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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

UNITED STATES OF AMERICA, - Docket No. 5:18-cr-298-FL-2  
-  
Plaintiff, - New Bern, North Carolina  
- February 7, 2019  
v. - Sentencing  
-  
DENSLO ALLEN PAIGE, -  
-  
Defendant. -  
-----

TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE LOUISE WOOD FLANAGAN  
UNITED STATES DISTRICT JUDGE.

APPEARANCES:

For the Plaintiffs: United States Attorneys' Office  
By: Sebastian Kielmanovich  
310 New Bern Avenue, Suite 800  
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(919) 856-4500

For the Defendant: Federal Public Defender  
By: James E. Todd, Jr.  
150 Fayetteville St., Suite 450  
Raleigh, NC 27611-5967  
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Court Reporter: Tracy L. McGurk, RMR, CRR  
413 Middle St.  
New Bern, NC 28560  
(419) 392-6626

Proceedings recorded by mechanical stenography,  
transcript produced by notereading.

1 (Commenced at 2:28 p.m.)

2 THE COURT: We'll take up Ms. Paige.

00:00:25 3 Are you Denslo Paige?

00:00:30 4 THE DEFENDANT: Not the pronunciation, but  
00:00:31 5 yes.

00:00:31 6 THE COURT: How do you pronounce your name?

00:00:36 7 THE DEFENDANT: Denslo. Denslo is my first  
00:00:37 8 name.

00:00:38 9 THE COURT: You're here because you aided  
00:00:39 10 and abetted voting by an alien.

00:00:42 11 THE DEFENDANT: Uh-huh.

00:00:43 12 THE COURT: This is the time I've set aside  
00:00:45 13 to sentence you.

00:00:46 14 THE DEFENDANT: Okay.

00:00:47 15 THE COURT: The offense conduct recites that  
00:00:58 16 there was someone named Espinosa-Pena who was determined  
00:01:02 17 to be a citizen and national of Mexico residing in this  
00:01:06 18 country as a legal permanent resident, and she applied  
00:01:11 19 for naturalization in 2008, but the application was  
00:01:17 20 declined --

00:01:19 21 THE DEFENDANT: Yes.

00:01:19 22 THE COURT: -- not once, but twice.

00:01:21 23 And in 2016 she dated and signed a North  
00:01:25 24 Carolina voter registration application form -- it's  
00:01:28 25 actually, I believe, a man.

00:01:29 1 The question, "Are you a citizen of the  
00:01:31 2 United States?" was left blank.

00:01:38 3 And then it goes on that he is interviewed  
00:01:43 4 by law enforcement at his residence in 2017, and you are  
00:01:48 5 present.

00:01:51 6 THE DEFENDANT: Yes.

00:01:52 7 THE COURT: And he said he completed the  
00:01:54 8 voter registration with your advice and aid and voted  
00:01:58 9 for the first time in the general election of 2016.

00:02:03 10 You made an unprotected statement that you  
00:02:07 11 were previously a volunteer seasonal poll worker who was  
00:02:11 12 paid a stipend and that you advised him: If you want  
00:02:15 13 your voice to be heard, you need to vote; and that you  
00:02:20 14 knew he was not a United States citizen, and you  
00:02:24 15 assisted him in completing the registration.

00:02:29 16 This is not your first contact with the  
00:02:31 17 criminal justice system. However, you find yourself in  
00:02:36 18 that favorable category of a I.

00:02:38 19 Your family background is given to me, your  
00:02:40 20 health, education, your employment history. I've  
00:02:44 21 reviewed all of this.

00:02:47 22 And the total offense level is a 4.

00:02:51 23 The advice I receive is a sentence of  
00:02:53 24 between zero to six months. You face up to a year in  
00:02:56 25 prison. Your behavior can be supervised for three

00:02:59 1 years. The fine could be as much as \$100,000, though  
00:03:02 2 the guidelines suggest a range of between \$500 and  
00:03:09 3 \$9,500. And there's a \$25 special assessment.

00:03:13 4 Mr. Kielmanovich, talk to me about your  
00:03:15 5 views of this case.

