

STEIN, J

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DATE FILED: 11/15/12

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

KENNETH IRA STARR, STARR  
INVESTMENT  
ADVISORS, LLC, STARR & COMPANY, LLC,  
AND JONATHAN S. BRISTOL

Defendants,

DIANE PASSAGE AND COLCAVE, LLC

Relief Defendants.

10 CIV 4270 (SHS)

**JUDGMENT AS TO DEFENDANT JONATHAN S. BRISTOL**

The Securities and Exchange Commission having filed a Complaint and Defendant Jonathan S. Bristol ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from violating Sections 206(1) and 206(2) of

the Investment Advisers Act of 1940 (the "Advisers Act") [15 U.S.C. §§ 80b-6(1) and 80b-6(2)], by using the mails or any means or instrumentality of interstate commerce, directly or indirectly:

- (a) to employ any device, scheme or artifice to defraud any client or prospective client; or
- (b) to engage in any transaction, practice or course of business which operates as a fraud or deceit upon any client or prospective client.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that based upon the anticipated sentence that Bristol will receive pursuant to his guilty plea in *United States v. Bristol*, 10 Cr. 1239 (S.D.N.Y.) (DAB), the Court is not ordering Bristol to pay a civil penalty. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Bristol knowingly provided materially false or misleading information or materials to the Commission or in a related proceeding, the Commission may, at its sole discretion and without prior notice to Bristol, petition the Court for an order requiring Bristol to pay a civil penalty. In connection with any such petition and at any hearing held on such a motion: (a) Bristol will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Bristol may not challenge the validity of this Final Judgment or his consent hereto, dated November 7, 2012 and filed herewith (the "Consent"); (c) the allegations of the Complaint, solely for the purposes of such motion, shall be accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence without regard to the standards for summary judgment contained in Rule

56(c) of the Federal Rules of Civil Procedure. Under these circumstances, the parties may take discovery, including discovery from appropriate non-parties.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

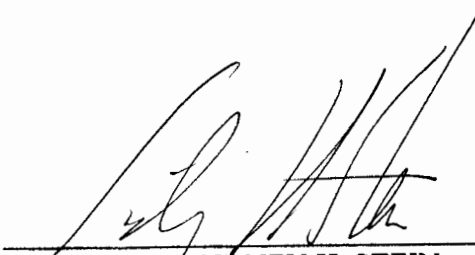
IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

V.

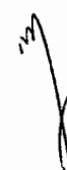
There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: November 15, 2012



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HONORABLE SIDNEY H. STEIN  
UNITED STATES DISTRICT JUDGE



THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

KENNETH IRA STARR, STARR INVESTMENT  
ADVISORS, LLC, STARR & COMPANY, LLC,  
AND JONATHAN STAR BRISTOL

Defendants,

DIANE PASSAGE AND COLCAVE, LLC

Relief Defendants.

10 CIV 4270 (SHS)

**CONSENT OF DEFENDANT JONATHAN S. BRISTOL**

1. Defendant Jonathan S. Bristol ("Defendant") waives service of a summons and the complaint in this action, enters a general appearance, and consents to the Court's jurisdiction over Defendant and over the subject matter of this action.
2. Defendant has pleaded guilty to criminal conduct relating to certain matters alleged in the complaint in this action. Specifically, in *United States v. Bristol*, 10 Cr. 1239 (S.D.N.Y.) (DAB) ("*United States v. Bristol*"), Defendant pleaded guilty to one count of conspiracy to commit money laundering [18 U.S.C. § 1956].
3. In connection with that plea, Defendant admitted the facts set out in the transcript of his plea allocution that is attached as Exhibit A to this Consent. This Consent shall remain in full force and effect regardless of the existence or outcome of any further proceedings in *United States v. Bristol*.

3. Defendant hereby consents to the entry of the Final Judgment in the form attached hereto (the "Final Judgment") and incorporated by reference herein, which, among other things:

(a) permanently restrains and enjoins Defendant from any violations of Sections 206(1) or 206(2) of the Advisers Act [15 U.S.C. § 80b-6(1) and (2)]; and

(b) does not order Defendant to pay a civil penalty based upon the anticipated sentence he will receive pursuant to his guilty plea in in the criminal case before the United States District Court for the Southern District of New York, titled *United States v. Bristol*, 10 Cr. 1239 (S.D.N.Y.) (DAB).

4. Defendant waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure.

4. Defendant waives the right, if any, to a jury trial and to appeal from the entry of the Final Judgment.

5. Defendant enters into this Consent voluntarily and represents that no threats, offers, promises, or inducements of any kind have been made by the Commission or any member, officer, employee, agent, or representative of the Commission to induce Defendant to enter into this Consent.

6. Defendant agrees that this Consent shall be incorporated into the Final Judgment with the same force and effect as if fully set forth therein.

7. Defendant will not oppose the enforcement of the Final Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and hereby waives any objection based thereon.

8. Defendant waives service of the Final Judgment and agrees that entry of the Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to Defendant

of its terms and conditions. Defendant further agrees to provide counsel for the Commission, within thirty days after the Final Judgment is filed with the Clerk of the Court, with an affidavit or declaration stating that Defendant has received and read a copy of the Final Judgment.

9. Consistent with 17 C.F.R. § 202.5(f), this Consent resolves only the claims asserted against Defendant in this civil proceeding. Defendant acknowledges that no promise or representation has been made by the Commission or any member, officer, employee, agent, or representative of the Commission with regard to any criminal liability that may have arisen or may arise from the facts underlying this action or immunity from any such criminal liability. Defendant waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein. Defendant further acknowledges that the Court's entry of a permanent injunction may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory organizations. Such collateral consequences include, but are not limited to, a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding before the Commission based on the entry of the injunction in this action, Defendant understands that he shall not be permitted to contest the factual allegations of the complaint in this action.

10. Defendant understands and agrees to comply with the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings." 17 C.F.R. § 202.5. In compliance with this policy, Defendant acknowledges the guilty plea for related criminal



conduct described in paragraphs 2 and 3 above, and agrees: (i) not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; and (ii) that upon the filing of this Consent, Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation in the complaint. If Defendant breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing in this paragraph affects Defendant's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Commission is not a party.

11. Defendant hereby waives any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Defendant to defend against this action. For these purposes, Defendant agrees that Defendant is not the prevailing party in this action since the parties have reached a good faith settlement.

12. In connection with this action and any related judicial or administrative proceeding or investigation commenced by the Commission or to which the Commission is a party, Defendant (i) agrees to appear and be interviewed by Commission staff at such times and places as the staff requests upon reasonable notice; (ii) will accept service by mail or facsimile transmission of notices or subpoenas issued by the Commission for documents or testimony at depositions, hearings, or trials, or in connection with any related investigation by Commission staff; (iii) appoints Defendant's undersigned attorney as agent to receive service of such notices

and subpoenas; (iv) with respect to such notices and subpoenas, waives the territorial limits on service contained in Rule 45 of the Federal Rules of Civil Procedure and any applicable local rules, provided that the party requesting the testimony reimburses Defendant's travel, lodging, and subsistence expenses at the then-prevailing U.S. Government per diem rates; and (v) consents to personal jurisdiction over Defendant in any United States District Court for purposes of enforcing any such subpoena.

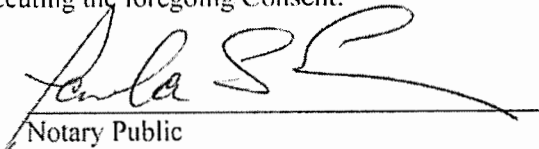
13. Defendant agrees that the Commission may present the Final Judgment to the Court for signature and entry without further notice.

14. Defendant agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.

Dated: 11.7.12

  
Jonathan S. Bristol

On 11/7, 2012, Jonathan S. Bristol, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent.

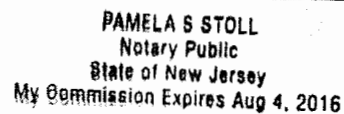
  
Notary Public

Commission expires:

Approved as to form:

  
Susan Kellman, Esq.

25 8th Ave  
Brooklyn, NY 11217  
Attorney for Defendant

  
PAMELA S STOLL  
Notary Public  
State of New Jersey  
My Commission Expires Aug 4, 2016



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

10 Cr. 1239 (DAB)

JONATHAN BRISTOL,

Defendant.

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May 2, 2011  
11:45 a.m.

Before:

HON. DEBORAH A. BATTIS,

District Judge

APPEARANCES

PREET BHARARA

United States Attorney for the  
Southern District of New York

MICHAEL BOSWORTH,  
WILLIAM HARRINGTON,

Assistant United States Attorneys

SUSAN KELLMAN, ESQ.,

Attorney for Defendant

1 THE COURT: United States of America versus Jonathan  
2 Bristol.

3 Is the government ready?

4 MR. BOSWORTH: Yes. Michael Bosworth for the  
5 defendant and with me is William Harrington from our office.

6 THE COURT: On behalf of Mr. Bristol we have Ms. Susan  
7 Kellman.

8 MS. KELLMAN: Good morning.

9 And seated to my left is Mr. Bristol.

10 THE COURT: Good morning, Mr. Bristol.

11 THE DEFENDANT: Good morning, your Honor.

12 THE COURT: The first order of business, I understand,  
13 is to have Mr. Bristol arraigned, is that correct?

14 MS. KELLMAN: That's correct, your Honor.

15 THE COURT: Mr. Delaney.

16 THE CLERK: You are Jonathan Bristol?

17 THE DEFENDANT: I am.

18 THE CLERK: This is your attorney, Ms. Kellman,  
19 standing beside you?

20 THE DEFENDANT: She is.

21 THE CLERK: Is this your signature on this waiver of  
22 indictment form?

23 THE DEFENDANT: It is.

24 THE CLERK; Do you realize by signing this document  
25 you give up your right to have this case presented to a grand

1 jury which may or may not indict you?

2 THE DEFENDANT: I do.

3 THE CLERK: Do you waive the formal reading of the  
4 information?

5 THE DEFENDANT: I do.

6 THE CLERK: How do you plead at this time?

7 THE DEFENDANT: Not guilty.

8 THE COURT: I have been informed by Ms. Kellman that  
9 Mr. Bristol has an application, is that correct, Ms. Kellman?

10 MS. KELLMAN: Yes, your Honor.

11 At this time my client has asked me to withdraw, ask  
12 the court permission to withdraw his previously entered not  
13 guilty plea and he wishes to enter a plea of guilty to the  
14 information.

15 THE COURT: Thank you, Ms. Kellman.

16 Mr. Delaney, please administer the oath to Mr.  
17 Bristol.

18 JONATHAN BRISTOL,

19 the defendant, having first been duly sworn, was  
20 examined and testified as follows:.

21 BY THE COURT:

22 Q. Mr. Bristol, do you understand that you are now under oath  
23 and that if you answer any of my questions falsely, your false  
24 or untrue answers may later be used against you in another  
25 prosecution for perjury or making a false statement.

1 A. Yes.

2 Q. Mr. Bristol, what is your full name?

3 A. Jonathan Star Bristol.

4 Q. Your middle name again?

5 A. Star, S-T-A-R with one R, not two R's.

6 Q. And how old are you?

7 A. I'm 55 years old, Judge Batts.

8 Q. And how far did you go in school?

9 A. Post-graduate.

10 Q. Are you now or have you recently been under the care of a  
11 doctor or psychiatrist?

12 A. I am now under the care of a psychiatrist and a doctor.

13 Q. All right. In terms of the medications -- are you  
14 receiving any medications either from the doctor or the  
15 psychiatrist?

16 A. I am, Judge Batts.

17 Q. Do any of these medications affect your ability to  
18 understand what you are doing today?

19 A. No, Judge Batts.

20 Q. Have you ever been treated or hospitalized for any mental  
21 illness or any type of addiction, including drug or alcohol  
22 addiction?

23 A. No.

24 Q. In the past 24 hours, have you taken any drugs, medicine or  
25 pills other than the ones you just discussed or have you drunk

1 any alcohol?

2 A. No, your Honor.

3 Q. Is your mind clear today?

4 A. Yes, your Honor.

5 Q. Are you feeling well told?

6 A. Yes, your Honor.

7 THE COURT: Does any counsel have any doubt as to the  
8 defendants to competence at this time?

9 Ms. Kellman?

10 MS. KELLMAN: No, your Honor.

11 THE COURT: Mr. Bosworth or Mr. Harrington?

12 MR. BOSWORTH: No, your Honor.

13 BY THE COURT:

14 Q. Mr. Bristol, your attorney has informed me that you wish to  
15 withdraw your plea of not guilty to Count 1 of the information  
16 and enter a plea of guilty.

17 Do you, in fact, wish to do that today?

18 A. Yes, your Honor.

19 Q. Have you had a full opportunity to discuss your case with  
20 your attorney and to discuss the consequences of entering a  
21 plea of guilty?

22 A. Yes, your Honor.

23 Q. Are you satisfied with your attorney, Ms. Kellman, and her  
24 representation of you will?

25 A. Quite satisfied, your Honor.

1 THE COURT: On the basis of Mr. Bristol's responses to  
2 my questions and my observations of his demeanor, I find that  
3 he is fully competent to enter an informed plea at this time.

4 However, before I accept any plea, Mr. Bristol, I am  
5 going to ask you certain questions. My questions are intended  
6 to satisfy me that you wish to plead guilty because you are  
7 guilty and that you fully understand the consequences of your  
8 plea.

