

EXHIBIT 1

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SUPREME COURT, U.S.

1 IN THE CIRCUIT COURT OF THE
2 FIFTEENTH JUDICIAL CIRCUIT,
3 IN AND FOR PALM BEACH COUNTY,
4 FLORIDA. CRIMINAL DIVISION.

5 CASE NO.: 2002CF004059AMB

6 STATE OF FLORIDA,

7 vs.

8 CHRISTOPHER VIGLIOTTI,

9 Defendant.

10 CHANGE OF PLEA AND SENTENCING

11 PRESIDING: HONORABLE JACK COOK,
12 CIRCUIT JUDGE

13 APPEARANCES:

14 ON BEHALF OF THE STATE OF FLORIDA:

15 Office of Statewide Prosecutor
16 1515 N. Flagler Drive, Suite 900
17 West Palm Beach, FL 33401
18 By: Ann Marie Smith, Special Prosecutor

19 ON BEHALF OF THE DEFENDANT:

20 Barry Witlin, Esquire
21 1200 S. Pine Island Road, Suite 230
22 Plantation, FL 33324

23 July 26, 2004
24 2:04 P.M. to 2:17 P.M.
25 Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, FL 33401

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1 BE IT REMEMBERED that the following
2 proceedings were had in the above-entitled cause
3 before Honorable Jack Cook, Circuit Judge,
4 at the Palm Beach County Courthouse, located in the
5 City of West Palm Beach, County of Palm Beach, State of
6 Florida, on the 26th day of July, 2004 with
7 appearances as hereinbefore noted, to wit:

8 * * * * *

9 THE COURT: Okay, are you ready on Vigliotti
10 at this point?

11 MS. SMITH: Yes, Your Honor.

12 THE COURT: Okay. Okay, Mr. Vigliotti, if you
13 will raise your right hand for me. Do you swear
14 the testimony which you give in this cause will be the
15 truth, the whole truth and nothing but the truth?

16 MR. VIGLIOTTI: Yes, I do, Your Honor.

17 THE COURT: Okay, now, Mr. Vigliotti, did you hear
18 those five things I told Mr. Brown about entering
19 guilty pleas?