00:03:17 6 MR. KIELMANOVICH: Yes, Your Honor. First  
00:03:18 7 of all, we did file a motion for downward departure, 5K,  
00:03:23 8 based on the defendant's substantial assistance pursuant  
00:03:26 9 to the terms of the plea agreement. She was debriefed.  
00:03:28 10 We had a meeting in which she explained the inner  
00:03:31 11 workings of the Board of Elections from her perspective  
00:03:35 12 based on her work. And she helped us to learn about how  
00:03:42 13 the registration process works. It's really as simple  
00:03:46 14 as in a polling station they have a help desk where  
00:03:50 15 there is a person who processes the voter registrations.  
00:03:55 16 And that in this particular case she admitted that she  
00:04:00 17 brought her boyfriend, Espinosa, she knew that he was  
00:04:06 18 not a U.S. citizen, and they left the box to the  
00:04:10 19 question, "Are you a U.S. citizen?" blank. So it was  
00:04:15 20 blank as to "Yes;" it was blank as to "No." And she  
00:04:18 21 stated that they even had a green card for Mr. Espinosa  
00:04:23 22 present. And my understanding was that the help desk  
00:04:27 23 person saw that; and nonetheless, the form was taken,  
00:04:33 24 processed, and Mr. Espinosa was registered to vote. And  
00:04:38 25 he, in fact, voted. Which is shocking that it would

00:04:41 1 happen when question number one, the most important  
00:04:45 2 question on the form, the question that says, "If you  
00:04:47 3 say no, do not continue completing the form," was left  
00:04:50 4 blank, and it was processed.

00:04:53 5 But yet when the form was retrieved by  
00:04:58 6 Homeland Security, the box of "Yes" had been checked,  
00:05:01 7 which it appeared that it was checked by somebody after  
00:05:06 8 the form was submitted, and the only option is somebody  
00:05:09 9 that was employed or working or volunteering for the  
00:05:16 10 Board.

00:05:18 11 THE COURT: All right. She's working for  
00:05:20 12 the Board, right, at the time?

00:05:22 13 MR. KIELMANOVICH: She is.

00:05:22 14 THE COURT: What about using her position  
00:05:24 15 and abusing it and the trust that's placed in someone  
00:05:27 16 who has that position?

00:05:30 17 MR. KIELMANOVICH: Well, the factual  
00:05:31 18 scenario as we know it is that on that date in which all  
00:05:40 19 of this is happening, she's acting as a private citizen,  
00:05:44 20 not using any authority or access to anything that a  
00:05:54 21 normal private person would.

00:05:56 22 THE COURT: But should she be charged with a  
00:05:58 23 higher duty because of her involvement?

00:06:02 24 MR. KIELMANOVICH: We asked her, based on  
00:06:05 25 her prior experience with the Board, if -- how come she

00:06:11 1 thought that by bringing the form without checking the  
00:06:14 2 box would be appropriate?

00:06:17 3 THE COURT: And telling him if he wants his  
00:06:19 4 vote heard, if he wants to be heard, he must vote.

00:06:23 5 MR. KIELMANOVICH: Right.

00:06:26 6 THE COURT: And she knows it's illegal?

00:06:29 7 MR. KIELMANOVICH: Yes, she knows. And we  
00:06:31 8 asked her. And her answer was: I wanted to know what  
00:06:36 9 would happen.

00:06:38 10 THE COURT: Okay. Well, this is what  
00:06:40 11 happens.

00:06:43 12 MR. KIELMANOVICH: So in some respects when  
00:06:45 13 I was looking at the statements that she made in her  
00:06:48 14 cooperation, that was a concern about -- I mean, there  
00:06:52 15 was a conflict in my mind about why would she, with that  
00:07:03 16 knowledge, do that?

00:07:04 17 In the end, I believe that information was  
00:07:06 18 helpful to us because we now have an opportunity to kind  
00:07:12 19 of learn about how this particular transaction happened  
00:07:15 20 and how it was processed. But her conduct at the time  
00:07:22 21 was not honest, to put it generously, because she should  
00:07:26 22 have known better. And they were just trying to get  
00:07:29 23 away with it and see what would happen. And it did work  
00:07:34 24 because it was registered.

00:07:36 25 And again, the form was checked "Yes," but

00:07:39 1 after the fact. And I believe the statement she made is  
00:07:44 2 true that it was left blank, but somebody later checked  
00:07:47 3 it. So it's not just the defendant and Mr. Espinosa;  
00:07:53 4 there's yet a third person who had to have checked "Yes"  
00:07:56 5 after the fact; highly concerning, alarming, and the  
00:08:00 6 subject of our ongoing review.

