

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF,	)	CASE NO. 2:24-cr-48
	)	
vs.	)	
	)	
RONALD P. BEDRA,	)	
	)	
DEFENDANT.	)	
_____	)	

TRANSCRIPT OF SENTENCING PROCEEDINGS  
BEFORE THE HONORABLE EDMUND A. SARGUS, JR.  
THURSDAY, OCTOBER 10, 2024; 9:58 A.M.  
COLUMBUS, OHIO

APPEARANCES:

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Proceedings recorded by mechanical stenography, transcript  
produced by computer.

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Thursday Morning Session

October 10, 2024

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(The following proceedings were had in open court.)

THE COURTROOM DEPUTY CLERK: Case No. 2:24-cr-48,  
United States of America versus Ronald P. Bedra.

THE COURT: Counsel, good morning to all of you.  
Starting with the government, would you please enter your  
appearances.

MR. CULLMAN: Thank you, Your Honor.

Good morning. Adam Cullman on behalf on the United  
States, and with me is Nicole Pakiz with the U.S. Attorney's  
Office.

MS. PAKIZ: Good morning, Your Honor.

THE COURT: Good morning to both of you.

MR. NOLDER: Your Honor, I'm Steve Nolder on behalf of  
Mr. Bedra, who is seated to my right.

THE COURT: Good morning to both of you.

Counsel for the government, please indicate the  
current status of this case.

MR. CULLMAN: We are here for sentencing, Your Honor.

THE COURT: All right. Mr. Bedra, good morning. If  
you would please stand.

There is a lengthy document in this case known as the  
Presentence Investigation Report. I need to make sure you

1 received that and you have read it and discussed it with your  
2 counsel, Mr. Nolder. Is that all true?

3 THE DEFENDANT: Yes, Your Honor, I have.

4 THE COURT: And we do have several unresolved  
5 objections to the presentence report, and we'll turn our  
6 attention to that as our first step this morning.

7 Let me just briefly summarize. This has to do with  
8 role in the offense. As I read the presentence report, it also  
9 affects another guideline. If the role is aggravated, then  
10 there is no zero point two-point reduction in the guidelines.

11 So we might as well discuss these together.  
12 Mr. Nolder, you have an objection. The government has an  
13 objection as well.

14 I first want to thank Ms. Pennington for a very good  
15 report. You have managed to make both sides object to the same  
16 issue, which is usually a good sign.

17 So do you have a preference who goes first?

18 MR. NOLDER: I don't, Your Honor.

19 MR. CULLMAN: No, Your Honor.

20 THE COURT: All right. Why don't we start with the  
21 government.

22 To summarize, you think it should be one point higher.

23 MR. CULLMAN: Correct, Your Honor.

24 The government believes that the defendant should  
25 receive a four-level increase for acting as an organizer and

1 leader of the conduct in question.

2 Looking at the factors that are enumerated in Note 4  
3 to the guideline 3B1.1, there's a list of factors. Not all of  
4 them are needed to be present in order for this enhancement to  
5 apply; but they include things like the exercise of  
6 decision-making authority, the nature of participation in the  
7 commission of the offense, the degree of participation and  
8 planning or organizing the offense, and the nature and scope of  
9 the illegal activities.

10 Here, the defendant created the first website that was  
11 involved and then acted as a gateway for many of the  
12 co-conspirators who maintained a presence with Mr. Bedra  
13 throughout his course in this conduct, and it all started with  
14 that first website that he created.

15 When this initial website was shut down because of the  
16 content of the website and there was a risk that some of these  
17 people might stop or might go elsewhere, it was defendant Bedra  
18 who rallied them and who organized them under a new banner,  
19 under a new website, and who told them: We don't die so  
20 easily.

21 Planting the flag and telling them: Come to me, come  
22 to my website, where we can continue this conduct, where it  
23 won't matter if we get shut down. I'll just start it all up  
24 again. You stick with me, and we'll create these videos, we'll  
25 enjoy these videos, and we'll discuss these videos ad nauseam.

1           That's exactly what happened. He created a new  
2 website. The people came to him. He acted as an administrator  
3 and a gatekeeper controlling who got in and who didn't get in,  
4 controlling people's behavior once they were in, and  
5 determining rules of behavior once they were in the groups, and  
6 so deciding when you could share videos outside that group and  
7 when you couldn't.

8           He pushed it forward in terms of levels of depravity  
9 by creating the monkey adoption program, which was as  
10 sophisticated as anything that he have seen around the country  
11 with this sort of behavior, where prospective bidders could, if  
12 they -- within 48 hours, place a bid on a monkey that would be  
13 essentially their own personal torture monkey.

14           If they won that auction, if they won that adoption,  
15 they would get five videos included in the price. The request  
16 for those videos would be sent through Mr. Bedra. He said:  
17 Start sending your requests through me, direct message to me,  
18 Demon Sword Soulcrusher. That was his name on these groups.

19           THE COURT: So we see this enhancement a lot, but  
20 usually in a different context. Usually has -- I see this  
21 mostly in drug cases where you have got people in a pecking  
22 order and you can see who is at the top, who is at the middle  
23 in charge of a few people, and who is at the bottom.

24           So your position is the creation of the website is  
25 where we start; that he is letting people in or not letting

1 people in. Do those people count when we look at the number  
2 five, for example?

3 Because in this guideline, for your position, you've  
4 got to be basically an organizer or a leader of five or more  
5 people. You would count the people who were part of the  
6 website as those five or more?

7 MR. CULLMAN: Correct.

8 So each of those people -- and I think we have  
9 enumerated at least five other co-conspirators in the charging  
10 document and in the Statement of Facts. So I think defendant  
11 Bedra has already agreed that he conspired with at least five  
12 people.