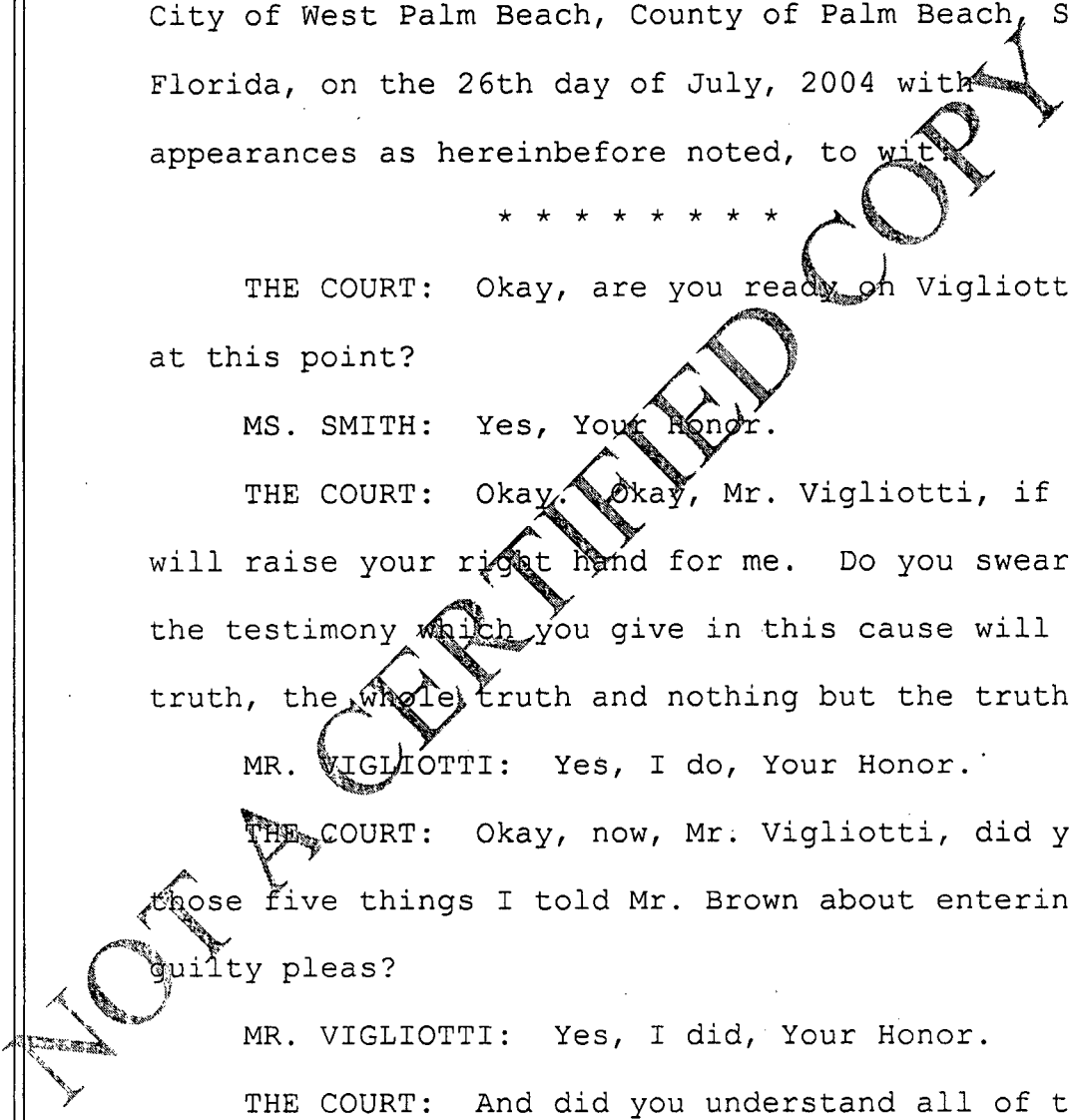
20 MR. VIGLIOTTI: Yes, I did, Your Honor.

21 THE COURT: And did you understand all of that?

22 MR. VIGLIOTTI: Yes, I did, Your Honor.

23 THE COURT: Okay. Would you state your full name
24 for me?

25 MR. VIGLIOTTI: Christopher John Pasquale Angelo



1 Vigliotti.

2 THE COURT: And what is your date of birth, Mr.
3 Vigliotti?

4 MR. VIGLIOTTI: 6-22-72.

5 THE COURT: Are you today under the influence of
6 any alcohol or any controlled substances, including
7 any prescription medication from a doctor?

8 MR. VIGLIOTTI: No, Your Honor.

9 THE COURT: And how far did you go in school?

10 MR. VIGLIOTTI: Twelfth grade.

11 THE COURT: All right. Now, you are in Court
12 today, Mr. Vigliotti, in Case Number 02-4059-CF A02.
13 You are charged in this case with one count of
14 Racketeering, and seven counts of Grand Theft. The
15 Grand Thefts are all charged as first degree felonies
16 because of the amounts, and the Racketeering and the
17 Conspiracy to Commit Racketeering are also first degree
18 felonies. So they each have a maximum penalty of
19 thirty years in prison. It is all one scheme, and so
20 even though if you add all of that up, it comes to --
21 let's see, what is it -- nine times --

22 MR. WITLIN: Two hundred and seventy.

23 THE COURT: Two hundred and seventy years. The
24 minimum penalty -- or the maximum I could impose would
25 actually be thirty years because I would have to run

1 everything concurrent. The minimum penalty under the
2 sentencing guidelines if you were convicted would be
3 12.25 years in the Department of Corrections.