9 If you do not understand a question, please stop me  
10 and either ask me or your attorney, Ms. Kellman, for a further  
11 explanation.

12 All right?

13 A. Yes, your Honor.

14 Q. I am now going to describe to you certain rights that you  
15 have under the Constitution and laws of the United States. You  
16 will be giving up these rights if you enter a plea of guilty.  
17 Please listen carefully because at the end of my description of  
18 your rights I will ask you whether you have fully understood  
19 what I have said.

20 All right?

21 A. Yes, your Honor.

22 Q. Under the Constitution and laws of the United States you  
23 have the right to a speedy and public trial by a jury on the  
24 charge against you which is contained in the information.

25 If there were a trial you would be presumed innocent



1 and the government would be required to prove your guilt by  
2 competent evidence and beyond a reasonable doubt. You would  
3 not have to prove you were not guilty at a trial.

4 At trial and every other stage of the proceeding you  
5 would have the right to be represented by an attorney and, if  
6 you could not afford one, an attorney would be provided to you  
7 free of cost.

8 If there were a trial you would have the right to see  
9 and hear all of the witnesses against you and your attorney  
10 could cross-examine them. You would have the right to have  
11 your attorney object to the government's evidence and offer  
12 evidence on your behalf if you so desired and you would have  
13 the right to have subpoenas issued to compel witnesses to  
14 testify in your defense.

15 If there were a trial you would have the right to  
16 testify if you wanted to, but no one could force you to testify  
17 if you did not want to. Further, the jury could not even  
18 consider the fact that you chose not to testify at trial.

19 Mr. Bristol, do you understand each and every one of  
20 these rights?

21 A. Yes, your Honor.

22 Q. You understand by entering a plea of guilty today you are  
23 giving up each and every one of these rights and that you will  
24 have no trial?

25 A. Yes, your Honor.

1 Q. You understand that you can change your mind right now and  
2 refuse to enter a plea of guilty?

3 A. Yes, your Honor.

4 Q. You do not have to enter this plea if you do not want to  
5 for any reason.

6 Do you understand this fully?

7 A. Yes, your Honor.

8 Q. Mr. Bristol, you have received a copy of the information,  
9 haven't you?

10 A. Yes, your Honor.

11 Q. And you have read it?

12 A. Yes, your Honor.

13 Q. And you discussed it with your attorney?

14 A. I have discussed it with my attorney, your Honor.

15 Q. You understand that you have a constitutional right to be  
16 charged by an indictment rather than an information?

17 A. Yes, your Honor.

18 Q. An indictment would be from a grand jury and not like the  
19 information simply a charge by the prosecutor.

20 Do you understand that you have waived the right to be  
21 charged by an indictment and that you have consented to being  
22 charged by an information of the government?

23 A. Yes, your Honor.

24 Q. Did you waive this right voluntarily and knowingly?

25 A. Voluntarily and knowingly, your Honor.

1 Q. You understand that you are charged in the information with  
2 conspiracy to --

3 THE COURT: Let me confirm from the prosecutors, are  
4 we talking about conspiracy to launder money or are we talking  
5 about conspiracy to commit wire fraud?

6 MR. BOSWORTH: Your Honor, it's conspiracy to commit  
7 an offense against the United States, and in this case money  
8 laundering. So it's a violation in the first instance of Title  
9 18, United States Code, Section 371, and the specific offense  
10 against the United States that the information contemplates is  
11 a violation of Title 18, United States Code, Section 1956,  
12 various provisions and I am happy to outline the elements.

13 THE COURT: You will in a minute, but I just wanted to  
14 make sure that I advise Mr. Bristol his right to the  
15 conspiracy.

16 MR. BOSWORTH: Thank you.

17 BY THE COURT:

18 Q. Mr. Bristol, do you understand you are charged in the  
19 information with conspiracy to commit money laundering?

20 A. Yes, your Honor.

21 THE COURT: Now, Mr. Bosworth, can you please state  
22 the elements of the charge to Mr. Bristol.

23 MR. BOSWORTH: Thank you, your Honor.

24 The elements of 371 conspiracy are three:

25 First, the government would be required to prove

1 beyond a reasonable doubt that there existed a conspiracy to  
2 commit an offense against the United States.

3 Second, that the defendant knowingly became a member  
4 of that conspiracy.

5 And third that one of the co-conspirators took at  
6 least one overt act in furtherance of the conspiracy.

7 So far as the money laundering offense which is at  
8 issue here is concerned, the elements would be as follows:

9 First, that the defendant -- it was part of the  
10 agreement that the defendant would conduct a financial  
11 transaction involving property that constituted the proceeds of  
12 specified unlawful activity, in this case Ken Starr's wire  
13 fraud.

14 Second, that the defendant knew that the property  
15 involved in the financial transaction was the proceeds of some  
16 form of unlawful activity.

17 And then third, and both provisions are alleged in the  
18 information, that the defendant knew the transaction was  
19 designed in whole or in part to conceal or disguise the nature,  
20 location, source, ownership or control of the proceeds as  
21 specified of the unlawful activity, Section 1956 (b) (2), or  
22 that the defendant knew the transaction was designed to and the  
23 defendant acted with the intent to promote the carrying on of  
24 the specified unlawful activity, and that's Section 1956  
25 (a) (1).

1 THE COURT: Thank you, Mr. Bosworth.

2 BY THE COURT:

3 Q. Mr. Bristol, did you hear what Mr. Bosworth said?

4 A. Yes, your Honor.

5 Q. You understand the government would have to prove each and  
6 every part or element of the charge beyond a reasonable doubt  
7 at a trial?

8 A. Yes, your Honor.

9 Q. You understand by statute the maximum possible penalties  
10 for the crime to which you are entering a plea of guilty are:

11 Five years imprisonment, a maximum fine of the  
12 greatest of \$250,000 or twice the gross gain to you from your  
13 crime or twice the gross loss to others from your crime, plus a  
14 \$100 mandatory assessment and a maximum term of three years of  
15 supervised release after your term of imprisonment.

16 Do you understand those maximum statutory penalties?

17 A. Yes, your Honor.

18 Q. Are you sure?

19 A. I am --

20 Q. Do you want to talk with Ms. Kellman?

21 A. May I, please?

22 Q. Yes.

23 (Pause)

24 A. Yes, your Honor, I have had that clarified by my counsel.  
25 I understand it is up to five years with three years probation

1 and the fine.

2 THE COURT: Mr. Bosworth, are those statutory maximum  
3 penalties accurate?

4 MR. BOSWORTH: Yes, your Honor.

5 BY THE COURT:

6 Q. Mr. Bristol, the supervised release I referred to means you  
7 will be supervised for a period of years after you are released  
8 from prison should you go to prison. There are conditions you  
9 must obey. If you don't you could be sent to prison without a  
10 jury trial.

11 Do you understand that?

12 A. Yes, your Honor.

13 Q. In addition to these maximum penalties, you understand that  
14 as part of your sentence I must order you to pay restitution to  
15 any victims of your crimes?

16 A. Yes, your Honor.

17 Q. You understand that if you are a United States citizen and  
18 I accept your guilty plea and adjudge you guilty, that  
19 adjudication may deprive you of valuable civil rights, such as  
20 the right to vote, the right to hold public office, the right  
21 to serve on a jury and the right to possess any kind of  
22 firearm, and if you are not a citizen of the United States and  
23 I accept your guilty plea and adjudge you guilty that  
24 adjudication will subject you to deportation and/or deprive you  
25 of the right to apply for United States citizenship or to



1 re-enter this country.

2 Do you understand that?

3 A. I understand, yes, your Honor.

4 Q. You understand if you are sentenced to prison parole no  
5 longer exists so parole cannot get you out of prison any  
6 earlier?

7 A. I understand, your Honor.

8 Q. Mr. Bristol, in determining your sentence the court will  
9 consider both the factors contained in the advisory sentencing  
10 guidelines and the factors set forth in 18 United States Code  
11 Section 3553(a).

12 The 18 United States Code, Section 3553(a) factors  
13 include the nature and circumstances of the offense and a  
14 history and characteristics of the defendant, the need for the  
15 sentence imposed to reflect the seriousness of the offense, to  
16 promote respect for the law, to provide just punishment for the  
17 offense, to discourage others from committing crimes, to  
18 protect the public from further crimes of the defendant and to  
19 provide the defendant with needed educational or vocational  
20 training, medical care or other correctional treatment in the  
21 most effective manner.

22 These factors also include the kinds of sentences  
23 available, the sentencing guidelines which are now advisory,  
24 any pertinent policy statements issued by the Sentencing  
25 Commission, the need to make sure defendants with similar

1 records who have been found guilty of similar conduct get  
2 similar sentences and the need to provide restitution to any  
3 victims of the offense.

4 Do you understand these factors?

5 A. Yes, your Honor.

6 Q. You understand although there is a calculation of the  
7 guideline range contained in the plea agreement, the court will  
8 not be able to determine your guideline sentence range until  
9 after a presentence report has been completed by the Probation  
10 Department and you and the government have had a chance to  
11 challenge any of the facts reported by the Probation  
12 Department?

13 A. Yes, your Honor, I understand.

14 Q. Do you further understand even after it is determined what  
15 guideline range applies in your case, it is advisory only and  
16 just one of the factors I just told you the court will consider  
17 in determining your sentence?

18 A. Yes, your Honor.

19 Q. You understand if your attorney or anyone else has  
20 attempted to estimate or predict what your sentence will be,  
21 that their estimate or prediction could be wrong?

22 A. Yes, your Honor.

23 Q. No one, not even your attorney or the government, can nor  
24 should give you any assurance of what your sentence will be  
25 since, as I have just said, that sentence cannot be determined

1 until after the presentence report is completed and I have  
2 ruled on the challenges to the report, if any, and I have  
3 determined pursuant to the advisory sentencing guidelines and  
4 the other factors contained in 18 United States Code, Section  
5 3553(a), what the appropriate sentence is.

6 Do you understand this?

7 A. Yes, your Honor.

8 Q. You also fully understand even if your sentence is  
9 different from what your attorney or anyone else told you it  
10 might be or if it is different from what you expect, you will  
11 still be bound to your guilty plea and you will not be allowed  
12 to withdraw your plea of guilty?

13 A. I understand, your Honor.

14 Q. Now, while the court is not a party to this agreement, I  
15 have been given a letter plea agreement which I marked as Court  
16 Exhibit 1 in this matter of today's date.

17 I have turned it to the signature page. I am handing  
18 it to my law clerk and I am asking her to take it down to Mr.  
19 Bristol.

20 (Handing to the defendant)

21 Mr. Bristol, is that your signature on the agreement?

22 A. Your Honor, it is my signature.

23 Q. Did you read the agreement before you signed it?

24 A. I read the agreement. I also discussed it with my  
25 attorney.

1 Q. Did you understand the agreement before you signed it?

2 A. Yes, I understood the agreement before you signed it.

3 Q. Mr. Bristol, does this letter agreement set forth your  
4 complete and total understanding of the entire agreement signed  
5 by the government, your attorney and you?

6 A. Yes, your Honor.

7 Q. Does this plea agreement contain everything you understand  
8 about the government's role and your role regarding your plea  
9 and sentence?

10 A. Yes, your Honor.

11 Q. Has anything been left out?

12 A. No that I know of, your Honor. No. Excuse me.

13 Q. No, no. Do you want to take a moment to look at it again  
14 to make sure everything you understand is in there and nothing  
15 has been left out? You have the right to do that.

16 A. I, I believe it is safe for me to retract my prior answer  
17 and respectfully say no, your Honor. I apologize.

18 Q. Do not apologize. This is something very serious that you  
19 are doing today and I want to make sure you understand and  
20 everything has been covered.

21 A. I understand. My answer is no, your Honor.

22 Q. Do you understand according to the plea agreement you are  
23 giving up your right to appeal, whether directly or under Title  
24 28, United States Code, Section 2255 and/or 2241 any sentence I  
25 impose as long as that sentence is within or below the

1 guideline range set forth in the plea agreement?

2 A. Yes, your Honor.

3 Q. Mr. Bristol, has anyone offered you any inducements or  
4 threatened you or forced you either to plead guilty or to enter  
5 into this plea agreement?

6 A. No, your Honor.

7 THE COURT: Ms. Kellman, do you know of any valid  
8 defense that would prevail at trial or do I know of any reason  
9 why your client should not be permitted to plead guilty?

10 MS. KELLMAN: No, your Honor.

11 BY THE COURT:

12 Q. Mr. Bristol, will you please tell me what you did in  
13 connection to the crime to which you are entering a plea of  
14 guilty?

15 A. During 2010, I agreed to allow another person to wire funds  
16 in and out of my attorney escrow account thereby facilitating  
17 his fraudulent scheme to disguise the nature, location, source,  
18 ownership and control of funds that had been entrusted to him  
19 by his client and investors and stolen by him.

20 At the time the funds were wired I knew that a  
21 substantial portion of the funds were the proceeds of his  
22 unlawful activity. Throughout this time I often met with this  
23 individual at his Manhattan office.

24 Q. At the time that you did these things, Mr. Bristol, did you  
25 know that what you were doing was wrong and illegal?

1 A. Yes, your Honor.

2 THE COURT: Mr. Bosworth, would you please summarize  
3 the government's evidence against Mr. Bristol if this case were  
4 to go to trial?

