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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

FILED
NOV 26 2003
MICHAEL S. KUNZ
CLERK

Criminal Action
00-660-01

v.

WILLIAM JONES a/k/a KOOZ AID, Philadelphia, PA
Defendant. September 26, 2003

TRANSCRIPT OF SENTENCING
BEFORE THE HONORABLE HARVEY BARTLE, III
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

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I N D E X

| <u>WITNESSES</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> | <u>THE COURT</u> |
|------------------|---------------|--------------|-----------------|----------------|------------------|
| F. Cafoncelli | 6 | | | | |
| T. Cafoncelli | 9 | | | | |
| | | | | <u>Page</u> | |
| Sentencing | | | | 15 | |

1 (Call to the Order of the Court)

2 THE COURT: Good afternoon. You may be seated.

3 COUNSEL: Good afternoon, Your Honor.

4 THE COURT: Before the Court this afternoon is the
5 sentencing hearing in the case of the United States of America
6 vs. William Jones, Criminal Number 00-660-01.

7 Mr. Goldman, I'll hear from you first.

8 MR. GOLDMAN: Yes, Your Honor. Your Honor, I believe
9 the only outstanding issue that -- I have no objections to the
10 pre-sentence report as most recently revised.

11 There's one issue we need to take up with the
12 defense. The criminal history category for the defendant.

13 THE COURT: Right.

14 MR. GOLDMAN: We provided Mr. Wilson with the
15 certified -- copy of the certified copy of conviction for the
16 1981 robbery. And also with the court document which indicated
17 that he got 10 to 20 years. I've advised him that we have Mr.
18 Jones' probation officer in the courtroom today, Fred
19 Huehnergath, who would verify that this defendant was in fact
20 convicted in 1981, received the 10 to 20 years sentence and was
21 paroled in 1997.

22 And I just wanted to see if that is in dispute, or if
23 that is accepted by the defense. We need to take care of that.

24 THE COURT: All right.

25 MR. GOLDMAN: For purposes --

1 THE COURT: Why don't we do that first. Mr. Wilson?

2 MR. WILSON: Your Honor, I would initially state that
3 I'm not prepared to challenge it, but I've spoken to Mr. Jones
4 about it today and he does not wish me to challenge it at this
5 point, he wishes to proceed to sentencing. Because my only
6 recourse otherwise would be to ask for a continuance to
7 investigate it.

8 We were told by phone yesterday that there was
9 another conviction that was not included in the report and
10 we're getting the documents on it today. Now I understand it
11 had been provided in discovery previously. When we first
12 received this case, the pre-sentence investigation report had
13 already been done initially. We were not appointed until after
14 that process. And I, frankly, would say that I hadn't seen any
15 of the reports previously with respect to this case.

16 I would note that the report has twice previously
17 been revised and this is the first time that this is appearing.
18 But Mr. Jones had made it very clear that he wishes to proceed
19 today and be sentenced today, because his main gravamen all
20 along has been to appeal the conviction.

21 And he and I met last week with respect to the
22 pre-sentence investigation report. And at his age, he has
23 indicated that a sentence for the mandatory minimums on the two
24 924(c)'s, or a sentence with the mandatory minimums in the
25 guidelines, really makes not much difference for him at the age

1 that he's at, since he's facing a mandatory minimum of 32
2 years.

3 THE COURT: All right. Thank you.

4 MR. GOLDMAN: Your Honor, just for the record, I'm
5 offering the defense the opportunity to question Mr.
6 Huehnergarth on this issue if it's in dispute. I'm just not
7 clear from his answer if they're accepting it, or what.

8 THE COURT: You have a certified copy of the
9 conviction?

10 MR. GOLDMAN: Yes, I do, Your Honor.

11 THE COURT: Will you give that to Mr. Wilson?

12 MR. GOLDMAN: I did, Your Honor.

13 THE COURT: Have you seen that, Mr. Wilson?

14 MR. WILSON: I would just state at this point, Your
15 Honor, I have no basis to challenge it. I see the certified
16 copy and I have no basis to challenge it at this time.