4 MR. VIGLIOTTI: Yes, Your Honor.

5 THE COURT: Okay. Now, I have a rights sheet
6 that looks like it has a signature down here at the
7 bottom. Is that yours?

8 MR. VIGLIOTTI: Yes, sir, Your Honor.

9 THE COURT: Okay. There are some initials going
10 down the right side. Did you put those on here?

11 MR. VIGLIOTTI: Yes, Your Honor.

12 THE COURT: Okay. Now, before you signed it, Mr.
13 Vigliotti, did you read the rights?

14 MR. VIGLIOTTI: Yes, I did, Your Honor.

15 THE COURT: Okay. And did you talk to Mr. Witlin
16 about the rights?

17 MR. VIGLIOTTI: Yes, I did, Your Honor.

18 THE COURT: And before you initialed each one of
19 these paragraphs, did you understand that particular
20 paragraph?

21 MR. VIGLIOTTI: Yes, Your Honor.

22 THE COURT: And do you understand that when you
23 plead guilty to a charge, you are waiving or giving up
24 these rights?

25 MR. VIGLIOTTI: Yes, Your Honor.

1 THE COURT: Okay. Now, Ms. Smith, do you want to
2 outline the plea agreement in the case?

3 MS. SMITH: Your Honor, in exchange for guilty
4 pleas to all of the counts as charged, the State is
5 going to recommend a downward departure sentence of
6 six years in prison, the Department of Corrections,
7 followed by fourteen years of probation, and the
8 State has agreed to this sentence to save the State
9 the cost of a lengthy trial involving very complex
10 real estate transactions, and also the cost of travel
11 for the out of state witnesses including California,
12 Illinois and Tennessee, and there is other counties
13 in Florida. Additionally, Mr. Vigliotti will pay
14 court costs in the amount of \$361.00, costs of
15 investigation to Palm Beach County Sheriff's
16 Foundation in the amount of \$9,000.00, the cost of
17 prosecution to Statewide Prosecution in the amount of
18 \$8,500.00. There is restitution, Your Honor, but we
19 would ask for a hearing on Thursday morning, if it
20 is agreeable to the Court, to bring Horizon Banking
21 because we feel that the restitution should be
22 determined by a hearing.

23 THE COURT: You feel the restitution should be
24 what?

25 MS. SMITH: Should be determined by a hearing,

1 Your Honor. If that is okay with the Court.

2 THE COURT: I mean, I will certainly have a
3 hearing on it. I don't know if I'll be able to do it
4 on Thursday or not, but if I can, I will.

5 MS. SMITH: Okay. Whatever is pleasing to the
6 Court.

7 THE COURT: Okay.

8 MS. SMITH: Also, as part of this agreement, Mr.
9 Vigliotti agrees to forfeit all of the monies that
10 were seized from him at his arrest at Miami
11 International Airport and agrees that that money will
12 go toward the cost of investigation to the Palm
13 Beach County Sheriff's Office Foundation. There was
14 also a diamond ring. We don't know whether or not it
15 has any value but if there is a value over \$500.00
16 that that goes toward his restitution. There was
17 also a Movado watch that was seized, and we would
18 ask that that go toward his restitution, and he is
19 agreeing to do that. Additionally, he is agreeing
20 that while on probation he will have no income derived
21 in whole or in part from any real estate transactions,
22 and he is going to change his plea today, and I believe
23 that is the basis for the plea, Your Honor.

24 MR. WITLIN: In addition, Your Honor, the
25 Defendant would be entitled to receive credit for the

1 time he has served while in custody since the filing
2 of these charges, which includes time outside of this
3 jurisdiction. I am not sure what the Court file here
4 reflects as to that amount of time outside of this
5 jurisdiction, and we can certainly glean from the
6 Court file what has happened in this jurisdiction.
7 To the extent that we can't figure it out when he
8 was in custody in New York prior to being brought
9 here from extradition, we can always address that
10 before we have the restitution hearing sometime
11 whenever the Court prefers.