5 MR. BOSWORTH: Yes, your Honor.

6 Through evidence, including bank records, the  
7 statements of witnesses as well as Mr. Bristol's own  
8 statements, the government would be prepared to prove as  
9 follows:

10 At all times relevant to this information the  
11 defendant was a partner at a prominent law firm and worked in  
12 their office in Manhattan. His clients included Kenneth Starr  
13 as well as Starr & Company, which collectively refers to a  
14 financial planning firm and an investment advising firm that  
15 Kenneth Starr controlled, and his offices were located in  
16 midtown, Manhattan.

17 From at least 2008 to 2010, Mr. Starr systematically  
18 defrauded his clients of millions of dollars. One method by  
19 which he committed this fraud was to steal and misappropriate  
20 millions of dollars from his clients, to transfer them via wire  
21 transfer to one of two attorney escrow accounts controlled by  
22 Mr. Bristol. Starr would lie to the clients about the purpose  
23 for which the money had been transferred, sometimes, for  
24 example, telling them the money was to be bundled for an  
25 investment, and then Starr would direct Mr. Bristol to wire



1 funds out of the attorney escrow account for Starr's benefit  
2 and not for the purposes that Starr had explained to the  
3 clients.

4 So among other things at Starr's direction Mr. Bristol  
5 agreed to wire money that had been stolen from Starr's clients  
6 to pay for a luxury condominium on the Upper East Side of  
7 Manhattan for Mr. Starr, to pay the operating expenses of Starr  
8 & Company, to pay a legal settlement that Starr owed to a  
9 former Starr client and at least one case to pay money back  
10 from one client with money that was stolen from another client.

11 From at least by 2009 through May 2010, Mr. Bristol  
12 knowingly agreed with Starr to conduct this activity. Mr.  
13 Bristol allowed Mr. Starr to transfer nearly \$19 million into  
14 attorney escrow accounts controlled by Mr. Bristol that  
15 constituted the proceeds of the fraud and then at Starr's  
16 direction Mr. Bristol transferred nearly \$19 million out of the  
17 attorney escrow account to the benefit of Mr. Starr, the  
18 benefit of Mr. Starr's family and Mr. Starr's company.

19 Mr. Bristol did so not to gain money directly for  
20 himself, but in order to maintain a book of business that he  
21 felt he needed to maintain in order to keep his position as a  
22 partner at the prominent law firm.

23 The government would also prove in this way that Mr.  
24 Bristol engaged in these financial transactions both to promote  
25 Mr. Starr's underlying fraud as well as to conceal and disguise

1 the nature, location, source, ownership and control of Starr's  
2 fraud.

3           Respectfully, your Honor, the only question that we  
4 would ask the court to consider presenting to Mr. Bristol is  
5 just to ask whether he committed the overt acts that are  
6 alleged in the information. Otherwise, we think the plea, his  
7 allocation was sufficient.

8           THE COURT: I will do so.

9 BY THE COURT:

10 Q. Mr. Bristol, turning to page 2 of the information, would  
11 you talk to me about the overt acts listed there?

12 A. Yes, I see the overt acts.

13           On or about April 26, 2010, Jonathan Bristol, I, the  
14 defendant, received into an attorney escrow account controlled  
15 \$1 million that Kenneth Starr had stolen from a certain former  
16 executive of a talent agency. I am did commit that overt act.

17           On or about April 26, 2010 Jonathan Bristol, the  
18 defendant, transferred \$1 million dollars from an attorney  
19 escrow account he controlled to the bank account of a certain  
20 actress.

21 Q. And you acknowledge you did both of those things?

22 A. I acknowledge, yes, your Honor.

23 Q. Did you hear everything that Mr. Bosworth said?

24 A. Yes, your Honor.

25 Q. Mr. Bristol, how do you now plead to the charge, guilty or

1 not guilty?

2 A. I plead guilty.

3 Q. Are you pleading guilty because you are guilty?

4 A. Yes.

5 Q. Are you pleading guilty voluntarily and of your own free  
6 will?

7 A. Yes, your Honor.

8 Q. Because you acknowledge that you are guilty as charged in  
9 the information, because you know your rights and are waiving  
10 them, because your plea is entered knowingly and voluntarily  
11 and is supported by an independent basis in fact containing  
12 each of the essential elements of the offense, I accept your  
13 guilty plea and adjudge you guilty of the offense to which you  
14 have pled.

15 The Probation Department will next prepare a  
16 presentence report to assist me in sentencing you. You will be  
17 interviewed by the Probation Department. It is important that  
18 the information you give the probation officer be truthful,  
19 accurate and complete. The report is, accordingly, important  
20 in my decision as to what your sentence will be.

21 You and your attorney have the right and will have an  
22 opportunity to examine the report, challenge or comment upon it  
23 and to speak on your behalf before sentencing.

24 I wish to advise defense counsel, the defendant and  
25 the government that substantive detailed information and

1 arguments, if any, are to be made in writing on the following  
2 schedule. This affords the court the opportunity to consider  
3 them while determining the appropriate sentence.

4 Failure to comply with this schedule will be deemed a  
5 waiver of such arguments or information at the time of  
6 sentencing and there shall be no extension.

7 The final presentence report shall be sent to the  
8 parties and the court by August 15, 2011 at 4:00 p.m.

9 If either party is making a written submission, it  
10 must be sent to the other side and the court by August 29, 2011  
11 at 4:00 p.m.

12 Responses must be submitted to the initiating party  
13 and the court by September 12, 2011 at 4:00 p.m.

14 The date for sentencing is set for September 26, 2011  
15 at 10:30 a.m.

16 THE COURT: Mr. Bosworth, what is the bail status of  
17 the defendant?

18 MR. BOSWORTH: Your Honor, the defendant is out on  
19 conditions of bail a substantial personal recognizance bond  
20 that has also been secured with certain assets of his bank  
21 accounts and pension funds and the like, as well as certain  
22 travel restrictions.

23 The government does not intend to make any application  
24 for a modification of the conditions of bail.

25 THE COURT: All right, Mr. Bosworth, thank you.

1           Mr. Bristol, do you understand if you fail to return  
2 to my courtroom for sentencing on the day and time set, unless,  
3 of course, you are advised by your counsel, Ms. Kellman, that  
4 the date has been adjourned, that you will be guilty of a  
5 criminal act for which you could be sentenced to imprisonment  
6 separate, apart from and in addition to any other sentences you  
7 might receive for the crime to which you have just pled guilty?

8           THE DEFENDANT: Yes, your Honor.

9           THE COURT: You further understand all the conditions  
10 on which you were released up until now continue to apply and  
11 that the consequence of violation of any of those conditions  
12 could be severe?

13          THE DEFENDANT: Yes, your Honor.

14          THE COURT: Then I will see you on the date of  
15 sentencing.

16          Mr. Bosworth.

17          MR. BOSWORTH: Your Honor, I apologize. Two  
18 questions.

19                The first thing is I think the court would want the  
20 submission of the proposed restitution order with the  
21 government's first memorandum on August 29.

22                The defendant and the government have agreed that the  
23 defendant would pay restitution in the amount of  
24 \$18,860,282.69.

25                We will have a proposed restitution order for your

1 Honor to consider. Should we submit it on this schedule?

2 THE COURT: The later submission date is fine.

3 MR. BOSWORTH: Lastly, I think your Honor said the  
4 plea agreement is marked Court Exhibit 1. I'm not sure I see  
5 it now.

6 THE COURT: You mean I actually didn't write Court  
7 Exhibit 1 on it?

8 MR. BOSWORTH: Just in case there is any question  
9 later that this is the document.

10 THE COURT: Hand it up, Mr. Bosworth.

11 (Handing to the court)

12 (Pause)

13 And would you make copies and distribute them both to  
14 Ms. Kellman and to the court since it is now officially Court  
15 Exhibit 1 of today's date in this matter?

16 MR. BOSWORTH: Yes, I will. Thank you, your Honor.

17 THE COURT: Anything else?

18 MS. KELLMAN: I have one brief matter.

19 May I just have one minute with the government?

20 THE COURT: Certainly.

21 (Pause)

22 MS. KELLMAN: Your Honor, we have a brief request for  
23 a bail modification. My client's daughter -- he lives in New  
24 Jersey, his daughter goes to Laffayette College in  
25 Pennsylvania --



1 THE DEFENDANT: Right over the Delaware River.

2 MS. KELLMAN: From time to time he has need to take  
3 her back to school and pick her up for the holiday and the like  
4 and each time he is required to get specific permission from  
5 the pretrial OFFICE people.

6 I discussed the modification of the geographical  
7 boundaries to include his trips back and forth from Laffayette  
8 College, Pennsylvania, and the government has no objection to  
9 that modification.

10 THE COURT: I grant that modification.

11 MS. KELLMAN: The other thing is I ask the court's  
12 permission to get today's minutes.

13 THE COURT: That always happens, doesn't it Guido?

14 THE REPORTER: Yes, it does, your Honor.

15 THE COURT: Yes. Anything else?

16 MS. KELLMAN: No, your Honor.

17 MR. BOSWORTH: No, your Honor.

18 THE COURT: All right. This matter is adjourned.  
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STEIN, J

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/15/12

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

KENNETH IRA STARR, STARR  
INVESTMENT  
ADVISORS, LLC, STARR & COMPANY, LLC,  
AND JONATHAN S. BRISTOL

Defendants,

DIANE PASSAGE AND COLCAVE, LLC

Relief Defendants.

10 CIV 4270 (SHS)

**JUDGMENT AS TO DEFENDANT JONATHAN S. BRISTOL**

The Securities and Exchange Commission having filed a Complaint and Defendant Jonathan S. Bristol ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from violating Sections 206(1) and 206(2) of

the Investment Advisers Act of 1940 (the "Advisers Act") [15 U.S.C. §§ 80b-6(1) and 80b-6(2)], by using the mails or any means or instrumentality of interstate commerce, directly or indirectly:

- (a) to employ any device, scheme or artifice to defraud any client or prospective client; or
- (b) to engage in any transaction, practice or course of business which operates as a fraud or deceit upon any client or prospective client.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that based upon the anticipated sentence that Bristol will receive pursuant to his guilty plea in *United States v. Bristol*, 10 Cr. 1239 (S.D.N.Y.) (DAB), the Court is not ordering Bristol to pay a civil penalty. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Bristol knowingly provided materially false or misleading information or materials to the Commission or in a related proceeding, the Commission may, at its sole discretion and without prior notice to Bristol, petition the Court for an order requiring Bristol to pay a civil penalty. In connection with any such petition and at any hearing held on such a motion: (a) Bristol will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Bristol may not challenge the validity of this Final Judgment or his consent hereto, dated November 7, 2012 and filed herewith (the "Consent"); (c) the allegations of the Complaint, solely for the purposes of such motion, shall be accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence without regard to the standards for summary judgment contained in Rule

56(c) of the Federal Rules of Civil Procedure. Under these circumstances, the parties may take discovery, including discovery from appropriate non-parties.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

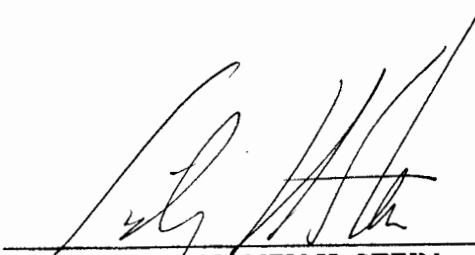
IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

V.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: November 15, 2012

  
\_\_\_\_\_  
HONORABLE SIDNEY H. STEIN  
UNITED STATES DISTRICT JUDGE

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

KENNETH IRA STARR, STARR INVESTMENT  
ADVISORS, LLC, STARR & COMPANY, LLC,  
AND JONATHAN STAR BRISTOL

Defendants,

DIANE PASSAGE AND COLCAVE, LLC

Relief Defendants.

10 CIV 4270 (SHS)

**CONSENT OF DEFENDANT JONATHAN S. BRISTOL**

1. Defendant Jonathan S. Bristol ("Defendant") waives service of a summons and the complaint in this action, enters a general appearance, and consents to the Court's jurisdiction over Defendant and over the subject matter of this action.
2. Defendant has pleaded guilty to criminal conduct relating to certain matters alleged in the complaint in this action. Specifically, in *United States v. Bristol*, 10 Cr. 1239 (S.D.N.Y.) (DAB) ("*United States v. Bristol*"), Defendant pleaded guilty to one count of conspiracy to commit money laundering [18 U.S.C. § 1956].
3. In connection with that plea, Defendant admitted the facts set out in the transcript of his plea allocution that is attached as Exhibit A to this Consent. This Consent shall remain in full force and effect regardless of the existence or outcome of any further proceedings in *United States v. Bristol*.

3. Defendant hereby consents to the entry of the Final Judgment in the form attached hereto (the "Final Judgment") and incorporated by reference herein, which, among other things:

(a) permanently restrains and enjoins Defendant from any violations of Sections 206(1) or 206(2) of the Advisers Act [15 U.S.C. § 80b-6(1) and (2)]; and

(b) does not order Defendant to pay a civil penalty based upon the anticipated sentence he will receive pursuant to his guilty plea in in the criminal case before the United States District Court for the Southern District of New York, titled *United States v. Bristol*, 10 Cr. 1239 (S.D.N.Y.) (DAB).

4. Defendant waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure.

4. Defendant waives the right, if any, to a jury trial and to appeal from the entry of the Final Judgment.

5. Defendant enters into this Consent voluntarily and represents that no threats, offers, promises, or inducements of any kind have been made by the Commission or any member, officer, employee, agent, or representative of the Commission to induce Defendant to enter into this Consent.