17 THE COURT: Well we should make -- let's make a
18 certified copy part of the record here. We'll mark it as
19 Exhibit 1. May I see it, please?

20 MR. GOLDMAN: Yes, Your Honor.

21 (Pause)

22 MR. GOLDMAN: Your Honor, I'll pull that out of the
23 file. So we don't delay, I have two short -- brief witnesses
24 that I could present to the Court.

25 THE COURT: You may.

1 MR. GOLDMAN: And the FBI agent will get me those
2 records. Faye Cafoncelli.

3 THE COURT: Are these the victims?

4 MR. GOLDMAN: Yes, Your Honor. The wives of the two
5 victims from the April robbery, April, 1999 robbery.

6 THE CLERK: Please place your left hand on the Bible
7 and raise your right hand for the oath.

8 FAYE CAFONCELLI, GOVERNMENT'S WITNESS, SWORN

9 THE CLERK: Would you please state your full name and
10 spell your last name for the record?

11 THE WITNESS: My first name's Faye, F-A-Y-E. Last
12 name, Cafoncelli, C-A-F-O-N-C-E-L-L-I.

13 THE CLERK: Thank you.

14 DIRECT EXAMINATION

15 BY MR. WILSON:

16 Q And could you first state what your connection is to the
17 robbery?

18 A My husband and I owned Talisman Jewelers, which was robbed
19 in '99. Armed robbery that William Jones was convicted for
20 masterminding.

21 Q And there's a statement you wanted to provide for the
22 Court?

23 A Yes.

24 Q Go ahead.

25 A Yes. And this is a personal statement. I'm speaking for

1 my husband, because he passed away a few months ago. He and
2 our son Daniel were victims of an armed robbery in Reading in
3 1999. And the crime was masterminded by William Jones. The
4 repercussions of this incident not only effected my husband and
5 my son, but reached out to our entire family.

6 It resulted in the closing of our business in
7 Reading, which we worked very hard to build. It was intended
8 to be our children and grandchildren's future.

9 More than the monetary value stolen, the terror
10 thrust upon the family will remain and effect us for many more
11 years to come. We have so much horror in the world today, as
12 we all know, since the attack on our Trade Towers and Pentagon,
13 we should not allow anyone to terrorize, steal, or inflict pain
14 or mental anguish on any American citizen.

15 We live in a country where we rely upon the courts to
16 dispense justice for us. I'm pleading with the Court today to
17 sentence this man as harshly as the law allows. Thank you for
18 your time.

19 Q Mrs. Cafoncelli, how long had the family been in the -- or
20 the business been in the family's ownership?

21 A 1985.

22 Q And is that in the city part of Reading?

23 A Yes.

24 Q Okay. And as a result -- as you stated, as a result of
25 this robbery have you shut down that business?

1 A Yes.

2 Q Could you tell the Judge the effect that you saw
3 dramatically -- the dramatic effects to either your husband or
4 your son?

5 A My husband as well as our son. Our son was beaten and hit
6 on the head and pushed down the cellar stairs. And my husband
7 was outside and he came in, no son, and was jumped by one of
8 the robbers, which ended in a scuffle and a shooting. And, you
9 know, my husband was upstairs thinking his son was dead, and
10 the son's in the basement thinking his dad's dead, and it was
11 just a lot of mental -- you know, as well as monetary, but, you
12 know, we can get by that. It's more mental anguish.

