criminal activity
8 that was part of the same course of conduct or common scheme
9 or plan as the defendant's charged offenses, payable to the
10 representative of the victim's estate. Restitution shall
11 include but not be limited to an amount equal to the cost of
12 the funeral and related services for the victim as a result of
13 the offenses committed by the defendant, all of which are
14 amounts to be determined by the Court.

15 The defendant represents to the Court that he has
16 met with his attorney on a sufficient number of occasions and
17 for a sufficient period of time to discuss his case and
18 receive advice. That he's been truthful with his attorneys
19 and related all information for which the defendant is aware
20 pertaining to this case. That the defendant and his attorneys
21 have discussed possible defenses, if any, to the charges
22 contained in the indictment. That the defendant has discussed
23 with his attorneys his right to a public trial by a jury or by
24 the Court, the right to the assistance of counsel throughout
25 trial proceedings, the right to call witnesses on his own

1 behalf and compel the attendance of witnesses by subpoena, the
2 right to cross-examine and confront government witnesses, the
3 right to testify on his own behalf or not and have no adverse
4 inferences be drawn from his silence.

5 The defendant with the advice of counsel has waived
6 the relative benefits of a trial by jury or by the Court,
7 versus a plea of guilty pursuant to this agreement, and has
8 entered this agreement as a matter of his own free and
9 voluntary choice and not as a result of pressure or
10 intimidation by any person.

11 Mr. Florentine acknowledges that he's aware that
12 under 18 U.S.C. § 3742 and 28 U.S.C. § 2255, he's afforded, as
13 every defendant, certain rights to contest a conviction and/or
14 sentence. Subject only to the exception contained in
15 sub-paragraph A, Mr. Florentine in exchange for the
16 concessions made by the government in this agreement waives
17 the right to contest either the conviction or sentence in any
18 direct appeal or other post conviction action, including under
19 § 2255.

20 Now subsection A provides that pursuant to the terms
21 of this agreement the defendant expressly retains the right to
22 appeal any adverse ruling from the Court on his motion to
23 dismiss Count 4 of the indictment. That is filed at ECF
24 number 91. The defendant's plea is conditioned on his right
25 to appeal that decision -- is limited to his right to appeal

1 that decision. This waiver does not apply to claims of
2 ineffective assistance of counsel, prosecutorial misconduct,
3 or changes in the law that affect his sentence. This
4 agreement also does not affect the rights or obligations of
5 the government as set forth in Title 18 § 3742(b), nor does it
6 limit the government in its comments in or responses to any
7 post sentencing matters.

8 The defendant waives all rights whether asserted
9 directly or indirectly to request or receive from any
10 department or agency of the United States any records
11 pertaining to the investigation and prosecution of this case,
12 including without limitation any records that may be sought
13 under the Freedom of Information Act.

14 Lastly, the parties agree that this plea agreement
15 contains the entire agreement of the parties, that this
16 agreement supersedes all promises, representations, and
17 statements of the parties. And this agreement shall not be
18 binding on any party until the defendant tenders a plea of
19 guilty to the court having jurisdiction over this matter.
20 This agreement may be modified only in writing and signed by
21 all parties. And that any and all other promises,
22 representations, and statements whether made prior to,
23 contemporaneous with, or after this agreement are null and
24 void.

25 **THE COURT:** Ms. Washington, let me ask you about

1 paragraph 7 which I understand is standard language in a plea
2 agreement. But with respect to dismissing remaining counts,
3 is he not pleading guilty to all four counts in the
4 indictment?

5 **MS. WASHINGTON:** He is, Your Honor. With the
6 exception contained in the appellate waiver paragraph there is
7 an opportunity, I suppose, for the Court to consider dismissed
8 counts as part of relevant conduct.

9 **THE COURT:** All right. Thank you for that
10 clarification.