00:08:04 7 THE COURT: Mr. Todd?

00:08:05 8 MR. TODD: Your Honor, I think, once again,  
00:08:07 9 there's an assumption that a volunteer poll worker --

00:08:13 10 THE COURT: She's paid.

00:08:14 11 MR. TODD: Yes. Well, it's a stipend. It's  
00:08:17 12 a seasonal thing.

00:08:21 13 There's an assumption that they're aware  
00:08:23 14 that someone that presents a legal permanent resident  
00:08:26 15 card cannot vote. There's an assumption that they know  
00:08:30 16 that it is not legal for that person to vote. And I  
00:08:33 17 think there we have a failure in training.

00:08:37 18 I've got the "General Election Day Manual"  
00:08:41 19 that's sent out to the volunteer poll workers. I gave a  
00:08:44 20 copy to Mr. Kielmanovich. I found one mention of U.S.  
00:08:48 21 citizenship as a substantive matter, and it's only on  
00:08:53 22 the very end where it says "Reasons for a voter  
00:08:56 23 challenge." And there's 11 there in small print. One  
00:08:59 24 of those is "Not a citizen."

00:09:01 25 The point is, once again, once you get to

00:09:03 1 the polling place, the citizenship question is not a  
00:09:06 2 prime issue. In this case Ms. Paige was not certain  
00:09:13 3 whether Mr. Espinosa could vote or not.

00:09:16 4 They have what's called at these places help  
00:09:19 5 desks. The people at the help desks, I don't know if  
00:09:22 6 they're full-time employees, but they're the ones that  
00:09:25 7 you go to when you have questions. So that's what Ms.  
00:09:28 8 Paige assumed would happen, that he would go to the help  
00:09:31 9 desk, and they would answer the question: Are you  
00:09:33 10 allowed to vote or not? And apparently that didn't  
00:09:37 11 happen.

00:09:38 12 Once again, Mr. Kielmanovich's own  
00:09:41 13 statement: Did the person who checked the box, did they  
00:09:45 14 think that a lawful permanent resident could vote? In  
00:09:48 15 which case, it's not intentional fraud; it's a mistake;  
00:09:52 16 a mistake based on failure to properly educate and train  
00:09:55 17 people that are processing these at the station.

00:10:01 18 And Ms. Paige was very forthcoming in terms  
00:10:04 19 of what her responsibilities were as a poll worker and  
00:10:07 20 what they weren't. She was not assigned to the help  
00:10:11 21 desk.

00:10:12 22 This manual basically handles logistics of  
00:10:15 23 the day: where to put the chairs, where to put the  
00:10:17 24 tables, how to deal with handicapped. It doesn't deal  
00:10:21 25 with the substantive issue, which should be the biggest,



00:10:24 1 boldest requirement hanging from all the billboards.  
00:10:27 2 It's not. But like I said, I think it's a failure in  
00:10:31 3 the system; in this case inadequate training and  
00:10:37 4 preparation of those people that are assigned to work at  
00:10:39 5 the polling places. So that would be my response to her  
00:10:43 6 actions in this case, Your Honor.

00:10:48 7 THE COURT: Do you want to be heard further  
00:10:50 8 on the sentence?

00:10:51 9 MR. TODD: I did want to also acknowledge  
00:10:53 10 that her daughter and two of her granddaughters are  
00:10:56 11 here.

00:10:56 12 Ms. Paige is working part-time at Wal-Mart.  
00:11:04 13 And she thankfully has worked hard her whole life at  
00:11:07 14 secretarial jobs and administrative jobs, now with  
00:11:12 15 Wal-Mart. She was able to purchase a home. And she  
00:11:16 16 just wants to be able to continue doing that, Your  
00:11:21 17 Honor.

00:11:21 18 Obviously we've had a lot of time together.  
00:11:25 19 We had a very extensive debriefing with Mr. Kielmanovich  
00:11:28 20 and the agents in which she explained her actions and  
00:11:31 21 her experience as a volunteer poll worker. And  
00:11:35 22 obviously it's a mistake that she made that will never  
00:11:39 23 happen again.