12 THE COURT: Okay. Ms. Smith, do you agree
13 with that?

14 MS. SMITH: That's fine, yes.

15 THE COURT: Okay, now, Mr. Vigliotti, do you
16 understand the plea agreement completely?

17 MR. VIGLIOTTI: Yes, Your Honor.

18 THE COURT: Has anyone made any other promises
19 to you to get you to plead guilty other than what
20 Ms. Smith has just outlined and what Mr. Witlin just
21 added here?

22 MR. VIGLIOTTI: No, Your Honor.

23 THE COURT: All right. Has anyone used any force,
24 threats, pressure or intimidation to make you plead
25 guilty?

1 MR. VIGLIOTTI: No, Your Honor.

2 THE COURT: And are you pleading guilty today
3 because that is what you want to do today?

4 MR. VIGLIOTTI: Yes, Your Honor.

5 THE COURT: All right --

6 MR. VIGLIOTTI: Can I say one more thing?

7 THE COURT: Sure.

8 MR. VIGLIOTTI: I also wanted to end this whole
9 entire escapade that has been going on, and I know
10 it has been consuming your Court. So I wanted to
11 mainly honor your Court by also ending this today, too.

12 THE COURT: Okay. Now, I'm going to ask Ms.
13 Smith to outline the factual basis, Mr. Vigliotti, and
14 if you will just listen to this I am going to ask you
15 if that is, in essence, what happened. So go ahead,
16 Ms. Smith.

17 MS. SMITH: Your Honor, beginning on or about
18 August 8, 2001 and continuing through and including
19 on or about March 22, 2002, in Broward, Palm Beach
20 and Polk counties, Mr. Vigliotti basically spearheaded
21 a criminal conspiracy engaging in racketeering
22 activities along with his co-defendants, Rose Marie
23 Vigliotti, Milton Green, Diane Simmons, James Stall,
24 Dan Angelo and Brian Nashick. They defrauded or
25 endeavored to defraud financial lending institutions

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1 by submitting falsified mortgage loan applications
2 in which they misrepresented their employment, income
3 and liquid assets. Through the assistance of an
4 appraiser, the value of some of the homes were grossly
5 inflated. There is an accountant who misrepresented
6 the income of the buyers, loan brokers who falsified
7 documents to the lending institutions, as well as
8 one co-defendant who engaged in escrow fraud. In this
9 way, they were able to pull the assets out of the
10 homes and pocket hundreds of thousands of dollars,
11 leaving the banks and the mortgage companies with
12 several hundred thousand dollars in losses. Mr.
13 Vigliotti, based on the evidence that the State would
14 prove, he masterminded this scheme. He put the people
15 together, found the homes, found the straw buyers,
16 coordinated the fraud. He was the main protagonist
17 in this fraud, Your Honor, and that is the factual
18 basis that the State relies on.

19 THE COURT: Okay, and did those things happen,
20 Mr. Vigliotti?

21 MR. VIGLIOTTI: Yes, Your Honor.

22 THE COURT: Okay, Mr. Vigliotti, the Court finds
23 that you are alert, intelligent and fully informed
24 of the nature of the charges and of the consequences
25 of pleading guilty. There is a factual basis as

1 outlined by the State and the plea will be knowingly
2 and voluntarily entered. Mr. Witlin, do you wish to
3 enter the plea at this time?

4 MR. WITLIN: We enter a plea of guilty to the
5 charge before the Court.

6 THE COURT: Okay. All right, Mr. Vighetti, the
7 Court will then adjudicate you guilty as charged,
8 will sentence you to six years in the Department of
9 Corrections on each count, those sentences to run
10 concurrent with one another, to be followed by fourteen
11 years of probation on each count also running
12 concurrent with one another. The Court orders that
13 you pay court costs and fees by way of a judgment in
14 the amount of \$361.00 and also costs of prosecution
15 in the amount of \$3,500.00 by way of a judgment. That
16 you pay restitution which the Court will determine
17 by a separate hearing, and all of the monies that
18 were seized from you at the Miami International
19 Airport shall go to reduce the costs of prosecution,
20 as well as the value of any ring that was seized and
21 the watch that was seized.