11 All right. Mr. Florentine, did you listen carefully
12 as the prosecuting attorney went over the material provisions
13 of your plea agreement?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** And do you understand what she said
16 about each of these?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** And are you in agreement with what she
19 said about what this agreement contains?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** And was her description of it consistent
22 with your understanding at the time you entered into it?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** Understanding all of that do you want me
25 to approve and accept this plea agreement?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** Now, let me specifically ask you about
3 paragraph 9 and paragraph 11.

4 Paragraph 9 is the restitution paragraph and does
5 indicate that you understand that there may be restitution
6 payable to a victim or representative of a victim in this
7 case. Do you understand that?

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** And do you agree to that?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** Paragraph 11 is generally what's
12 referred to as an appellate waiver paragraph or provision.
13 And in this case you indicate that you're aware that like
14 every defendant, you have certain rights under federal law to
15 appeal your conviction or sentence. And subject to this one
16 conditional exception as to Count 4, you are waiving those
17 rights to any direct appeal or post conviction action,
18 specifically including one under 28 U.S.C. 2255. Do you
19 understand that you are waiving those rights?

20 **THE DEFENDANT:** I do, Your Honor.

21 **THE COURT:** All right. Do you understand that that
22 waiver is subject to exceptions for claims of ineffective
23 assistance of counsel, prosecutorial misconduct, or if the law
24 were to change at some future point in a way that would affect
25 your sentence?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** Okay. And again, understanding all of
3 that you wish to plead guilty pursuant to this plea agreement?

4 **THE DEFENDANT:** I do, Your Honor.

5 **THE COURT:** All right. Mr. Florentine, has anyone
6 promised you anything or guaranteed you anything about what
7 your sentence will be, or about anything else in order to
8 induce you to plead guilty?

9 **THE DEFENDANT:** No, Your Honor.

10 **THE COURT:** Has anyone made any type of threats or
11 tried to pressure you or coerce you in any way to get you to
12 plead guilty?

13 **THE DEFENDANT:** No, Your Honor.

14 **THE COURT:** Are you pleading guilty of your own free
15 will because you are in fact guilty?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** Now Mr. Florentine, if I accept your
18 plea, the law provides that upon your release from
19 incarceration you would be subject to a term of supervised
20 release. And once you're placed on supervised release, you'll
21 be under an order of this Court that prescribes the rules for
22 your behavior during that time of supervised release. If you
23 violate any term or condition of that supervised release, you
24 can be given additional time in prison. Do you understand
25 that?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** All right. In order for me to accept
3 the plea, we need to establish on the record an independent
4 factual basis for the offense or offenses to which you're
5 offering to plead guilty. So at this time I'm going to ask
6 the assistant U.S. attorney to briefly summarize the facts and
7 evidence that the government believes they could prove at the
8 trial of the case that forms the factual basis for the
9 offenses to which you are offering to plead guilty. To put it
10 another way, I'm going to ask them to tell me what they
11 believe they can prove you did. I need you to listen
12 carefully as they do so because I'm going to ask you about it
13 when they're finished.

14 All right. Ms. Washington.

15 **MS. WASHINGTON:** Your Honor, the defendant married
16 34-year-old Nicole Zahnd in this district on September 6th,
17 2018. The two were married at the time of Nicole's death in
18 June of 2020. Video and audio recordings as well as the
19 personal observations of Nicole's family show that the
20 relationship was volatile.

21 Beginning in December 2019, law enforcement in
22 York County, South Carolina where the couple resided responded
23 to multiple calls for emergency assistance from Nicole during
24 which she reported that the defendant physically abused and
25 threatened to kill, burn, and bury her. Florentine was

1 arrested twice on domestic violence charges, one of which was
2 dismissed at least in part at Nicole's request before her
3 death.

4 On May 23rd, 2020, the couple's Rock Hill home was
5 destroyed by fire. Text messages and photographs sent by the
6 defendant to Nicole during the fire show that he intentionally
7 burned her belongs and intentionally set the property on fire.