6. Defendant agrees that this Consent shall be incorporated into the Final Judgment with the same force and effect as if fully set forth therein.

7. Defendant will not oppose the enforcement of the Final Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and hereby waives any objection based thereon.

8. Defendant waives service of the Final Judgment and agrees that entry of the Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to Defendant



of its terms and conditions. Defendant further agrees to provide counsel for the Commission, within thirty days after the Final Judgment is filed with the Clerk of the Court, with an affidavit or declaration stating that Defendant has received and read a copy of the Final Judgment.

9. Consistent with 17 C.F.R. § 202.5(f), this Consent resolves only the claims asserted against Defendant in this civil proceeding. Defendant acknowledges that no promise or representation has been made by the Commission or any member, officer, employee, agent, or representative of the Commission with regard to any criminal liability that may have arisen or may arise from the facts underlying this action or immunity from any such criminal liability. Defendant waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein. Defendant further acknowledges that the Court's entry of a permanent injunction may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory organizations. Such collateral consequences include, but are not limited to, a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding before the Commission based on the entry of the injunction in this action, Defendant understands that he shall not be permitted to contest the factual allegations of the complaint in this action.

10. Defendant understands and agrees to comply with the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings." 17 C.F.R. § 202.5. In compliance with this policy, Defendant acknowledges the guilty plea for related criminal

conduct described in paragraphs 2 and 3 above, and agrees: (i) not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; and (ii) that upon the filing of this Consent, Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation in the complaint. If Defendant breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing in this paragraph affects Defendant's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Commission is not a party.

11. Defendant hereby waives any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Defendant to defend against this action. For these purposes, Defendant agrees that Defendant is not the prevailing party in this action since the parties have reached a good faith settlement.

12. In connection with this action and any related judicial or administrative proceeding or investigation commenced by the Commission or to which the Commission is a party, Defendant (i) agrees to appear and be interviewed by Commission staff at such times and places as the staff requests upon reasonable notice; (ii) will accept service by mail or facsimile transmission of notices or subpoenas issued by the Commission for documents or testimony at depositions, hearings, or trials, or in connection with any related investigation by Commission staff; (iii) appoints Defendant's undersigned attorney as agent to receive service of such notices

and subpoenas; (iv) with respect to such notices and subpoenas, waives the territorial limits on service contained in Rule 45 of the Federal Rules of Civil Procedure and any applicable local rules, provided that the party requesting the testimony reimburses Defendant's travel, lodging, and subsistence expenses at the then-prevailing U.S. Government per diem rates; and (v) consents to personal jurisdiction over Defendant in any United States District Court for purposes of enforcing any such subpoena.

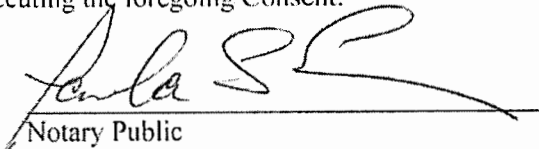
13. Defendant agrees that the Commission may present the Final Judgment to the Court for signature and entry without further notice.

14. Defendant agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.


Dated: 11.7.12

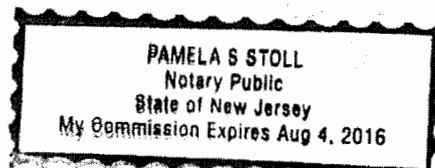
  
Jonathan S. Bristol

On 11/7, 2012, Jonathan S. Bristol, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent.

  
Notary Public  
Commission expires:

Approved as to form:

  
Susan Kellman, Esq.  
25 8th Ave  
Brooklyn, NY 11217  
Attorney for Defendant



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

10 Cr. 1239 (DAB)

JONATHAN BRISTOL,

Defendant.

-----x

May 2, 2011  
11:45 a.m.

Before:

HON. DEBORAH A. BATTIS,

District Judge

APPEARANCES

PREET BHARARA

United States Attorney for the  
Southern District of New York

MICHAEL BOSWORTH,  
WILLIAM HARRINGTON,

Assistant United States Attorneys

SUSAN KELLMAN, ESQ.,

Attorney for Defendant

1 THE COURT: United States of America versus Jonathan  
2 Bristol.

3 Is the government ready?

4 MR. BOSWORTH: Yes. Michael Bosworth for the  
5 defendant and with me is William Harrington from our office.

6 THE COURT: On behalf of Mr. Bristol we have Ms. Susan  
7 Kellman.

8 MS. KELLMAN: Good morning.

9 And seated to my left is Mr. Bristol.

10 THE COURT: Good morning, Mr. Bristol.

11 THE DEFENDANT: Good morning, your Honor.

12 THE COURT: The first order of business, I understand,  
13 is to have Mr. Bristol arraigned, is that correct?

14 MS. KELLMAN: That's correct, your Honor.

15 THE COURT: Mr. Delaney.

16 THE CLERK: You are Jonathan Bristol?

17 THE DEFENDANT: I am.

18 THE CLERK: This is your attorney, Ms. Kellman,  
19 standing beside you?

20 THE DEFENDANT: She is.

21 THE CLERK: Is this your signature on this waiver of  
22 indictment form?

23 THE DEFENDANT: It is.

24 THE CLERK; Do you realize by signing this document  
25 you give up your right to have this case presented to a grand

1 jury which may or may not indict you?

2 THE DEFENDANT: I do.

3 THE CLERK: Do you waive the formal reading of the  
4 information?

5 THE DEFENDANT: I do.

6 THE CLERK: How do you plead at this time?

7 THE DEFENDANT: Not guilty.

8 THE COURT: I have been informed by Ms. Kellman that  
9 Mr. Bristol has an application, is that correct, Ms. Kellman?

10 MS. KELLMAN: Yes, your Honor.

11 At this time my client has asked me to withdraw, ask  
12 the court permission to withdraw his previously entered not  
13 guilty plea and he wishes to enter a plea of guilty to the  
14 information.

15 THE COURT: Thank you, Ms. Kellman.

16 Mr. Delaney, please administer the oath to Mr.  
17 Bristol.

18 JONATHAN BRISTOL,

19 the defendant, having first been duly sworn, was  
20 examined and testified as follows:.

21 BY THE COURT:

22 Q. Mr. Bristol, do you understand that you are now under oath  
23 and that if you answer any of my questions falsely, your false  
24 or untrue answers may later be used against you in another  
25 prosecution for perjury or making a false statement.

1 A. Yes.

2 Q. Mr. Bristol, what is your full name?

3 A. Jonathan Star Bristol.

4 Q. Your middle name again?

5 A. Star, S-T-A-R with one R, not two R's.

6 Q. And how old are you?

7 A. I'm 55 years old, Judge Batts.

8 Q. And how far did you go in school?

9 A. Post-graduate.

10 Q. Are you now or have you recently been under the care of a  
11 doctor or psychiatrist?

12 A. I am now under the care of a psychiatrist and a doctor.

13 Q. All right. In terms of the medications -- are you  
14 receiving any medications either from the doctor or the  
15 psychiatrist?

16 A. I am, Judge Batts.

17 Q. Do any of these medications affect your ability to  
18 understand what you are doing today?

19 A. No, Judge Batts.

20 Q. Have you ever been treated or hospitalized for any mental  
21 illness or any type of addiction, including drug or alcohol  
22 addiction?

23 A. No.

24 Q. In the past 24 hours, have you taken any drugs, medicine or  
25 pills other than the ones you just discussed or have you drunk



1 any alcohol?

2 A. No, your Honor.

3 Q. Is your mind clear today?

4 A. Yes, your Honor.

5 Q. Are you feeling well told?

6 A. Yes, your Honor.

7 THE COURT: Does any counsel have any doubt as to the  
8 defendants to competence at this time?

9 Ms. Kellman?

10 MS. KELLMAN: No, your Honor.

11 THE COURT: Mr. Bosworth or Mr. Harrington?

12 MR. BOSWORTH: No, your Honor.

13 BY THE COURT:

14 Q. Mr. Bristol, your attorney has informed me that you wish to  
15 withdraw your plea of not guilty to Count 1 of the information  
16 and enter a plea of guilty.

17 Do you, in fact, wish to do that today?

18 A. Yes, your Honor.

19 Q. Have you had a full opportunity to discuss your case with  
20 your attorney and to discuss the consequences of entering a  
21 plea of guilty?

22 A. Yes, your Honor.

23 Q. Are you satisfied with your attorney, Ms. Kellman, and her  
24 representation of you will?

25 A. Quite satisfied, your Honor.

1 THE COURT: On the basis of Mr. Bristol's responses to  
2 my questions and my observations of his demeanor, I find that  
3 he is fully competent to enter an informed plea at this time.

4 However, before I accept any plea, Mr. Bristol, I am  
5 going to ask you certain questions. My questions are intended  
6 to satisfy me that you wish to plead guilty because you are  
7 guilty and that you fully understand the consequences of your  
8 plea.

9 If you do not understand a question, please stop me  
10 and either ask me or your attorney, Ms. Kellman, for a further  
11 explanation.

12 All right?

13 A. Yes, your Honor.

14 Q. I am now going to describe to you certain rights that you  
15 have under the Constitution and laws of the United States. You  
16 will be giving up these rights if you enter a plea of guilty.  
17 Please listen carefully because at the end of my description of  
18 your rights I will ask you whether you have fully understood  
19 what I have said.

20 All right?

21 A. Yes, your Honor.

22 Q. Under the Constitution and laws of the United States you  
23 have the right to a speedy and public trial by a jury on the  
24 charge against you which is contained in the information.

25 If there were a trial you would be presumed innocent

1 and the government would be required to prove your guilt by  
2 competent evidence and beyond a reasonable doubt. You would  
3 not have to prove you were not guilty at a trial.

4 At trial and every other stage of the proceeding you  
5 would have the right to be represented by an attorney and, if  
6 you could not afford one, an attorney would be provided to you  
7 free of cost.

8 If there were a trial you would have the right to see  
9 and hear all of the witnesses against you and your attorney  
10 could cross-examine them. You would have the right to have  
11 your attorney object to the government's evidence and offer  
12 evidence on your behalf if you so desired and you would have  
13 the right to have subpoenas issued to compel witnesses to  
14 testify in your defense.

15 If there were a trial you would have the right to  
16 testify if you wanted to, but no one could force you to testify  
17 if you did not want to. Further, the jury could not even  
18 consider the fact that you chose not to testify at trial.

19 Mr. Bristol, do you understand each and every one of  
20 these rights?

21 A. Yes, your Honor.

22 Q. You understand by entering a plea of guilty today you are  
23 giving up each and every one of these rights and that you will  
24 have no trial?

25 A. Yes, your Honor.

1 Q. You understand that you can change your mind right now and  
2 refuse to enter a plea of guilty?

3 A. Yes, your Honor.

4 Q. You do not have to enter this plea if you do not want to  
5 for any reason.

6 Do you understand this fully?

7 A. Yes, your Honor.

8 Q. Mr. Bristol, you have received a copy of the information,  
9 haven't you?

10 A. Yes, your Honor.

11 Q. And you have read it?

12 A. Yes, your Honor.

13 Q. And you discussed it with your attorney?

14 A. I have discussed it with my attorney, your Honor.

15 Q. You understand that you have a constitutional right to be  
16 charged by an indictment rather than an information?

17 A. Yes, your Honor.

18 Q. An indictment would be from a grand jury and not like the  
19 information simply a charge by the prosecutor.

20 Do you understand that you have waived the right to be  
21 charged by an indictment and that you have consented to being  
22 charged by an information of the government?

23 A. Yes, your Honor.

24 Q. Did you waive this right voluntarily and knowingly?

25 A. Voluntarily and knowingly, your Honor.

1 Q. You understand that you are charged in the information with  
2 conspiracy to --

3 THE COURT: Let me confirm from the prosecutors, are  
4 we talking about conspiracy to launder money or are we talking  
5 about conspiracy to commit wire fraud?

6 MR. BOSWORTH: Your Honor, it's conspiracy to commit  
7 an offense against the United States, and in this case money  
8 laundering. So it's a violation in the first instance of Title  
9 18, United States Code, Section 371, and the specific offense  
10 against the United States that the information contemplates is  
11 a violation of Title 18, United States Code, Section 1956,  
12 various provisions and I am happy to outline the elements.

13 THE COURT: You will in a minute, but I just wanted to  
14 make sure that I advise Mr. Bristol his right to the  
15 conspiracy.

16 MR. BOSWORTH: Thank you.

17 BY THE COURT:

18 Q. Mr. Bristol, do you understand you are charged in the  
19 information with conspiracy to commit money laundering?

20 A. Yes, your Honor.

21 THE COURT: Now, Mr. Bosworth, can you please state  
22 the elements of the charge to Mr. Bristol.

23 MR. BOSWORTH: Thank you, your Honor.

24 The elements of 371 conspiracy are three:

25 First, the government would be required to prove

1 beyond a reasonable doubt that there existed a conspiracy to  
2 commit an offense against the United States.

3 Second, that the defendant knowingly became a member  
4 of that conspiracy.

5 And third that one of the co-conspirators took at  
6 least one overt act in furtherance of the conspiracy.

7 So far as the money laundering offense which is at  
8 issue here is concerned, the elements would be as follows:

9 First, that the defendant -- it was part of the  
10 agreement that the defendant would conduct a financial  
11 transaction involving property that constituted the proceeds of  
12 specified unlawful activity, in this case Ken Starr's wire  
13 fraud.