22 MS. SMITH: There is also costs of investigation,
23 Your Honor.

24 THE COURT: Okay. How much was that?

25 MS. SMITH: \$9,000.00.

1 THE COURT: Okay, and that you pay costs of
2 investigation by way of a judgment. During the term of
3 the probation, you are to have no income derived in
4 whole or in part from any real estate transactions.

5 MR. VIGLIOTTI: Can you define the real estate
6 transactions? Can I still work in construction at
7 least?

8 MS. SMITH: Having to do with mortgages,
9 purchasing and selling of homes, straw buyers, anything
10 that would involve buying a home --

11 THE COURT: Investments and buying in real
12 estate.

13 MS. SMITH: Yes, loans, anything like that.

14 THE COURT: Okay.

15 MS. SMITH: And also, Your Honor, a P.S.I. was not
16 required for Mr. Vigliotti.

17 THE COURT: Okay.

18 MR. WITLIN: We waived the P.S.I., Judge. I
19 would also ask the Court to consider the suggestion
20 we both made concerning the time he has already served.
21 I don't think the Court addressed that yet. The
22 time --

23 THE COURT: Yes, I will give Mr. Vigliotti credit
24 for time served. Now, I'm going to tentatively
25 schedule your hearing -- restitution hearing -- for

1 Thursday. That's when you wanted to do it, right?

2 MS. SMITH: Yes, Your Honor.

3 MR. WITLIN: What time would that be, Judge?

4 THE COURT: How long is it going to take?

5 MS. SMITH: I would anticipate no more than maybe
6 fifteen minutes.

7 MR. WITLIN: I would --

8 MS. SMITH: Okay, half an hour, Your Honor.

9 THE COURT: Okay. Mr. Witlin?

10 MR. WITLIN: That's ambitious, but if I saw the
11 documents ahead of time that specifically the banks
12 are relying on, perhaps it would go that quickly. I
13 suggest setting it for 10:00 o'clock on Thursday and
14 hopefully between now and then I can get back to
15 counsel with --

16 THE COURT: Okay. We'll go ahead and set it for
17 10:00 o'clock. Now, I'm going to try to start a trial
18 tomorrow. I don't think that trial should take more
19 than a couple of days, and so if that is the case,
20 then we ought to be finished with it and be able to do
21 the restitution on Thursday. If anything, what I might
22 have to do is push it back to the afternoon if for some
23 reason that trial goes into Thursday morning. So I'll
24 just -- I'll have my assistant give you a call
25 Wednesday if for any reason we can't do it at 10:00

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o'clock on Thursday.

MS. SMITH: Okay.

THE COURT: Okay?

MR. WITLIN: Thank you.

MS. SMITH: Thanks, Your Honor.

THE COURT: Okay.

[END OF TRANSCRIPT]

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C E R T I F I C A T E

1
2 STATE OF FLORIDA
3 COUNTY OF PALM BEACH
4

5 I, RHONDA GATTIS, C.E.T., being an official
6 transcriptionist of electronically recorded
7 proceedings in the Fifteenth Judicial Circuit as
8 authorized by Administrative Order 2-503-6/18, do
9 hereby certify that I was authorized to and did
10 transcribe the foregoing proceedings before the
11 Court at the time and place aforesaid and the
12 preceding pages numbered from 1 to 14, inclusive,
13 represent a true and accurate transcription of the
14 Fifteenth Judicial Circuit Court Reporting Service
15 electronically recorded proceedings which took
16 place on July 26, 2004.