8 On June 24th of 2020, the defendant was charged in
9 state court with arson in connection with the fire. Based on
10 witness interviews, text messages, cell phone location data,
11 and other travel records, agents of the FBI determined that
12 Nicole and the defendant were traveling together in North and
13 South Carolina at least from June 2nd, 2020, to on or around
14 June 11th, 2020. No calls to police or for emergency
15 assistance were made by the defendant during this time.

16 Prior to and from June 2nd through the 9th, 2020,
17 Nicole regularly communicated with her grandmother, Beverly
18 Flavell, via text message from her cell phone, that is
19 Nicole's cell phone. Nicole and the defendant were last known
20 to be together in Piedmont, South Carolina from June 7th,
21 2020, to on or about June 10, 2020.

22 On June 13, 2020, a groundskeeper discovered and
23 reported to the Caldwell County Sheriff's Office what appeared
24 to him to be a makeshift grave at Hill Cemetery in Ferdonia,
25 Kentucky, that is a groundskeeper at that particular cemetery

1 in Kentucky. Ferdonia Kentucky is about a seven-and-a-half or
2 seven-hour drive from Piedmont, South Carolina. Officers with
3 the Kentucky State Police recovered the body from the grave
4 and also found a small gas can on which Nicole and the
5 defendant's DNA were later found. The gas can was found
6 behind a tree near the gravesite. Gasoline is commonly used
7 as a fire accelerant. No purse, identification, or cell phone
8 was recovered from the burial site.

9 While an autopsy was being conducted by officials in
10 Caldwell County, the Kentucky State Police set about
11 identifying the body conducting interviews and recovering
12 surveillance camera footage from nearby businesses. An
13 autopsy later determined the body identifying parts -- some
14 identifying parts of which were charred to be that of Nicole
15 Florentine. The autopsy determined the manner of death as
16 homicide. The cause of death was a .22 caliber bullet wound
17 to the head. Fabric material found near the grave also
18 appeared to have been burned by fire. A local hardware store
19 clerk identified purchase transactions on June 11th at
20 approximately 12:30 p.m. for a gas can identical to the can
21 found at the cemetery, and also a purchase for a shovel by a
22 customer who matched the defendant's description.
23 Surveillance camera footage from a nearby gas station shows
24 the defendant filling the gas can a short time later.

25 Eyewitnesses reported seeing a vehicle matching the

1 description of the defendant's vehicle and an individual
2 matching the description of the defendant in the area of the
3 cemetery at relevant times before the body was discovered by
4 the groundskeeper on June 13. No firearm was discovered.
5 However, police recovered a lighter, .22 caliber cartridges
6 from the center console of the vehicle, and located Nicole's
7 blood on the rear exterior of the abandoned vehicle driven by
8 Nicole and Florentine at least from between June 2nd, 2020 and
9 June 23rd, 2020.

10 Between June 11th, 2020 and June 22nd, 2020, the
11 defendant fled Kentucky and arrived in Denver, Colorado. He
12 ultimately surrendered to the Denver Police on June 23rd,
13 2020.

14 **THE COURT:** Thank you. Mr. Kendrick, any objections
15 or concerns about the government's statement of facts before I
16 ask your client about them?

17 **MR. KENDRICK:** Your Honor, we may down the road have
18 very minor disagreements with some of the details, but as far
19 as the elemental facts that they put on the record, we agree
20 to those facts. And also subject to what I stated earlier, I
21 don't think their statement got into the fire legal issue,
22 but, yeah, we would maintain that objection consistent with
23 our motion.

24 **THE COURT:** And I understand you have a motion
25 related to that that we'll be taking up at an appropriate

1 time.

2 **MR. KENDRICK:** I'll quit beating a dead horse. I
3 just didn't want to waive it accidentally. That's why I
4 brought it up a couple of times.

5 **THE COURT:** No, sir. I want to make sure we have a
6 complete record.

7 All right. Mr. Florentine, did you listen carefully
8 as the government listed or set out the operative facts
9 related to this occurrence?

10 **THE DEFENDANT:** I did, Your Honor.