14 Second, that the defendant knew that the property  
15 involved in the financial transaction was the proceeds of some  
16 form of unlawful activity.

17 And then third, and both provisions are alleged in the  
18 information, that the defendant knew the transaction was  
19 designed in whole or in part to conceal or disguise the nature,  
20 location, source, ownership or control of the proceeds as  
21 specified of the unlawful activity, Section 1956 (b) (2), or  
22 that the defendant knew the transaction was designed to and the  
23 defendant acted with the intent to promote the carrying on of  
24 the specified unlawful activity, and that's Section 1956  
25 (a) (1).



1 THE COURT: Thank you, Mr. Bosworth.

2 BY THE COURT:

3 Q. Mr. Bristol, did you hear what Mr. Bosworth said?

4 A. Yes, your Honor.

5 Q. You understand the government would have to prove each and  
6 every part or element of the charge beyond a reasonable doubt  
7 at a trial?

8 A. Yes, your Honor.

9 Q. You understand by statute the maximum possible penalties  
10 for the crime to which you are entering a plea of guilty are:

11 Five years imprisonment, a maximum fine of the  
12 greatest of \$250,000 or twice the gross gain to you from your  
13 crime or twice the gross loss to others from your crime, plus a  
14 \$100 mandatory assessment and a maximum term of three years of  
15 supervised release after your term of imprisonment.

16 Do you understand those maximum statutory penalties?

17 A. Yes, your Honor.

18 Q. Are you sure?

19 A. I am --

20 Q. Do you want to talk with Ms. Kellman?

21 A. May I, please?

22 Q. Yes.

23 (Pause)

24 A. Yes, your Honor, I have had that clarified by my counsel.  
25 I understand it is up to five years with three years probation



1 and the fine.

2 THE COURT: Mr. Bosworth, are those statutory maximum  
3 penalties accurate?

4 MR. BOSWORTH: Yes, your Honor.

5 BY THE COURT:

6 Q. Mr. Bristol, the supervised release I referred to means you  
7 will be supervised for a period of years after you are released  
8 from prison should you go to prison. There are conditions you  
9 must obey. If you don't you could be sent to prison without a  
10 jury trial.

11 Do you understand that?

12 A. Yes, your Honor.

13 Q. In addition to these maximum penalties, you understand that  
14 as part of your sentence I must order you to pay restitution to  
15 any victims of your crimes?

16 A. Yes, your Honor.

17 Q. You understand that if you are a United States citizen and  
18 I accept your guilty plea and adjudge you guilty, that  
19 adjudication may deprive you of valuable civil rights, such as  
20 the right to vote, the right to hold public office, the right  
21 to serve on a jury and the right to possess any kind of  
22 firearm, and if you are not a citizen of the United States and  
23 I accept your guilty plea and adjudge you guilty that  
24 adjudication will subject you to deportation and/or deprive you  
25 of the right to apply for United States citizenship or to

1 re-enter this country.

2 Do you understand that?

3 A. I understand, yes, your Honor.

4 Q. You understand if you are sentenced to prison parole no  
5 longer exists so parole cannot get you out of prison any  
6 earlier?

7 A. I understand, your Honor.

8 Q. Mr. Bristol, in determining your sentence the court will  
9 consider both the factors contained in the advisory sentencing  
10 guidelines and the factors set forth in 18 United States Code  
11 Section 3553(a).

12 The 18 United States Code, Section 3553(a) factors  
13 include the nature and circumstances of the offense and a  
14 history and characteristics of the defendant, the need for the  
15 sentence imposed to reflect the seriousness of the offense, to  
16 promote respect for the law, to provide just punishment for the  
17 offense, to discourage others from committing crimes, to  
18 protect the public from further crimes of the defendant and to  
19 provide the defendant with needed educational or vocational  
20 training, medical care or other correctional treatment in the  
21 most effective manner.

22 These factors also include the kinds of sentences  
23 available, the sentencing guidelines which are now advisory,  
24 any pertinent policy statements issued by the Sentencing  
25 Commission, the need to make sure defendants with similar

1 records who have been found guilty of similar conduct get  
2 similar sentences and the need to provide restitution to any  
3 victims of the offense.

4 Do you understand these factors?

5 A. Yes, your Honor.

6 Q. You understand although there is a calculation of the  
7 guideline range contained in the plea agreement, the court will  
8 not be able to determine your guideline sentence range until  
9 after a presentence report has been completed by the Probation  
10 Department and you and the government have had a chance to  
11 challenge any of the facts reported by the Probation  
12 Department?

13 A. Yes, your Honor, I understand.

14 Q. Do you further understand even after it is determined what  
15 guideline range applies in your case, it is advisory only and  
16 just one of the factors I just told you the court will consider  
17 in determining your sentence?

18 A. Yes, your Honor.

19 Q. You understand if your attorney or anyone else has  
20 attempted to estimate or predict what your sentence will be,  
21 that their estimate or prediction could be wrong?

22 A. Yes, your Honor.

23 Q. No one, not even your attorney or the government, can nor  
24 should give you any assurance of what your sentence will be  
25 since, as I have just said, that sentence cannot be determined

1 until after the presentence report is completed and I have  
2 ruled on the challenges to the report, if any, and I have  
3 determined pursuant to the advisory sentencing guidelines and  
4 the other factors contained in 18 United States Code, Section  
5 3553(a), what the appropriate sentence is.

6 Do you understand this?

7 A. Yes, your Honor.

8 Q. You also fully understand even if your sentence is  
9 different from what your attorney or anyone else told you it  
10 might be or if it is different from what you expect, you will  
11 still be bound to your guilty plea and you will not be allowed  
12 to withdraw your plea of guilty?

13 A. I understand, your Honor.

14 Q. Now, while the court is not a party to this agreement, I  
15 have been given a letter plea agreement which I marked as Court  
16 Exhibit 1 in this matter of today's date.

17 I have turned it to the signature page. I am handing  
18 it to my law clerk and I am asking her to take it down to Mr.  
19 Bristol.

20 (Handing to the defendant)

21 Mr. Bristol, is that your signature on the agreement?

22 A. Your Honor, it is my signature.

23 Q. Did you read the agreement before you signed it?

24 A. I read the agreement. I also discussed it with my  
25 attorney.

1 Q. Did you understand the agreement before you signed it?

2 A. Yes, I understood the agreement before you signed it.

3 Q. Mr. Bristol, does this letter agreement set forth your  
4 complete and total understanding of the entire agreement signed  
5 by the government, your attorney and you?

6 A. Yes, your Honor.

7 Q. Does this plea agreement contain everything you understand  
8 about the government's role and your role regarding your plea  
9 and sentence?

10 A. Yes, your Honor.

11 Q. Has anything been left out?

12 A. No that I know of, your Honor. No. Excuse me.

13 Q. No, no. Do you want to take a moment to look at it again  
14 to make sure everything you understand is in there and nothing  
15 has been left out? You have the right to do that.

16 A. I, I believe it is safe for me to retract my prior answer  
17 and respectfully say no, your Honor. I apologize.

18 Q. Do not apologize. This is something very serious that you  
19 are doing today and I want to make sure you understand and  
20 everything has been covered.

21 A. I understand. My answer is no, your Honor.

22 Q. Do you understand according to the plea agreement you are  
23 giving up your right to appeal, whether directly or under Title  
24 28, United States Code, Section 2255 and/or 2241 any sentence I  
25 impose as long as that sentence is within or below the

1 guideline range set forth in the plea agreement?

2 A. Yes, your Honor.

3 Q. Mr. Bristol, has anyone offered you any inducements or  
4 threatened you or forced you either to plead guilty or to enter  
5 into this plea agreement?

6 A. No, your Honor.

7 THE COURT: Ms. Kellman, do you know of any valid  
8 defense that would prevail at trial or do I know of any reason  
9 why your client should not be permitted to plead guilty?

10 MS. KELLMAN: No, your Honor.

11 BY THE COURT:

12 Q. Mr. Bristol, will you please tell me what you did in  
13 connection to the crime to which you are entering a plea of  
14 guilty?

15 A. During 2010, I agreed to allow another person to wire funds  
16 in and out of my attorney escrow account thereby facilitating  
17 his fraudulent scheme to disguise the nature, location, source,  
18 ownership and control of funds that had been entrusted to him  
19 by his client and investors and stolen by him.

20 At the time the funds were wired I knew that a  
21 substantial portion of the funds were the proceeds of his  
22 unlawful activity. Throughout this time I often met with this  
23 individual at his Manhattan office.

24 Q. At the time that you did these things, Mr. Bristol, did you  
25 know that what you were doing was wrong and illegal?



1 A. Yes, your Honor.

2 THE COURT: Mr. Bosworth, would you please summarize  
3 the government's evidence against Mr. Bristol if this case were  
4 to go to trial?

5 MR. BOSWORTH: Yes, your Honor.

6 Through evidence, including bank records, the  
7 statements of witnesses as well as Mr. Bristol's own  
8 statements, the government would be prepared to prove as  
9 follows:

10 At all times relevant to this information the  
11 defendant was a partner at a prominent law firm and worked in  
12 their office in Manhattan. His clients included Kenneth Starr  
13 as well as Starr & Company, which collectively refers to a  
14 financial planning firm and an investment advising firm that  
15 Kenneth Starr controlled, and his offices were located in  
16 midtown, Manhattan.

17 From at least 2008 to 2010, Mr. Starr systematically  
18 defrauded his clients of millions of dollars. One method by  
19 which he committed this fraud was to steal and misappropriate  
20 millions of dollars from his clients, to transfer them via wire  
21 transfer to one of two attorney escrow accounts controlled by  
22 Mr. Bristol. Starr would lie to the clients about the purpose  
23 for which the money had been transferred, sometimes, for  
24 example, telling them the money was to be bundled for an  
25 investment, and then Starr would direct Mr. Bristol to wire



1 funds out of the attorney escrow account for Starr's benefit  
2 and not for the purposes that Starr had explained to the  
3 clients.

4 So among other things at Starr's direction Mr. Bristol  
5 agreed to wire money that had been stolen from Starr's clients  
6 to pay for a luxury condominium on the Upper East Side of  
7 Manhattan for Mr. Starr, to pay the operating expenses of Starr  
8 & Company, to pay a legal settlement that Starr owed to a  
9 former Starr client and at least one case to pay money back  
10 from one client with money that was stolen from another client.

11 From at least by 2009 through May 2010, Mr. Bristol  
12 knowingly agreed with Starr to conduct this activity. Mr.  
13 Bristol allowed Mr. Starr to transfer nearly \$19 million into  
14 attorney escrow accounts controlled by Mr. Bristol that  
15 constituted the proceeds of the fraud and then at Starr's  
16 direction Mr. Bristol transferred nearly \$19 million out of the  
17 attorney escrow account to the benefit of Mr. Starr, the  
18 benefit of Mr. Starr's family and Mr. Starr's company.

19 Mr. Bristol did so not to gain money directly for  
20 himself, but in order to maintain a book of business that he  
21 felt he needed to maintain in order to keep his position as a  
22 partner at the prominent law firm.

23 The government would also prove in this way that Mr.  
24 Bristol engaged in these financial transactions both to promote  
25 Mr. Starr's underlying fraud as well as to conceal and disguise

1 the nature, location, source, ownership and control of Starr's  
2 fraud.

3           Respectfully, your Honor, the only question that we  
4 would ask the court to consider presenting to Mr. Bristol is  
5 just to ask whether he committed the overt acts that are  
6 alleged in the information. Otherwise, we think the plea, his  
7 allocation was sufficient.

8           THE COURT: I will do so.

9 BY THE COURT:

10 Q. Mr. Bristol, turning to page 2 of the information, would  
11 you talk to me about the overt acts listed there?

12 A. Yes, I see the overt acts.

13           On or about April 26, 2010, Jonathan Bristol, I, the  
14 defendant, received into an attorney escrow account controlled  
15 \$1 million that Kenneth Starr had stolen from a certain former  
16 executive of a talent agency. I am did commit that overt act.

17           On or about April 26, 2010 Jonathan Bristol, the  
18 defendant, transferred \$1 million dollars from an attorney  
19 escrow account he controlled to the bank account of a certain  
20 actress.

21 Q. And you acknowledge you did both of those things?

22 A. I acknowledge, yes, your Honor.

23 Q. Did you hear everything that Mr. Bosworth said?

24 A. Yes, your Honor.

25 Q. Mr. Bristol, how do you now plead to the charge, guilty or

1 not guilty?

2 A. I plead guilty.

3 Q. Are you pleading guilty because you are guilty?

4 A. Yes.

5 Q. Are you pleading guilty voluntarily and of your own free  
6 will?

7 A. Yes, your Honor.

8 Q. Because you acknowledge that you are guilty as charged in  
9 the information, because you know your rights and are waiving  
10 them, because your plea is entered knowingly and voluntarily  
11 and is supported by an independent basis in fact containing  
12 each of the essential elements of the offense, I accept your  
13 guilty plea and adjudge you guilty of the offense to which you  
14 have pled.

15 The Probation Department will next prepare a  
16 presentence report to assist me in sentencing you. You will be  
17 interviewed by the Probation Department. It is important that  
18 the information you give the probation officer be truthful,  
19 accurate and complete. The report is, accordingly, important  
20 in my decision as to what your sentence will be.