13 MR. WILSON: Thank you, Mrs. Cafoncelli.

14 MS. Cafoncelli: You're welcome.

15 THE COURT: Thank you very much for coming.

16 MS. CAFONCELLI: Thank you for listening.

17 MR. WILSON: Terri Cafoncelli.

18 THE CLERK: Please place your left hand on the Bible
19 and raise your right hand for the oath.

20 THERESA CAFONCELLI, GOVERNMENT'S WITNESS, SWORN

21 THE CLERK: Please state your full name and spell
22 your last name for the record?

23 MS. CAFONCELLI: My proper name is Theresa,
24 T-H-E-R-E-S-A, same last name, Cafoncelli, C-A-F-O-N-C-E-L-L-I.

25 DIRECT EXAMINATION

1 BY MR. WILSON:

2 Q Mrs. Cafoncelli, are you the wife of Daniel Cafoncelli?

3 A Yes.

4 Q And he was the individual that was handcuffed, thrown down
5 the flight of steps?

6 A That is correct.

7 Q Okay. And you wanted to address the Court, is that
8 correct?

9 A Yes. Thank you. Thank you, Your Honor for allowing me to
10 address the Court today. I want to send my thanks to the
11 Department of Justice and the FBI and the City of Reading for
12 all the hours and energy spent to prosecute this case and to
13 put closure to it today.

14 I am speaking on behalf of my husband, who couldn't
15 be here today, and my family. April 14th, 1999 changed the
16 lives of many people I know and love. My husband tells
17 everyone that his life has changed permanently since April
18 14th.

19 My husband attended school in 1985 to become a
20 goldsmith, and began working for his father and stepmother in
21 the fall of 1985. He was extremely talented in that field and
22 he, along with his father and stepmother, took a chance, worked
23 extremely hard for little pay to build Talisman Jewelers into a
24 thriving business.

25 Mr. Jones and his associates let their greed and

1 disregard for humanity take a piece of each of my family's
2 heart and spirit that day. My husband was held up a gunpoint,
3 pistol whipped, handcuffed and thrown down in the basement,
4 with no regard for his life.

5 During the robbery, my husband told me that he
6 thought that he would never see his wife or his two young
7 children again. When my father-in-law came into the jewelry
8 store, he thought his son had been killed. He was jumped from
9 behind by Mr. Franklin, struggled, was injured and then shot
10 Mr. Franklin in self defense.

11 My husband was locked in the basement during the
12 struggle and thought the shots he heard had killed his father.
13 None of us can ever imagine the fear and emotions that my
14 father-in-law, his wife, and my husband felt that day. My
15 husband had to leave the business he built with his family to
16 pursue another career, because he couldn't overcome the fear
17 and trauma he experienced on April 14th.

18 My daughter had to be sent to counseling, due to the
19 trauma of this event. My husband has never been as happy as he
20 was when he was working at Talisman Jewelers. He still suffers
21 mentally from that day and is still in therapy today because of
22 those incidents.

23 I respectfully request that you sentence Mr. Jones to
24 the maximum allowable by the law, so that he cannot hurt
25 another family or business like ours again.

1 Thank you for your time.

2 THE COURT: Thank you, Ms. Cafoncelli.

3 MR. GOLDMAN: Your Honor, the only thing that the
4 Government would like to add is, in reviewing -- we have been
5 involved in this case for some period of time and we know the
6 background of Mr. Jones. In discovery we provided the defense
7 with -- there is a taped statement of Mr. Jones in the year
8 2000 when he was arrested on the latest incident with drugs in
9 the car.

10 When he was accused of having drugs, he boldly stated
11 to the police officers, I'm a gunman, I'm a gunslinger, it's
12 been sweet to me in the past. That's how he was trying to
13 escape the drug charge, but he was boldly bragging about his
14 gun past, his violent past. That's the police officers.

15 Looking at this pre-sentence report, it is our
16 conclusion that there is little redeeming value in Mr. Jones.
17 There's little to speak about any good qualities on the part of
18 Mr. Jones. Mr. Jones -- his history going back at least to the
19 1970's is a history of being in prison, a history of preying
20 upon citizens in this Commonwealth, engaging in violent attacks
21 on those individuals and committing crimes at will, and he
22 boasts about those crimes.

23 The Government would respectfully recommend that this
24 Court sentence Mr. Jones at the high end of the guidelines.
25 Thank you.

1 THE COURT: Mr. Wilson?

2 MR. WILSON: Your Honor, briefly I would reiterate
3 that whether Mr. Jones is sentenced to the 32 years that's the
4 listed mandatory for the two 924(c) offenses, or to some higher
5 amount because of the addition of sentencing guidelines that
6 have been revised upward today, it -- really, he's 51 years
7 old, he's about to turn 52.