00:11:40 24 So we would ask for a similar sentence to  
00:11:44 25 Mr. Soifils. Her economic situation is a little better

00:11:48 1 than his. So if Your Honor were to consider a fine, I  
00:11:50 2 think that may be appropriate and may address what Your  
00:11:55 3 Honor sees as a distinction between the clients who are  
00:12:00 4 green card holders who mistakenly vote and Ms. Paige,  
00:12:05 5 who maybe should have known better, but I don't think  
00:12:08 6 you can say that she did know and she knowingly did  
00:12:10 7 something illegal. Should she have? Perhaps. That is  
00:12:16 8 conceded. And I think a fine will be able to take care  
00:12:20 9 of that additional measure of culpability.

00:12:23 10 Thank you, Your Honor.

00:12:23 11 THE COURT: Does your client wish to be  
00:12:25 12 heard?

00:12:27 13 THE DEFENDANT: Well, I am sorry that this  
00:12:30 14 happened. The reason it happened is because there was  
00:12:34 15 no training about whether or not legal aliens could  
00:12:38 16 vote -- never -- all of the elections I've ever worked.  
00:12:41 17 And I truly didn't know, being a U.S. citizen myself.  
00:12:46 18 And I said to him -- I wasn't saying: Go down there and  
00:12:49 19 see if you can vote. I wanted to find out if he could.  
00:12:52 20 I didn't know.

00:12:53 21 And the help desk responsibility, anything  
00:12:56 22 they don't know, they're supposed to call the help line.  
00:12:59 23 And none of that was ever done. Nothing went right that  
00:13:02 24 day.

00:13:03 25 And I thought because I went to the Board of

00:13:06 1 Elections headquarters that I would definitely find out,  
00:13:10 2 you know.

00:13:14 3 But it's a mistake on my part. I'm sorry  
00:13:19 4 for it. It will never happen again. That's all I can  
00:13:24 5 tell you. I know now.

00:13:28 6 THE COURT: Well, the Government's motion is  
00:13:29 7 allowed.

00:13:31 8 I think you could have gotten insight from  
00:13:34 9 many of the volunteers, not just from this individual,  
00:13:36 10 as you're looking for information, not simply unique to  
00:13:42 11 this case, but information of patterns and practices  
00:13:47 12 that many people could speak of.

00:13:49 13 But I recognize she has been helpful to you,  
00:13:54 14 and you seem to have a lot of reliance on her  
00:13:57 15 credibility to believe that the form was not checked.  
00:14:05 16 So I'll grant your motion.

00:14:08 17 Is there anything further?

00:14:09 18 MR. KIELMANOVICH: Just -- I know it's zero  
00:14:12 19 to six. We would recommend 25 percent. But zero is the  
00:14:16 20 bottom. I just wanted to put it on the record.

00:14:21 21 That's all, Your Honor.

00:14:22 22 THE COURT: Okay. Did your client want to  
00:14:24 23 continue? Did I interrupt her?

00:14:31 24 MR. TODD: No. Thank you, Your Honor.

00:14:33 25 THE COURT: I've considered the advice of

00:14:35 1 the guidelines specifically and generally and the  
00:14:37 2 factors set forth in 18, United States Code, Section  
00:14:39 3 3553. I am cognizant of the Government's suggestion  
00:14:46 4 that 25 percent be taken off. I think that's an  
00:14:50 5 appropriate amount. I start in the middle of the  
00:14:52 6 guideline range, and I come to a sentence of two months  
00:14:55 7 imprisonment. That's a sentence that's sufficient but  
00:14:57 8 not greater than necessary to discourage this type of  
00:15:00 9 conduct, to promote respect for the law, to protect the  
00:15:03 10 integrity of our voting processes.

00:15:07 11 I'm going to impose a fine of \$250 in this  
00:15:10 12 case. The fine is due immediately. I'm not going to  
00:15:14 13 put interest on the fine.

00:15:15 14 There's a \$25 special assessment.

00:15:17 15 Your client can't break any law, possess a  
00:15:19 16 weapon or drugs illegally. If she does, she'll be in  
00:15:23 17 violation of the Court's judgment.

00:15:32 18 Anything further?

00:15:33 19 MR. TODD: Well, we would ask you to  
00:15:35 20 consider certainly that she self-report, Your Honor.

00:15:39 21 THE COURT: I think she's a good candidate  
00:15:41 22 for that. Sixty days' time.

00:15:43 23 MR. TODD: And also would you consider if  
00:15:44 24 that could be served by going weekends or something like  
00:15:47 25 that rather than the straight two months?