21 You and your attorney have the right and will have an  
22 opportunity to examine the report, challenge or comment upon it  
23 and to speak on your behalf before sentencing.

24 I wish to advise defense counsel, the defendant and  
25 the government that substantive detailed information and

1 arguments, if any, are to be made in writing on the following  
2 schedule. This affords the court the opportunity to consider  
3 them while determining the appropriate sentence.

4 Failure to comply with this schedule will be deemed a  
5 waiver of such arguments or information at the time of  
6 sentencing and there shall be no extension.

7 The final presentence report shall be sent to the  
8 parties and the court by August 15, 2011 at 4:00 p.m.

9 If either party is making a written submission, it  
10 must be sent to the other side and the court by August 29, 2011  
11 at 4:00 p.m.

12 Responses must be submitted to the initiating party  
13 and the court by September 12, 2011 at 4:00 p.m.

14 The date for sentencing is set for September 26, 2011  
15 at 10:30 a.m.

16 THE COURT: Mr. Bosworth, what is the bail status of  
17 the defendant?

18 MR. BOSWORTH: Your Honor, the defendant is out on  
19 conditions of bail a substantial personal recognizance bond  
20 that has also been secured with certain assets of his bank  
21 accounts and pension funds and the like, as well as certain  
22 travel restrictions.

23 The government does not intend to make any application  
24 for a modification of the conditions of bail.

25 THE COURT: All right, Mr. Bosworth, thank you.

1           Mr. Bristol, do you understand if you fail to return  
2 to my courtroom for sentencing on the day and time set, unless,  
3 of course, you are advised by your counsel, Ms. Kellman, that  
4 the date has been adjourned, that you will be guilty of a  
5 criminal act for which you could be sentenced to imprisonment  
6 separate, apart from and in addition to any other sentences you  
7 might receive for the crime to which you have just pled guilty?

8           THE DEFENDANT: Yes, your Honor.

9           THE COURT: You further understand all the conditions  
10 on which you were released up until now continue to apply and  
11 that the consequence of violation of any of those conditions  
12 could be severe?

13          THE DEFENDANT: Yes, your Honor.

14          THE COURT: Then I will see you on the date of  
15 sentencing.

16          Mr. Bosworth.

17          MR. BOSWORTH: Your Honor, I apologize. Two  
18 questions.

19                The first thing is I think the court would want the  
20 submission of the proposed restitution order with the  
21 government's first memorandum on August 29.

22                The defendant and the government have agreed that the  
23 defendant would pay restitution in the amount of  
24 \$18,860,282.69.

25                We will have a proposed restitution order for your

1 Honor to consider. Should we submit it on this schedule?

2 THE COURT: The later submission date is fine.

3 MR. BOSWORTH: Lastly, I think your Honor said the  
4 plea agreement is marked Court Exhibit 1. I'm not sure I see  
5 it now.

6 THE COURT: You mean I actually didn't write Court  
7 Exhibit 1 on it?

8 MR. BOSWORTH: Just in case there is any question  
9 later that this is the document.

10 THE COURT: Hand it up, Mr. Bosworth.

11 (Handing to the court)

12 (Pause)

13 And would you make copies and distribute them both to  
14 Ms. Kellman and to the court since it is now officially Court  
15 Exhibit 1 of today's date in this matter?

16 MR. BOSWORTH: Yes, I will. Thank you, your Honor.

17 THE COURT: Anything else?

18 MS. KELLMAN: I have one brief matter.

19 May I just have one minute with the government?

20 THE COURT: Certainly.

21 (Pause)

22 MS. KELLMAN: Your Honor, we have a brief request for  
23 a bail modification. My client's daughter -- he lives in New  
24 Jersey, his daughter goes to Laffayette College in  
25 Pennsylvania --

1 THE DEFENDANT: Right over the Delaware River.

2 MS. KELLMAN: From time to time he has need to take  
3 her back to school and pick her up for the holiday and the like  
4 and each time he is required to get specific permission from  
5 the pretrial OFFICE people.

6 I discussed the modification of the geographical  
7 boundaries to include his trips back and forth from Laffayette  
8 College, Pennsylvania, and the government has no objection to  
9 that modification.

10 THE COURT: I grant that modification.

11 MS. KELLMAN: The other thing is I ask the court's  
12 permission to get today's minutes.

13 THE COURT: That always happens, doesn't it Guido?

14 THE REPORTER: Yes, it does, your Honor.

15 THE COURT: Yes. Anything else?

16 MS. KELLMAN: No, your Honor.

17 MR. BOSWORTH: No, your Honor.

18 THE COURT: All right. This matter is adjourned.  
19  
20  
21  
22  
23  
24  
25



STEIN, J

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/15/12

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

KENNETH IRA STARR, STARR  
INVESTMENT  
ADVISORS, LLC, STARR & COMPANY, LLC,  
AND JONATHAN S. BRISTOL

Defendants,

DIANE PASSAGE AND COLCAVE, LLC

Relief Defendants.

10 CIV 4270 (SHS)

**JUDGMENT AS TO DEFENDANT JONATHAN S. BRISTOL**

The Securities and Exchange Commission having filed a Complaint and Defendant Jonathan S. Bristol ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from violating Sections 206(1) and 206(2) of

the Investment Advisers Act of 1940 (the "Advisers Act") [15 U.S.C. §§ 80b-6(1) and 80b-6(2)], by using the mails or any means or instrumentality of interstate commerce, directly or indirectly:

- (a) to employ any device, scheme or artifice to defraud any client or prospective client; or
- (b) to engage in any transaction, practice or course of business which operates as a fraud or deceit upon any client or prospective client.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that based upon the anticipated sentence that Bristol will receive pursuant to his guilty plea in *United States v. Bristol*, 10 Cr. 1239 (S.D.N.Y.) (DAB), the Court is not ordering Bristol to pay a civil penalty. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Bristol knowingly provided materially false or misleading information or materials to the Commission or in a related proceeding, the Commission may, at its sole discretion and without prior notice to Bristol, petition the Court for an order requiring Bristol to pay a civil penalty. In connection with any such petition and at any hearing held on such a motion: (a) Bristol will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Bristol may not challenge the validity of this Final Judgment or his consent hereto, dated November 7, 2012 and filed herewith (the "Consent"); (c) the allegations of the Complaint, solely for the purposes of such motion, shall be accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence without regard to the standards for summary judgment contained in Rule

56(c) of the Federal Rules of Civil Procedure. Under these circumstances, the parties may take discovery, including discovery from appropriate non-parties.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

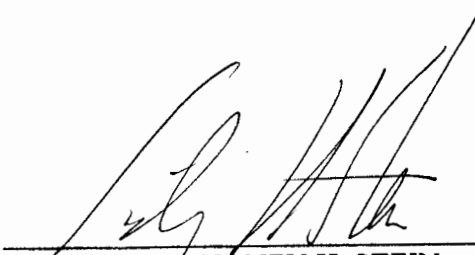
IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

V.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: November 15, 2012

  
\_\_\_\_\_  
HONORABLE SIDNEY H. STEIN  
UNITED STATES DISTRICT JUDGE

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

KENNETH IRA STARR, STARR INVESTMENT  
ADVISORS, LLC, STARR & COMPANY, LLC,  
AND JONATHAN STAR BRISTOL

Defendants,

DIANE PASSAGE AND COLCAVE, LLC

Relief Defendants.

10 CIV 4270 (SHS)

**CONSENT OF DEFENDANT JONATHAN S. BRISTOL**

1. Defendant Jonathan S. Bristol ("Defendant") waives service of a summons and the complaint in this action, enters a general appearance, and consents to the Court's jurisdiction over Defendant and over the subject matter of this action.
2. Defendant has pleaded guilty to criminal conduct relating to certain matters alleged in the complaint in this action. Specifically, in *United States v. Bristol*, 10 Cr. 1239 (S.D.N.Y.) (DAB) ("*United States v. Bristol*"), Defendant pleaded guilty to one count of conspiracy to commit money laundering [18 U.S.C. § 1956].
3. In connection with that plea, Defendant admitted the facts set out in the transcript of his plea allocution that is attached as Exhibit A to this Consent. This Consent shall remain in full force and effect regardless of the existence or outcome of any further proceedings in *United States v. Bristol*.

3. Defendant hereby consents to the entry of the Final Judgment in the form attached hereto (the "Final Judgment") and incorporated by reference herein, which, among other things:

(a) permanently restrains and enjoins Defendant from any violations of Sections 206(1) or 206(2) of the Advisers Act [15 U.S.C. § 80b-6(1) and (2)]; and

(b) does not order Defendant to pay a civil penalty based upon the anticipated sentence he will receive pursuant to his guilty plea in in the criminal case before the United States District Court for the Southern District of New York, titled *United States v. Bristol*, 10 Cr. 1239 (S.D.N.Y.) (DAB).

4. Defendant waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure.

4. Defendant waives the right, if any, to a jury trial and to appeal from the entry of the Final Judgment.

5. Defendant enters into this Consent voluntarily and represents that no threats, offers, promises, or inducements of any kind have been made by the Commission or any member, officer, employee, agent, or representative of the Commission to induce Defendant to enter into this Consent.

6. Defendant agrees that this Consent shall be incorporated into the Final Judgment with the same force and effect as if fully set forth therein.

7. Defendant will not oppose the enforcement of the Final Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and hereby waives any objection based thereon.

8. Defendant waives service of the Final Judgment and agrees that entry of the Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to Defendant

of its terms and conditions. Defendant further agrees to provide counsel for the Commission, within thirty days after the Final Judgment is filed with the Clerk of the Court, with an affidavit or declaration stating that Defendant has received and read a copy of the Final Judgment.

9. Consistent with 17 C.F.R. § 202.5(f), this Consent resolves only the claims asserted against Defendant in this civil proceeding. Defendant acknowledges that no promise or representation has been made by the Commission or any member, officer, employee, agent, or representative of the Commission with regard to any criminal liability that may have arisen or may arise from the facts underlying this action or immunity from any such criminal liability. Defendant waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein. Defendant further acknowledges that the Court's entry of a permanent injunction may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory organizations. Such collateral consequences include, but are not limited to, a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding before the Commission based on the entry of the injunction in this action, Defendant understands that he shall not be permitted to contest the factual allegations of the complaint in this action.

10. Defendant understands and agrees to comply with the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings." 17 C.F.R. § 202.5. In compliance with this policy, Defendant acknowledges the guilty plea for related criminal



conduct described in paragraphs 2 and 3 above, and agrees: (i) not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; and (ii) that upon the filing of this Consent, Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation in the complaint. If Defendant breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing in this paragraph affects Defendant's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Commission is not a party.

11. Defendant hereby waives any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Defendant to defend against this action. For these purposes, Defendant agrees that Defendant is not the prevailing party in this action since the parties have reached a good faith settlement.

12. In connection with this action and any related judicial or administrative proceeding or investigation commenced by the Commission or to which the Commission is a party, Defendant (i) agrees to appear and be interviewed by Commission staff at such times and places as the staff requests upon reasonable notice; (ii) will accept service by mail or facsimile transmission of notices or subpoenas issued by the Commission for documents or testimony at depositions, hearings, or trials, or in connection with any related investigation by Commission staff; (iii) appoints Defendant's undersigned attorney as agent to receive service of such notices



and subpoenas; (iv) with respect to such notices and subpoenas, waives the territorial limits on service contained in Rule 45 of the Federal Rules of Civil Procedure and any applicable local rules, provided that the party requesting the testimony reimburses Defendant's travel, lodging, and subsistence expenses at the then-prevailing U.S. Government per diem rates; and (v) consents to personal jurisdiction over Defendant in any United States District Court for purposes of enforcing any such subpoena.

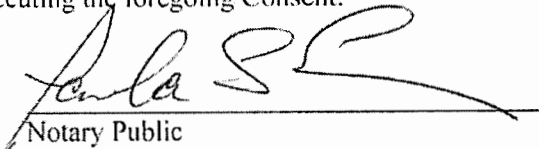
13. Defendant agrees that the Commission may present the Final Judgment to the Court for signature and entry without further notice.

14. Defendant agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.


Dated: 11.7.12

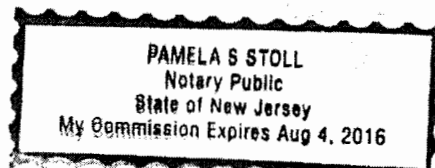
  
Jonathan S. Bristol

On 11/7, 2012, Jonathan S. Bristol, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent.

  
Notary Public  
Commission expires:

Approved as to form:

  
Susan Kellman, Esq.  
25 8th Ave  
Brooklyn, NY 11217  
Attorney for Defendant



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

10 Cr. 1239 (DAB)

JONATHAN BRISTOL,

Defendant.

-----x

May 2, 2011  
11:45 a.m.