17 I further certify that I am not an employee
18 or relative of any party connected with this
19 action, nor do I have any financial interest
20 in this action.
21

22 /s/ Rhonda Gattis
RHONDA GATTIS, CET
23 Certified Electronic Transcriber
24 Fifteenth Judicial Circuit
25

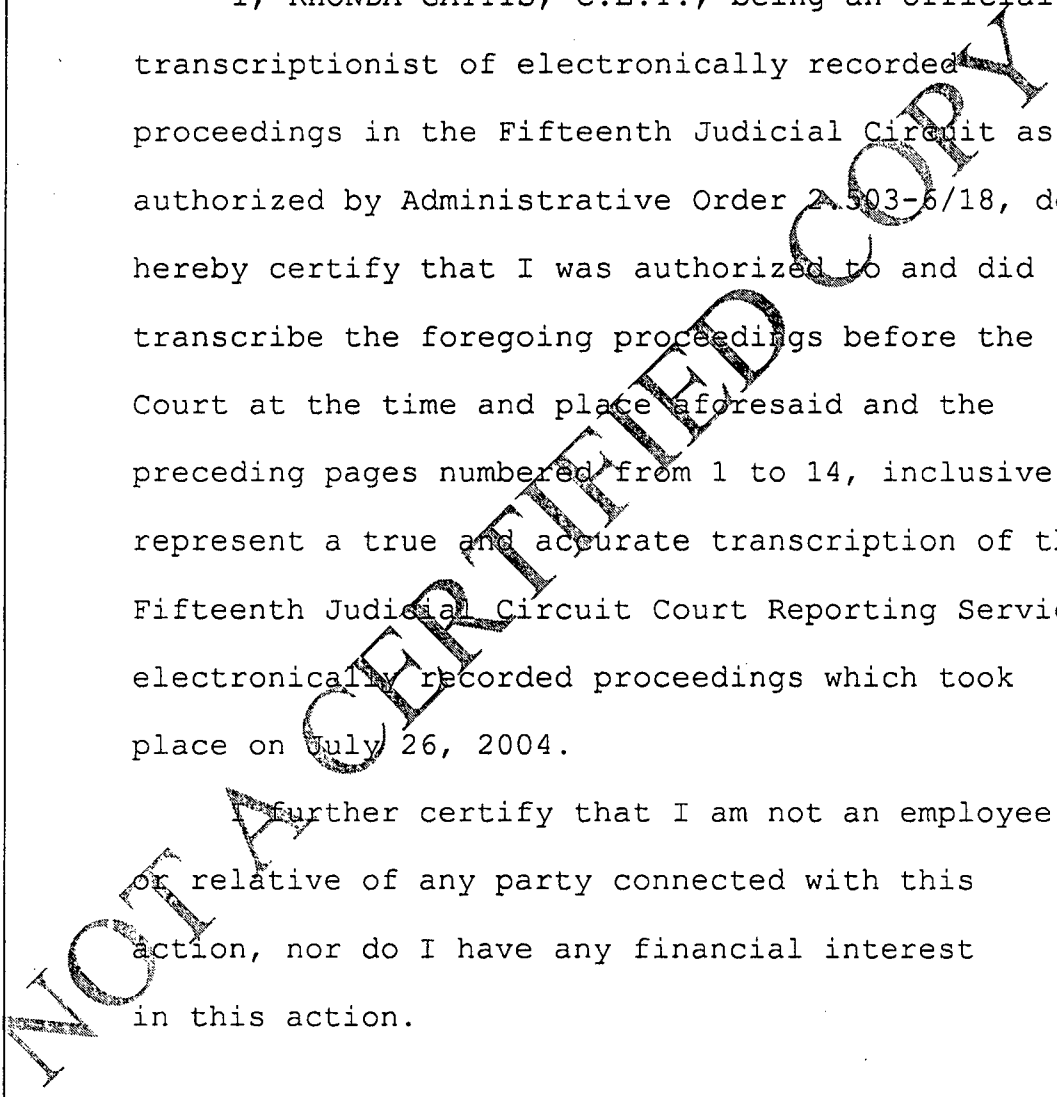


EXHIBIT 2

* note: due to the length of this exhibit, a complete set
can be sent upon request.