11 **THE COURT:** All right. And I recognize that some of
12 the contextual facts related to autopsy and that type thing
13 are facts that don't directly apply to you. But with respect
14 to those facts setting out your role in this and what you did
15 and subject to any argument about the legal effect that you
16 may have reserved in the plea agreement, do you agree with
17 what the government says you did?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** And are you guilty of those offenses?

20 **THE DEFENDANT:** I am, Your Honor.

21 **THE COURT:** All right. Do you still wish to plead
22 guilty to these counts pursuant to the plea agreement we
23 previously went over?

24 **THE DEFENDANT:** Yes, Your Honor.

25 **THE COURT:** Do you need any additional time to

1 confer with your attorneys before I make a final ruling on
2 that guilty plea?

3 **THE DEFENDANT:** No, Your Honor.

4 **THE COURT:** All right. Mr. Kendrick, anything else?

5 **MR. KENDRICK:** No, Your Honor. Thank you.

6 **THE COURT:** Ms. Washington?

7 **MS. WASHINGTON:** No, Your Honor.

8 **THE COURT:** All right. Based upon the information
9 presented, I do find that there is a factual basis for the
10 defendant's guilty plea. I further find that the defendant's
11 plea of guilty is being made freely, voluntarily, and
12 knowingly with advice and assistance of counsel, and is
13 supported by an independent basis in fact containing each of
14 the essential elements of the offenses as charged.

15 Accordingly, the defendant Lawrence Joseph
16 Florentine's plea of guilty as set out in that certain plea
17 agreement between the United States of America and Lawrence
18 Joseph Florentine dated October 16, 2023, is hereby accepted
19 and he is adjudged guilty of the offenses as charged.

20 Now, Mr. Florentine, I'm going to now refer you to
21 the United States Probation Office for the preparation of the
22 presentence investigation report and direct you to cooperate
23 with them for that purpose. Once that report is completed
24 both you and the government will be provided a copy for you to
25 go over with your attorneys, and you may determine whether

1 there are any objections you wish to make to the report or any
2 motions that you believe are applicable that need to be filed.
3 Once that process is complete, we will schedule a sentencing
4 hearing and reconvene for the purposes of sentencing. Do you
5 understand that process?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** Have any questions about anything?

8 **THE DEFENDANT:** No, Your Honor.

9 **THE COURT:** All right. Now, turning to the
10 attorneys. With respect to the conditional nature or the
11 reservation of the appeal rights as to Count 4, Mr. Kendrick
12 has filed his motion to dismiss Count 4. That was just filed
13 within the last week or so. I don't believe the government
14 has had an opportunity to respond in writing.

15 Ms. Washington, any problem with getting the Court a
16 written response within two weeks from today?

17 **MS. WASHINGTON:** None at all, Your Honor. Thank
18 you.

19 **THE COURT:** Mr. Kendrick, to the extent the defense
20 wishes to file a reply brief, I'll give you one week after the
21 government files theirs.

22 **MR. KENDRICK:** Yes, sir. Thank you.

23 **THE COURT:** All right. Once I have all the briefing
24 and have had a chance to review it, I'll let you know if we
25 need to reconvene for oral argument on that motion or if I can

1 decide it on the paperwork.

2 In the meantime, Mr. Florentine, you'll be remanded
3 to custody pending sentencing.

4 Is there anything further regarding this matter from
5 the government?

6 **MS. WASHINGTON:** No, Your Honor.

7 **THE COURT:** Anything further from the defense this
8 morning?

9 **MR. KENDRICK:** No, Your Honor. Thank you.

10 **THE COURT:** All right. That will conclude this
11 matter. Court will be in recess. Thank you.

12 (Court recessed at 10:49 a.m.)

13

14

CERTIFICATE

15 I, Michele E. Becker, certify that the foregoing is
16 a correct transcript from the record of proceedings
17 in the above-entitled matter.

18

19 /s/ Michele E. Becker

Date: March 20, 2024

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