8 Thirty-two years, or some measure of years beyond
9 that is -- probably it doesn't make much difference. I would
10 note that there is no evidence that he went into either store,
11 that he hit anybody, that he pulled a trigger, that he told
12 anybody to hit anybody. And there's no evidence that he has
13 done that in any of these cases.

14 I would ask the Court to consider that in imposing
15 sentence today.

16 MR. GOLDMAN: I'll make as part of the record, Your
17 Honor, as GS-1, it's copies of the complaints charging him with
18 various offenses. And then the docket sheet which indicates
19 the sentence of 10 to 20 years.

20 THE COURT: This is that additional item?

21 MR. GOLDMAN: Yes.

22 THE COURT: Additional crime.

23 MR. GOLDMAN: I've highlighted in yellow the robbery
24 charge and robbery conviction and sentence.

25 THE COURT: This was in Dauphin County?

1 MR. GOLDMAN: Yes, sir.

2 THE COURT: Anything further from the Government?

3 MR. GOLDMAN: No, Your Honor.

4 THE COURT: Or from the defense counsel?

5 MR. WILSON: Nothing from defense counsel.

6 THE COURT: All right.

7 MR. WILSON: Your Honor, may I inquire -- Your Honor,
8 I've inquired of my client and he indicates that he does not
9 wish to say anything at this time.

10 THE COURT: Well I'm -- I want to first ask -- Mr.
11 Jones, you can come forward with your attorney. Swear in the
12 defendant.

13 THE CLERK: Please place your left hand on the Bible
14 and raise your right hand for the oath.

15 WILLIAM JONES, DEFENDANT, SWORN

16 THE CLERK: Please state your full name and spell
17 your last name for the record.

18 MR. JONES: William Jones, J-O-N-E-S.

19 THE CLERK: Thank you.

20 THE COURT: Mr. Jones, first I want to ask you if
21 you've read the pre-sentence report?

22 MR. JONES: Well I didn't read it, he discussed it
23 with me.

24 THE COURT: You've had a copy of it, did you not?

25 MR. JONES: Yes, sir.

1 THE COURT: All right.

2 MR. JONES: I think he just received it before he
3 came to see me. He didn't have it for 30 days.

4 THE COURT: Well you had the earlier report, did you
5 not?

6 MR. JONES: Yeah. Yes, sir.

7 THE COURT: And the most recent one simply adds an
8 additional conviction, which was not included in the earlier
9 report.

10 MR. JONES: Well the Hunterdon was me pleading guilty
11 in my own name in New Jersey.

12 THE COURT: The what?

13 MR. JONES: Pleading guilty to being William Seymour
14 Jones.

15 MR. WILSON: I think he's referring to the hindering
16 or obstructing conviction that occurred in Hunterdon County,
17 New Jersey.

18 THE COURT: Yes. Well, other than -- do you have any
19 objections to the facts contained in that report, other than
20 what may have already been stated on the record?

21 MR. JONES: I have a lot of objections Your Honor,
22 but I'll take -- I'll let the lawyers do that on appeal. We
23 would be here for quite some time if I was to elaborate on
24 them.

25 THE COURT: This is now your opportunity to address

1 the Court to tell me about anything you think I should know
2 about you and your situation before I pronounce sentence.

3 MR. JONES: Well I think you didn't answer all the
4 things found in the 2933, November 16th, 2001, to the
5 conclusion Ms. Hey's filing, and I'd like to reserve those
6 things for appeal. That's about it. And I'll take an appeal
7 to the Third Circuit.

8 THE COURT: Mr. Jones you have been found guilty of
9 conspiracy to commit Hobbs Act robbery, interference with
10 commerce by robbery, two counts of brandishing a firearm during
11 a crime of violence, use of a firearm during a crime of
12 violence and two counts of possession of a firearm by a
13 convicted felon.