JOSEPH ABRUZZO
 CLERK OF THE CIRCUIT COURT & COMPTROLLER
 PALM BEACH COUNTY



CASE NUMBER: 50-2002-CF-004059-AXXX-MB
 CASE STYLE: VIGLIOTTI, CHRISTOPHER

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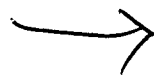
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Page Size: All

<u>Docket Number</u>	<u>Effective Date</u>	<u>Description</u>	<u>Notes</u>
1	04/10/2002	CONVERSION 1ST CAPIAS ISS DATE	NoBond Tracking# 320559
2	04/10/2002	CONVERSION INFO FILING DATE	Docket associated to count(s): 9, 1, 2, 3, 4, 5, 6, 7, 8
3	04/10/2002	CHARGE HISTORY	CR-TAPED (COOK) DEFT W/B.WITLIN, PROBATION TO FOLLOW JAIL SENTENCE, DEFT REMANDED PROB TO FOLLOW JAIL SENTENCE PROB TO FOLLOW JAIL SENTENCE PROB TO FOLLOW JAIL SENTENCE PROB TO FOLLOW JAIL SENTENCE PROB TO FOLLOW JAIL SENTENCE PROB TO FOLLOW JAIL SENTENCE PROB TO FOLLOW JAIL SENTENCE
4	04/10/2002	CAPIAS HISTORY	
5	04/10/2002	COMMENTS TRIAL DISPOSITION	PLED & ADJ G AS TO COUNTS 1-9

This was for a different case



6 04/10/2002 GENERAL NARRATIVE HISTORY

Page # 1 012405 COURT REPORTER'S TRANSCRIPT OF MOTION TO REVOKE BOND VOL I PAGES 1-9 HELD ON 030404, 1 ORG & 2 COPIES FILED. 012405 COURT REPORTER'S TRANSCRIPT OF MOTION TO REVOKE BOND VOLII PAGES 10-124 HELD ON 032204, 1 ORG & 2 COPIES FILED. 012405 COURT REPORTER'S TRANSCRIPT OF STATUS CHECK REGARDING SEVERANCE PAGES 125-130 HELD ON 40504, 1 ORG & 2 COPIES FILED. 012405 COURT REPORTER'S TRANSCRIPT OF MOTION FOR CONTINUANCE AND MOTION TO TRAVEL PAGES 131-140 HELD ON 062304 1 ORG & 2 COPIES FILED. 1 ORG & 2 COPIES FILED. 020305 COURT REPORTER'S TRANSCRIPT OF ROSE VIGLIOTTI'S PLEA AND SENTENCING, CASE #02-4059CF 802, PAGES 1-12, HELD ON 072904, 1 ORIG & 2 COPIES

7 04/10/2002 DOCKET HISTORY

8 04/10/2002 DOCKET HISTORY

ARREST WARRANT DIVISION U ORDERED BY JUDGE COOK ON 041002. ISSUED ON 041102. COURT SETS NO BOND.

9 04/10/2002 DOCKET HISTORY

PROBABLE CAUSE AFFIDAVIT.

10 04/10/2002 DOCKET HISTORY

WRITTEN ORDER (JUDGE WROBLE) SETTING BOND (NO BOND)

11 04/10/2002 DOCKET HISTORY

NOTICE OF PROSECUTING AUTHORITY FILED BY ANN MARIE SMITH (STATEWIDE PROSECUTOR)

12 04/11/2002 Warrant 320559 Signed On 04/11/2002

320559 04/11/2002 Warrant/Capias - 320559 signed on: 11-APR-02

13 05/17/2002 DOCKET HISTORY

NOTICE OF HRG SETTING STATUS CK FILED BY A. SMITH, ASSIST STATEWIDE PROSECUTOR CASE SET ON 060402, DIV. U, AT 0845.