00:15:50 1 THE COURT: Straight two months.

00:15:51 2 MR. TODD: We would ask for the 60-day  
00:15:53 3 self-surrender.

00:15:54 4 THE COURT: All right. Sixty days allowed.  
00:15:56 5 Anything further from the probation office?

00:15:59 6 THE PROBATION OFFICER: No, Your Honor.

00:15:59 7 THE COURT: All right. Mr. Todd, if you  
00:16:02 8 would come forward and collect the order of surrender.

00:16:08 9 And any conditions your client is under  
00:16:10 10 right now in terms of her supervision will be  
00:16:13 11 maintained.

00:16:22 12 THE PROBATION OFFICER: Did you impose  
00:16:23 13 supervised release?

00:16:37 14 THE COURT: I need to make sure it's  
00:16:38 15 understood she's on supervised release for one year.

00:16:49 16 MR. TODD: May I approach, Your Honor?

00:16:51 17 THE COURT: Certainly.

00:16:52 18 You can appeal if you believe there's  
00:16:53 19 something really wrong with your conviction or the  
00:16:55 20 sentence, but you do need to move quickly. A defendant  
00:16:58 21 usually only has 14 days from the date that the judgment  
00:17:01 22 goes on the docket. If you cannot afford the cost of an  
00:17:04 23 appeal, you can apply for permission to appeal for free.  
00:17:06 24 And if you request, the clerk will fill out the appeal  
00:17:10 25 paperwork for you.

00:17:11

1

Any questions?

00:17:12

2

THE DEFENDANT: No.

00:17:13

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THE COURT: Good luck. Thank you.

4

(Concluded at 2:45 p.m.)

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**C E R T I F I C A T E**

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8

I certify that the foregoing is a correct transcript

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from the record of proceedings in the above-entitled

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matter.

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12

/s/ Tracy L. McGurk\_\_\_\_\_

\_\_\_\_\_2/8/2019\_\_\_\_\_

13

Tracy L. McGurk, RMR, CRR

Date

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<b>\$</b>	<b>7</b>	<b>assistance</b> [1] - 4:8 <b>assisted</b> [1] - 3:15 <b>assumed</b> [1] - 8:8 <b>assumption</b> [3] - 7:9, 7:13, 7:15 <b>Attorneys'</b> [1] - 1:12 <b>authority</b> [1] - 5:20 <b>Avenue</b> [1] - 1:13 <b>aware</b> [1] - 7:13	<b>clerk</b> [1] - 13:24 <b>client</b> [4] - 10:11, 11:22, 12:15, 13:9 <b>clients</b> [1] - 10:3 <b>Code</b> [1] - 12:2 <b>cognizant</b> [1] - 12:3 <b>collect</b> [1] - 13:8 <b>Commenced</b> [1] - 2:1 <b>completed</b> [1] - 3:7 <b>completing</b> [2] - 3:15, 5:3 <b>conceded</b> [1] - 10:8 <b>concern</b> [1] - 6:14 <b>concerning</b> [1] - 7:5 <b>Concluded</b> [1] - 14:4 <b>conditions</b> [1] - 13:9 <b>conduct</b> [3] - 2:15, 6:20, 12:9 <b>conflict</b> [1] - 6:15 <b>consider</b> [3] - 10:1, 12:20, 12:23 <b>considered</b> [1] - 11:25 <b>contact</b> [1] - 3:16 <b>continue</b> [3] - 5:3, 9:16, 11:23 <b>conviction</b> [1] - 13:19 <b>cooperation</b> [1] - 6:14 <b>copy</b> [1] - 7:20 <b>correct</b> [1] - 14:8 <b>cost</b> [1] - 13:22 <b>country</b> [1] - 2:18 <b>COURT</b> [28] - 1:1, 2:2, 2:6, 2:9, 2:12, 2:15, 2:22, 3:7, 5:11, 5:14, 5:22, 6:3, 6:6, 6:10, 7:7, 7:10, 9:7, 10:11, 11:6, 11:22, 11:25, 12:21, 13:1, 13:4, 13:7, 13:14, 13:17, 14:3 <b>Court</b> [1] - 1:18 <b>Court's</b> [1] - 12:17 <b>credibility</b> [1] - 11:15 <b>criminal</b> [1] - 3:17 <b>CRR</b> [2] - 1:18, 14:13 <b>culpability</b> [1] - 10:9		
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