14 First, with respect to the Talisman robbery, the base
15 offense level is 20. Because Mr. Cafoncelli sustained bodily
16 injury, I add two additional points. And because a victim was
17 physically restrained to facilitate the offense, or to
18 facilitate an escape, two further points are added. And since
19 the loss here was more than \$10,000, but less than \$50,000, I
20 add an additional point, for a total of 26.

21 With respect to the R&Q Jewelry Store robbery, the
22 base offense level is 20. Because the victim was physically
23 restrained, I add two additional points. And because the loss
24 here was more than \$10,000, but less than \$50,000, I add one
25 point, for a total of 23.

1 Under the guidelines the combined adjusted offense
2 level is 28. With respect to your criminal history points, Mr.
3 Jones, are seven, with a criminal history category of four.

4 Under the sentencing guidelines, you could be
5 sentenced to 110 to 137 months. On Counts 1, 2, 6 and 7 there
6 is a mandatory minimum sentence, for Count 3 of 7 years and a
7 consecutive mandatory minimum sentence of 25 years with respect
8 to Count 5.

9 Under the totality of the circumstances and the
10 interest of justice, I'm going to commit you into the custody
11 of the Attorney General of the United States for a period of
12 imprisonment of 137 months on Counts 1, 2, 6 and 7. I'm going
13 to impose a 7 year consecutive sentence on Count 3, and with
14 respect to Count 5, I'm going to impose a consecutive sentence
15 of 25 years.

16 All of which is to be followed by five years of
17 supervised release. No fine will be imposed, because of your
18 inability to pay. I order you to pay restitution in the amount
19 of \$40,755.99. And that is broken down as follows. \$16,160.87
20 to Mr. Lewis Cafoncelli or his estate, \$1,241.25 to Mr. Daniel
21 Cafoncelli, \$624.87 to Pennsylvania Blue Shield in Camp Hill,
22 Pennsylvania, and \$22,729 to Thomas Rivera in Pennsauken, New
23 Jersey, in connection with the R&Q Jewelry Store robbery.

24 Payments shall be -- that you make shall be divided
25 proportionately among those victims. I order you to pay at the

1 rate of \$10 per month while incarcerated, and \$25 per month
2 thereafter.

3 I order you to pay immediately a special assessment
4 of \$600. I advise you, Mr. Jones, of your right to appeal your
5 sentence to the United States Court of Appeals for the Third
6 Circuit. If you cannot afford counsel, counsel will be
7 appointed to represent you. If you wish a notice of appeal to
8 be entered, you may ask the deputy clerk to do so and she will
9 enter a notice of appeal on your behalf.

10 Before we leave today, I want to state for the record
11 that I am ~~imposing upon you the maximum sentence available~~
12 ~~under the law.~~ And I'm doing so because a sentence of this
13 severity is necessary to protect society and to punish you, the
14 defendant.

15 You have a criminal history of repeated violence and
16 you've exhibited no remorse or rehabilitation, despite your
17 past imprisonments. In the pending matters, you've shown a
18 total disregard for the welfare of civilized society and you
19 have been a serious danger to the safety, indeed, to the lives
20 of all whom you decide to encounter.

21 Anything further at this time?

22 MR. WILSON: Your Honor, based on prior consultation
23 with my client, and the statements he's made today, I ask that
24 the deputy clerk enter a notice of appeal. Ms. Hey and I will
25 follow that up with a written notice.

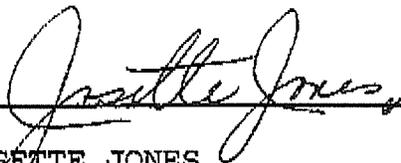
1 THE COURT: All right. We will do that. Anything
2 further at this time?

3 MR. GOLDMAN: No, Your Honor. Thank you, Your Honor.
4 (Court adjourned)

5 * * * * *

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

7 I, Josette Jones, court approved transcriber, certify that the
8 foregoing is a correct transcript from the official electronic
9 sound recording of the proceedings in the above-entitled
10 matter.

11 
12 _____

11/20/03
12 _____

13 JOSETTE JONES
14 DOMAN TRANSCRIBING AND RECORDING
15 SERVICES
16

DATE