14 05/17/2002 DOCKET HISTORY

STATE'S DISCOVERY EXHIBIT AND DEMAND FOR DEFENDANT'S DISCOVERY EXHIBIT FILED BY A.SMITH,ASST STATEWIDE PROSECUTOR.

15 05/17/2002 DOCKET HISTORY

346 06/04/2002 CALENDAR HISTORY

06/04/02 0845 CLDR= F DIV= U STATUS CHECK DELETED- ON 060402 RESET TO 0000 DIV: REMARKS: CR-TAPED. WARRANT REMAINS OUTSTANDING. MER

16 06/07/2002 DOCKET HISTORY

STATE'S AMENDED RESPONSE TO DEFENDANT'S NOTICE OF DISCOVERY FILED BY A.SMITH,ASSISTANT STATEWIDE PROSECUTOR.

17 06/07/2002 DOCKET HISTORY

STATE'S DISCOVERY EXHIBIT AND DEMAND FOR DEFENDANT'S DISCOVERY EXHIBIT FILED BY A.SMITH,ASSISTANT STATEWIDE PROSE CUTOR

EXHIBIT 3

SENTENCE

(As to Count(s) 1, 2, 3, 4, 5, 6, 7, 8, 9)

Defendant CHRISTOPHER VIGLIOTTI

Case Number 02-4059 CF A02

OBTS Number _____

The Defendant, being personally before this Court, accompanied by the defendant's attorney of record, BARREY WITLIN, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence and to show cause why defendant should not be sentenced as provided by law, and no cause being shown

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$ _____ pursuant to § _____ Florida Statutes, plus all costs and additional charges as outlined in the Order assessing additional charges, costs and fines as set forth in a separate order entered herein

The Defendant is hereby committed to the custody of the
 Department of Corrections
 Sheriff of Palm Beach County, Florida
 Department of Corrections as a youthful offender

FILED

JUL 26 2004

for a term of 6 Years. It is further ordered that the Defendant shall be allowed a total of 105 days as credit for time incarcerated prior to imposition of this sentence. It is further ordered that the composite term of all sentences imposed for the counts specified in the order shall run

consecutive to concurrent with (check one) the following:
 Any active sentence being served.
 Specific sentences counts 1, 2, 3, 4, 5, 6, 7, 8, 9.

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

Pursuant to §§322.055, 322.056, 322.26, 322.274, Fla. Stat., the Department of Highway Safety and Motor Vehicles is directed to revoke the Defendant's privilege to drive. The Clerk of the Court is Ordered to report the conviction and revocation to the Department of Highway Safety and Motor Vehicles.

The defendant in Open Court was advised of the right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of the Court. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at West Palm Beach, Palm Beach County, Florida this 26 day of July, 2004.

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

FILED

JUL 26 2004

JOHN WILKIN, CLERK
CIRCUIT & COUNTY COURTS
(CRIM. DIV.)

SENTENCE (continued)

(As to Count(s) 1-9)

Defendant Christopher Vignatti

Case Number 02-405796-ACS

SUSPENDED AND/OR SPLIT SENTENCES

By appropriate notation, the following provisions apply to the sentence imposed:

- Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in a separate order entered herein.
- However, after serving a period of _____ imprisonment the balance of such sentence shall be suspended and the Defendant shall be placed on probation and/or community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation and/or community control as set forth in a separate order entered herein.
- Followed by a period of 14 mos on probation and/or community control under the supervision of the Department of Corrections according to the terms and conditions of probation and/or community control as set forth in a separate order entered herein.

DONE AND ORDERED in Open Court at West Palm Beach, Palm Beach County, Florida this 26 day of July, 2004.

NOT A

[Signature]
CIRCUIT COURT JUDGE

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254D