Before:

HON. DEBORAH A. BATTIS,

District Judge

APPEARANCES

PREET BHARARA

United States Attorney for the  
Southern District of New York

MICHAEL BOSWORTH,  
WILLIAM HARRINGTON,

Assistant United States Attorneys

SUSAN KELLMAN, ESQ.,

Attorney for Defendant

1 THE COURT: United States of America versus Jonathan  
2 Bristol.

3 Is the government ready?

4 MR. BOSWORTH: Yes. Michael Bosworth for the  
5 defendant and with me is William Harrington from our office.

6 THE COURT: On behalf of Mr. Bristol we have Ms. Susan  
7 Kellman.

8 MS. KELLMAN: Good morning.

9 And seated to my left is Mr. Bristol.

10 THE COURT: Good morning, Mr. Bristol.

11 THE DEFENDANT: Good morning, your Honor.

12 THE COURT: The first order of business, I understand,  
13 is to have Mr. Bristol arraigned, is that correct?

14 MS. KELLMAN: That's correct, your Honor.

15 THE COURT: Mr. Delaney.

16 THE CLERK: You are Jonathan Bristol?

17 THE DEFENDANT: I am.

18 THE CLERK: This is your attorney, Ms. Kellman,  
19 standing beside you?

20 THE DEFENDANT: She is.

21 THE CLERK: Is this your signature on this waiver of  
22 indictment form?

23 THE DEFENDANT: It is.

24 THE CLERK; Do you realize by signing this document  
25 you give up your right to have this case presented to a grand

1 jury which may or may not indict you?

2 THE DEFENDANT: I do.

3 THE CLERK: Do you waive the formal reading of the  
4 information?

5 THE DEFENDANT: I do.

6 THE CLERK: How do you plead at this time?

7 THE DEFENDANT: Not guilty.

8 THE COURT: I have been informed by Ms. Kellman that  
9 Mr. Bristol has an application, is that correct, Ms. Kellman?

10 MS. KELLMAN: Yes, your Honor.

11 At this time my client has asked me to withdraw, ask  
12 the court permission to withdraw his previously entered not  
13 guilty plea and he wishes to enter a plea of guilty to the  
14 information.

15 THE COURT: Thank you, Ms. Kellman.

16 Mr. Delaney, please administer the oath to Mr.  
17 Bristol.

18 JONATHAN BRISTOL,

19 the defendant, having first been duly sworn, was  
20 examined and testified as follows:.

21 BY THE COURT:

22 Q. Mr. Bristol, do you understand that you are now under oath  
23 and that if you answer any of my questions falsely, your false  
24 or untrue answers may later be used against you in another  
25 prosecution for perjury or making a false statement.

1 A. Yes.

2 Q. Mr. Bristol, what is your full name?

3 A. Jonathan Star Bristol.

4 Q. Your middle name again?

5 A. Star, S-T-A-R with one R, not two R's.

6 Q. And how old are you?

7 A. I'm 55 years old, Judge Batts.

8 Q. And how far did you go in school?

9 A. Post-graduate.

10 Q. Are you now or have you recently been under the care of a  
11 doctor or psychiatrist?

12 A. I am now under the care of a psychiatrist and a doctor.

13 Q. All right. In terms of the medications -- are you  
14 receiving any medications either from the doctor or the  
15 psychiatrist?

16 A. I am, Judge Batts.

17 Q. Do any of these medications affect your ability to  
18 understand what you are doing today?

19 A. No, Judge Batts.

20 Q. Have you ever been treated or hospitalized for any mental  
21 illness or any type of addiction, including drug or alcohol  
22 addiction?

23 A. No.

24 Q. In the past 24 hours, have you taken any drugs, medicine or  
25 pills other than the ones you just discussed or have you drunk

1 any alcohol?

2 A. No, your Honor.

3 Q. Is your mind clear today?

4 A. Yes, your Honor.

5 Q. Are you feeling well told?

6 A. Yes, your Honor.

7 THE COURT: Does any counsel have any doubt as to the  
8 defendants to competence at this time?

9 Ms. Kellman?

10 MS. KELLMAN: No, your Honor.

11 THE COURT: Mr. Bosworth or Mr. Harrington?

12 MR. BOSWORTH: No, your Honor.

13 BY THE COURT:

14 Q. Mr. Bristol, your attorney has informed me that you wish to  
15 withdraw your plea of not guilty to Count 1 of the information  
16 and enter a plea of guilty.

17 Do you, in fact, wish to do that today?

18 A. Yes, your Honor.

19 Q. Have you had a full opportunity to discuss your case with  
20 your attorney and to discuss the consequences of entering a  
21 plea of guilty?

22 A. Yes, your Honor.

23 Q. Are you satisfied with your attorney, Ms. Kellman, and her  
24 representation of you will?

25 A. Quite satisfied, your Honor.

1 THE COURT: On the basis of Mr. Bristol's responses to  
2 my questions and my observations of his demeanor, I find that  
3 he is fully competent to enter an informed plea at this time.

4 However, before I accept any plea, Mr. Bristol, I am  
5 going to ask you certain questions. My questions are intended  
6 to satisfy me that you wish to plead guilty because you are  
7 guilty and that you fully understand the consequences of your  
8 plea.

9 If you do not understand a question, please stop me  
10 and either ask me or your attorney, Ms. Kellman, for a further  
11 explanation.

12 All right?

13 A. Yes, your Honor.

14 Q. I am now going to describe to you certain rights that you  
15 have under the Constitution and laws of the United States. You  
16 will be giving up these rights if you enter a plea of guilty.  
17 Please listen carefully because at the end of my description of  
18 your rights I will ask you whether you have fully understood  
19 what I have said.

20 All right?

21 A. Yes, your Honor.

22 Q. Under the Constitution and laws of the United States you  
23 have the right to a speedy and public trial by a jury on the  
24 charge against you which is contained in the information.

25 If there were a trial you would be presumed innocent



1 and the government would be required to prove your guilt by  
2 competent evidence and beyond a reasonable doubt. You would  
3 not have to prove you were not guilty at a trial.

4 At trial and every other stage of the proceeding you  
5 would have the right to be represented by an attorney and, if  
6 you could not afford one, an attorney would be provided to you  
7 free of cost.

8 If there were a trial you would have the right to see  
9 and hear all of the witnesses against you and your attorney  
10 could cross-examine them. You would have the right to have  
11 your attorney object to the government's evidence and offer  
12 evidence on your behalf if you so desired and you would have  
13 the right to have subpoenas issued to compel witnesses to  
14 testify in your defense.

15 If there were a trial you would have the right to  
16 testify if you wanted to, but no one could force you to testify  
17 if you did not want to. Further, the jury could not even  
18 consider the fact that you chose not to testify at trial.

19 Mr. Bristol, do you understand each and every one of  
20 these rights?

21 A. Yes, your Honor.

22 Q. You understand by entering a plea of guilty today you are  
23 giving up each and every one of these rights and that you will  
24 have no trial?

25 A. Yes, your Honor.

1 Q. You understand that you can change your mind right now and  
2 refuse to enter a plea of guilty?

3 A. Yes, your Honor.

4 Q. You do not have to enter this plea if you do not want to  
5 for any reason.

6 Do you understand this fully?

7 A. Yes, your Honor.

8 Q. Mr. Bristol, you have received a copy of the information,  
9 haven't you?

10 A. Yes, your Honor.

11 Q. And you have read it?

12 A. Yes, your Honor.

13 Q. And you discussed it with your attorney?

14 A. I have discussed it with my attorney, your Honor.

15 Q. You understand that you have a constitutional right to be  
16 charged by an indictment rather than an information?

17 A. Yes, your Honor.

18 Q. An indictment would be from a grand jury and not like the  
19 information simply a charge by the prosecutor.

20 Do you understand that you have waived the right to be  
21 charged by an indictment and that you have consented to being  
22 charged by an information of the government?

23 A. Yes, your Honor.

24 Q. Did you waive this right voluntarily and knowingly?

25 A. Voluntarily and knowingly, your Honor.

1 Q. You understand that you are charged in the information with  
2 conspiracy to --

3 THE COURT: Let me confirm from the prosecutors, are  
4 we talking about conspiracy to launder money or are we talking  
5 about conspiracy to commit wire fraud?

6 MR. BOSWORTH: Your Honor, it's conspiracy to commit  
7 an offense against the United States, and in this case money  
8 laundering. So it's a violation in the first instance of Title  
9 18, United States Code, Section 371, and the specific offense  
10 against the United States that the information contemplates is  
11 a violation of Title 18, United States Code, Section 1956,  
12 various provisions and I am happy to outline the elements.

13 THE COURT: You will in a minute, but I just wanted to  
14 make sure that I advise Mr. Bristol his right to the  
15 conspiracy.

16 MR. BOSWORTH: Thank you.

17 BY THE COURT:

18 Q. Mr. Bristol, do you understand you are charged in the  
19 information with conspiracy to commit money laundering?

20 A. Yes, your Honor.

21 THE COURT: Now, Mr. Bosworth, can you please state  
22 the elements of the charge to Mr. Bristol.

23 MR. BOSWORTH: Thank you, your Honor.

24 The elements of 371 conspiracy are three:

25 First, the government would be required to prove

1 beyond a reasonable doubt that there existed a conspiracy to  
2 commit an offense against the United States.

3 Second, that the defendant knowingly became a member  
4 of that conspiracy.

5 And third that one of the co-conspirators took at  
6 least one overt act in furtherance of the conspiracy.

7 So far as the money laundering offense which is at  
8 issue here is concerned, the elements would be as follows:

9 First, that the defendant -- it was part of the  
10 agreement that the defendant would conduct a financial  
11 transaction involving property that constituted the proceeds of  
12 specified unlawful activity, in this case Ken Starr's wire  
13 fraud.

14 Second, that the defendant knew that the property  
15 involved in the financial transaction was the proceeds of some  
16 form of unlawful activity.

17 And then third, and both provisions are alleged in the  
18 information, that the defendant knew the transaction was  
19 designed in whole or in part to conceal or disguise the nature,  
20 location, source, ownership or control of the proceeds as  
21 specified of the unlawful activity, Section 1956 (b) (2), or  
22 that the defendant knew the transaction was designed to and the  
23 defendant acted with the intent to promote the carrying on of  
24 the specified unlawful activity, and that's Section 1956  
25 (a) (1).

1 THE COURT: Thank you, Mr. Bosworth.

2 BY THE COURT:

3 Q. Mr. Bristol, did you hear what Mr. Bosworth said?

4 A. Yes, your Honor.

5 Q. You understand the government would have to prove each and  
6 every part or element of the charge beyond a reasonable doubt  
7 at a trial?

8 A. Yes, your Honor.

9 Q. You understand by statute the maximum possible penalties  
10 for the crime to which you are entering a plea of guilty are:

11 Five years imprisonment, a maximum fine of the  
12 greatest of \$250,000 or twice the gross gain to you from your  
13 crime or twice the gross loss to others from your crime, plus a  
14 \$100 mandatory assessment and a maximum term of three years of  
15 supervised release after your term of imprisonment.

16 Do you understand those maximum statutory penalties?

17 A. Yes, your Honor.

18 Q. Are you sure?

19 A. I am --

20 Q. Do you want to talk with Ms. Kellman?

21 A. May I, please?

22 Q. Yes.

23 (Pause)

24 A. Yes, your Honor, I have had that clarified by my counsel.  
25 I understand it is up to five years with three years probation

1 and the fine.

2 THE COURT: Mr. Bosworth, are those statutory maximum  
3 penalties accurate?

4 MR. BOSWORTH: Yes, your Honor.

5 BY THE COURT:

6 Q. Mr. Bristol, the supervised release I referred to means you  
7 will be supervised for a period of years after you are released  
8 from prison should you go to prison. There are conditions you  
9 must obey. If you don't you could be sent to prison without a  
10 jury trial.

11 Do you understand that?

12 A. Yes, your Honor.

13 Q. In addition to these maximum penalties, you understand that  
14 as part of your sentence I must order you to pay restitution to  
15 any victims of your crimes?

16 A. Yes, your Honor.

17 Q. You understand that if you are a United States citizen and  
18 I accept your guilty plea and adjudge you guilty, that  
19 adjudication may deprive you of valuable civil rights, such as  
20 the right to vote, the right to hold public office, the right  
21 to serve on a jury and the right to possess any kind of  
22 firearm, and if you are not a citizen of the United States and  
23 I accept your guilty plea and adjudge you guilty that  
24 adjudication will subject you to deportation and/or deprive you  
25 of the right to apply for United States citizenship or to



1 re-enter this country.

2 Do you understand that?

3 A. I understand, yes, your Honor.

4 Q. You understand if you are sentenced to prison parole no  
5 longer exists so parole cannot get you out of prison any  
6 earlier?

7 A. I understand, your Honor.

8 Q. Mr. Bristol, in determining your sentence the court will  
9 consider both the factors contained in the advisory sentencing  
10 guidelines and the factors set forth in 18 United States Code  
11 Section 3553(a).

12 The 18 United States Code, Section 3553(a) factors  
13 include the nature and circumstances of the offense and a  
14 history and characteristics of the defendant, the need for the  
15 sentence imposed to reflect the seriousness of the offense, to  
16 promote respect for the law, to provide just punishment for the  
17 offense, to discourage others from committing crimes, to  
18 protect the public from further crimes of the defendant and to  
19 provide the defendant with needed educational or vocational  
20 training, medical care or other correctional treatment in the  
21 most effective manner.

22 These factors also include the kinds of sentences  
23 available, the sentencing guidelines which are now advisory,  
24 any pertinent policy statements issued by the Sentencing  
25 Commission, the need to make sure defendants with similar



1 records who have been found guilty of similar conduct get  
2 similar sentences and the need to provide restitution to any  
3 victims of the offense.

4 Do you understand these factors?

5 A. Yes, your Honor.

6 Q. You understand although there is a calculation of the  
7 guideline range contained in the plea agreement, the court will  
8 not be able to determine your guideline sentence range until  
9 after a presentence report has been completed by the Probation  
10 Department and you and the government have had a chance to  
11 challenge any of the facts reported by the Probation  
12 Department?

13 A. Yes, your Honor, I understand.

14 Q. Do you further understand even after it is determined what  
15 guideline range applies in your case, it is advisory only and  
16 just one of the factors I just told you the court will consider  
17 in determining your sentence?

18 A. Yes, your Honor.

19 Q. You understand if your attorney or anyone else has  
20 attempted to estimate or predict what your sentence will be,  
21 that their estimate or prediction could be wrong?

22 A. Yes, your Honor.

23 Q. No one, not even your attorney or the government, can nor  
24 should give you any assurance of what your sentence will be  
25 since, as I have just said, that sentence cannot be determined

1 until after the presentence report is completed and I have  
2 ruled on the challenges to the report, if any, and I have  
3 determined pursuant to the advisory sentencing guidelines and  
4 the other factors contained in 18 United States Code, Section  
5 3553(a), what the appropriate sentence is.

6 Do you understand this?

7 A. Yes, your Honor.

8 Q. You also fully understand even if your sentence is  
9 different from what your attorney or anyone else told you it  
10 might be or if it is different from what you expect, you will  
11 still be bound to your guilty plea and you will not be allowed  
12 to withdraw your plea of guilty?

13 A. I understand, your Honor.

14 Q. Now, while the court is not a party to this agreement, I  
15 have been given a letter plea agreement which I marked as Court  
16 Exhibit 1 in this matter of today's date.

17 I have turned it to the signature page. I am handing  
18 it to my law clerk and I am asking her to take it down to Mr.  
19 Bristol.

20 (Handing to the defendant)

21 Mr. Bristol, is that your signature on the agreement?

22 A. Your Honor, it is my signature.

23 Q. Did you read the agreement before you signed it?

24 A. I read the agreement. I also discussed it with my  
25 attorney.

1 Q. Did you understand the agreement before you signed it?

2 A. Yes, I understood the agreement before you signed it.

3 Q. Mr. Bristol, does this letter agreement set forth your  
4 complete and total understanding of the entire agreement signed  
5 by the government, your attorney and you?

6 A. Yes, your Honor.

7 Q. Does this plea agreement contain everything you understand  
8 about the government's role and your role regarding your plea  
9 and sentence?

10 A. Yes, your Honor.

11 Q. Has anything been left out?

12 A. No that I know of, your Honor. No. Excuse me.

13 Q. No, no. Do you want to take a moment to look at it again  
14 to make sure everything you understand is in there and nothing  
15 has been left out? You have the right to do that.

16 A. I, I believe it is safe for me to retract my prior answer  
17 and respectfully say no, your Honor. I apologize.

18 Q. Do not apologize. This is something very serious that you  
19 are doing today and I want to make sure you understand and  
20 everything has been covered.

21 A. I understand. My answer is no, your Honor.

22 Q. Do you understand according to the plea agreement you are  
23 giving up your right to appeal, whether directly or under Title  
24 28, United States Code, Section 2255 and/or 2241 any sentence I  
25 impose as long as that sentence is within or below the

1 guideline range set forth in the plea agreement?

2 A. Yes, your Honor.

3 Q. Mr. Bristol, has anyone offered you any inducements or  
4 threatened you or forced you either to plead guilty or to enter  
5 into this plea agreement?

6 A. No, your Honor.

7 THE COURT: Ms. Kellman, do you know of any valid  
8 defense that would prevail at trial or do I know of any reason  
9 why your client should not be permitted to plead guilty?

10 MS. KELLMAN: No, your Honor.

11 BY THE COURT:

12 Q. Mr. Bristol, will you please tell me what you did in  
13 connection to the crime to which you are entering a plea of  
14 guilty?

15 A. During 2010, I agreed to allow another person to wire funds  
16 in and out of my attorney escrow account thereby facilitating  
17 his fraudulent scheme to disguise the nature, location, source,  
18 ownership and control of funds that had been entrusted to him  
19 by his client and investors and stolen by him.

20 At the time the funds were wired I knew that a  
21 substantial portion of the funds were the proceeds of his  
22 unlawful activity. Throughout this time I often met with this  
23 individual at his Manhattan office.

24 Q. At the time that you did these things, Mr. Bristol, did you  
25 know that what you were doing was wrong and illegal?

1 A. Yes, your Honor.

2 THE COURT: Mr. Bosworth, would you please summarize  
3 the government's evidence against Mr. Bristol if this case were  
4 to go to trial?

5 MR. BOSWORTH: Yes, your Honor.

6 Through evidence, including bank records, the  
7 statements of witnesses as well as Mr. Bristol's own  
8 statements, the government would be prepared to prove as  
9 follows:

10 At all times relevant to this information the  
11 defendant was a partner at a prominent law firm and worked in  
12 their office in Manhattan. His clients included Kenneth Starr  
13 as well as Starr & Company, which collectively refers to a  
14 financial planning firm and an investment advising firm that  
15 Kenneth Starr controlled, and his offices were located in  
16 midtown, Manhattan.

17 From at least 2008 to 2010, Mr. Starr systematically  
18 defrauded his clients of millions of dollars. One method by  
19 which he committed this fraud was to steal and misappropriate  
20 millions of dollars from his clients, to transfer them via wire  
21 transfer to one of two attorney escrow accounts controlled by  
22 Mr. Bristol. Starr would lie to the clients about the purpose  
23 for which the money had been transferred, sometimes, for  
24 example, telling them the money was to be bundled for an  
25 investment, and then Starr would direct Mr. Bristol to wire

1 funds out of the attorney escrow account for Starr's benefit  
2 and not for the purposes that Starr had explained to the  
3 clients.

4 So among other things at Starr's direction Mr. Bristol  
5 agreed to wire money that had been stolen from Starr's clients  
6 to pay for a luxury condominium on the Upper East Side of  
7 Manhattan for Mr. Starr, to pay the operating expenses of Starr  
8 & Company, to pay a legal settlement that Starr owed to a  
9 former Starr client and at least one case to pay money back  
10 from one client with money that was stolen from another client.

11 From at least by 2009 through May 2010, Mr. Bristol  
12 knowingly agreed with Starr to conduct this activity. Mr.  
13 Bristol allowed Mr. Starr to transfer nearly \$19 million into  
14 attorney escrow accounts controlled by Mr. Bristol that  
15 constituted the proceeds of the fraud and then at Starr's  
16 direction Mr. Bristol transferred nearly \$19 million out of the  
17 attorney escrow account to the benefit of Mr. Starr, the  
18 benefit of Mr. Starr's family and Mr. Starr's company.

19 Mr. Bristol did so not to gain money directly for  
20 himself, but in order to maintain a book of business that he  
21 felt he needed to maintain in order to keep his position as a  
22 partner at the prominent law firm.

23 The government would also prove in this way that Mr.  
24 Bristol engaged in these financial transactions both to promote  
25 Mr. Starr's underlying fraud as well as to conceal and disguise

1 the nature, location, source, ownership and control of Starr's  
2 fraud.

3           Respectfully, your Honor, the only question that we  
4 would ask the court to consider presenting to Mr. Bristol is  
5 just to ask whether he committed the overt acts that are  
6 alleged in the information. Otherwise, we think the plea, his  
7 allocation was sufficient.

8           THE COURT: I will do so.

9 BY THE COURT:

10 Q. Mr. Bristol, turning to page 2 of the information, would  
11 you talk to me about the overt acts listed there?

12 A. Yes, I see the overt acts.

13           On or about April 26, 2010, Jonathan Bristol, I, the  
14 defendant, received into an attorney escrow account controlled  
15 \$1 million that Kenneth Starr had stolen from a certain former  
16 executive of a talent agency. I am did commit that overt act.

17           On or about April 26, 2010 Jonathan Bristol, the  
18 defendant, transferred \$1 million dollars from an attorney  
19 escrow account he controlled to the bank account of a certain  
20 actress.

21 Q. And you acknowledge you did both of those things?

22 A. I acknowledge, yes, your Honor.

23 Q. Did you hear everything that Mr. Bosworth said?

24 A. Yes, your Honor.

25 Q. Mr. Bristol, how do you now plead to the charge, guilty or



1 not guilty?

2 A. I plead guilty.

3 Q. Are you pleading guilty because you are guilty?

4 A. Yes.

5 Q. Are you pleading guilty voluntarily and of your own free  
6 will?

7 A. Yes, your Honor.

8 Q. Because you acknowledge that you are guilty as charged in  
9 the information, because you know your rights and are waiving  
10 them, because your plea is entered knowingly and voluntarily  
11 and is supported by an independent basis in fact containing  
12 each of the essential elements of the offense, I accept your  
13 guilty plea and adjudge you guilty of the offense to which you  
14 have pled.

15 The Probation Department will next prepare a  
16 presentence report to assist me in sentencing you. You will be  
17 interviewed by the Probation Department. It is important that  
18 the information you give the probation officer be truthful,  
19 accurate and complete. The report is, accordingly, important  
20 in my decision as to what your sentence will be.

21 You and your attorney have the right and will have an  
22 opportunity to examine the report, challenge or comment upon it  
23 and to speak on your behalf before sentencing.

24 I wish to advise defense counsel, the defendant and  
25 the government that substantive detailed information and

1 arguments, if any, are to be made in writing on the following  
2 schedule. This affords the court the opportunity to consider  
3 them while determining the appropriate sentence.

4 Failure to comply with this schedule will be deemed a  
5 waiver of such arguments or information at the time of  
6 sentencing and there shall be no extension.

7 The final presentence report shall be sent to the  
8 parties and the court by August 15, 2011 at 4:00 p.m.

9 If either party is making a written submission, it  
10 must be sent to the other side and the court by August 29, 2011  
11 at 4:00 p.m.

12 Responses must be submitted to the initiating party  
13 and the court by September 12, 2011 at 4:00 p.m.

14 The date for sentencing is set for September 26, 2011  
15 at 10:30 a.m.

16 THE COURT: Mr. Bosworth, what is the bail status of  
17 the defendant?

18 MR. BOSWORTH: Your Honor, the defendant is out on  
19 conditions of bail a substantial personal recognizance bond  
20 that has also been secured with certain assets of his bank  
21 accounts and pension funds and the like, as well as certain  
22 travel restrictions.

23 The government does not intend to make any application  
24 for a modification of the conditions of bail.

25 THE COURT: All right, Mr. Bosworth, thank you.

1           Mr. Bristol, do you understand if you fail to return  
2 to my courtroom for sentencing on the day and time set, unless,  
3 of course, you are advised by your counsel, Ms. Kellman, that  
4 the date has been adjourned, that you will be guilty of a  
5 criminal act for which you could be sentenced to imprisonment  
6 separate, apart from and in addition to any other sentences you  
7 might receive for the crime to which you have just pled guilty?

8           THE DEFENDANT: Yes, your Honor.

9           THE COURT: You further understand all the conditions  
10 on which you were released up until now continue to apply and  
11 that the consequence of violation of any of those conditions  
12 could be severe?

13          THE DEFENDANT: Yes, your Honor.

14          THE COURT: Then I will see you on the date of  
15 sentencing.

16          Mr. Bosworth.

17          MR. BOSWORTH: Your Honor, I apologize. Two  
18 questions.

19                The first thing is I think the court would want the  
20 submission of the proposed restitution order with the  
21 government's first memorandum on August 29.

22                The defendant and the government have agreed that the  
23 defendant would pay restitution in the amount of  
24 \$18,860,282.69.

25                We will have a proposed restitution order for your

1 Honor to consider. Should we submit it on this schedule?

2 THE COURT: The later submission date is fine.

3 MR. BOSWORTH: Lastly, I think your Honor said the  
4 plea agreement is marked Court Exhibit 1. I'm not sure I see  
5 it now.

6 THE COURT: You mean I actually didn't write Court  
7 Exhibit 1 on it?

8 MR. BOSWORTH: Just in case there is any question  
9 later that this is the document.

10 THE COURT: Hand it up, Mr. Bosworth.

11 (Handing to the court)

12 (Pause)

13 And would you make copies and distribute them both to  
14 Ms. Kellman and to the court since it is now officially Court  
15 Exhibit 1 of today's date in this matter?

16 MR. BOSWORTH: Yes, I will. Thank you, your Honor.

17 THE COURT: Anything else?

18 MS. KELLMAN: I have one brief matter.

19 May I just have one minute with the government?

20 THE COURT: Certainly.

21 (Pause)

22 MS. KELLMAN: Your Honor, we have a brief request for  
23 a bail modification. My client's daughter -- he lives in New  
24 Jersey, his daughter goes to Laffayette College in  
25 Pennsylvania --

1 THE DEFENDANT: Right over the Delaware River.

2 MS. KELLMAN: From time to time he has need to take  
3 her back to school and pick her up for the holiday and the like  
4 and each time he is required to get specific permission from  
5 the pretrial OFFICE people.

6 I discussed the modification of the geographical  
7 boundaries to include his trips back and forth from Laffayette  
8 College, Pennsylvania, and the government has no objection to  
9 that modification.

10 THE COURT: I grant that modification.

11 MS. KELLMAN: The other thing is I ask the court's  
12 permission to get today's minutes.

13 THE COURT: That always happens, doesn't it Guido?

14 THE REPORTER: Yes, it does, your Honor.

15 THE COURT: Yes. Anything else?

16 MS. KELLMAN: No, your Honor.

17 MR. BOSWORTH: No, your Honor.

18 THE COURT: All right. This matter is adjourned.  
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