13 Another point that I do want to mention --

14 THE COURT: Yeah, but they're not paying him  
15 necessarily, are they?

16 MR. CULLMAN: Correct. Correct. And that's --

17 THE COURT: They're subscribing to his site?

18 MR. CULLMAN: The site was free. He invited them in.  
19 He admitted them. He had the power to remove them if they  
20 didn't -- if they didn't follow the rules.

21 Another group of people who are not --

22 THE COURT: Most of the cases, I think you would  
23 agree, have something more than going to a website for these  
24 people to count as the number of people somebody is the  
25 organizer or leader of.

1 MR. CULLMAN: Well, so that is not the only basis on  
2 which we're asking this Court --

3 THE COURT: Right. I understand, there's more. Then  
4 we get to the second website, and we also have the sale of the  
5 monkeys. Let's talk about that for a moment. The presentence  
6 report describes that.

7 Did he have a way to get actual monkeys to the  
8 bidders?

9 MR. CULLMAN: So these were strictly videos.  
10 Although, there was certainly discussion, multiple different  
11 discussions, about getting an actual monkey --

12 THE COURT: So I'm clear, the Million Tears monkey  
13 adoption program were for videos?

14 MR. CULLMAN: Correct.

15 THE COURT: All right.

16 MR. CULLMAN: So that was a program by which a monkey  
17 would be -- a monkey sitting somewhere in Indonesia,  
18 potentially Cambodia, would be put on the screen and  
19 advertised, and you would have the option, if you adopted it,  
20 to request your specific methods of torture to be done over  
21 there in Indonesia.

22 THE COURT: So actual monkey, but videoed at the  
23 request of the person who wins the bid, and then the video was  
24 sent to that person?

25 MR. CULLMAN: Correct.

1 THE COURT: And how many times did that occur?

2 MR. CULLMAN: So we don't know. My understanding is  
3 that there was a request for -- rather than the typical  
4 long-tailed macaque which are more prevalent over there, the  
5 winning bidders had asked for a stump-tailed macaque because  
6 the science is that that type of monkey is more emotionally  
7 developed and so has a stronger reaction to torture.

8 And so my understanding was there was a high price  
9 paid for a stump-tailed monkey to be tortured because they  
10 believed that it would be more emotionally traumatic for the  
11 monkey, and my understanding is that that never came to  
12 fruition because it was a very unusual request.

13 THE COURT: All right.

14 MR. CULLMAN: I do also want to point out another  
15 class of participants, and this dovetails with Your Honor's  
16 question in the previous notice, and that is the videographers.

17 The videographers were not victims in the strictly  
18 legal sense for purposes of any guidelines enhancements.  
19 Courts have found in other contexts, such as the MVRA, that a  
20 party who participated in the defendant's offense cannot be  
21 considered a victim.

22 This is consistent with the Attorney General's recent  
23 guidance on victim and witness assistance where they said that  
24 a person who -- a person's knowing and willful participation in  
25 a crime generally negates a determination of direct harm from

1 the crimes being investigated.

2 The reason I bring this up is because although those  
3 videographers were not strictly victims for purposes of the  
4 guidelines, they were essentially participants in this scheme.

5 And in addition to organizing and leading the other  
6 co-conspirators, the other individuals commissioning these  
7 videos, defendant Bedra also controlled the videographers. We  
8 see this in the sentencing memorandum where he is recounting  
9 his ordering of specific videos by interacting with these  
10 videographers.

11 He talks about having to sound like a caveman when you  
12 talk to them so that they understand the order. He said: I  
13 had to do that with D-tard, and it really helped.

14 So he's recounting his own exercise of control over a  
15 participant in Indonesia in order to make a video request and  
16 in order to make it a successful video request.

17 So that's another basis on which Your Honor can find  
18 that he was an organizer and leader because he was reaching out  
19 and he was controlling people in Indonesia, paying them money,  
20 telling them exactly what they wanted to do, potentially  
21 withholding money if they didn't do it exactly in the way that  
22 he wanted.

23 So I think both of those are reasons for this Court to  
24 find that a four-point enhancement is appropriate, both because  
25 he organized people and the Sixth Circuit also called that

1 arranging the criminal activity. He arranged the criminal  
2 activity here in America by sponsoring these websites, by  
3 drawing people to him, by advertising these websites and  
4 telling people to come to him.

5 He did it by acting as an administrator, keeping  
6 people in and out, acting as a gatekeeper, and he also did it  
7 by controlling the videographers and by controlling their  
8 behavior over in Indonesia when they were creating the videos  
9 at his behest.

10 So for all those reasons, we ask for a four-point  
11 enhancement.

12 THE COURT: Thank you.

13 Mr. Nolder, your view?

14 MR. NOLDER: Your Honor, I guess I would first state  
15 that we don't believe that this objection affects the  
16 zero-point offender guideline. We don't advocate that it  
17 applies; and I think if you look at 4C1.1(a)(4), it's a  
18 disqualifier in this case.

19 So we don't believe --

20 THE COURT: So that's not an issue, and I misstated.

21 MR. NOLDER: That's right.

22 THE COURT: Okay.

23 MR. NOLDER: That's right.

24 So this stands alone, in my judgment, that whether or  
25 not he is --

1 THE COURT: And you're looking at 4C1.1?

2 MR. NOLDER: (a) (4).

3 THE COURT: (a) -- not (a) (1), that's a --

4 MR. NOLDER: "The offense did not result in death or  
5 serious bodily injury."

6 THE COURT: And you think that's a disqualifier?

7 MR. NOLDER: I think so, yes. We didn't advocate that  
8 the zero-point offender guideline applies. I just wanted to  
9 put that out there.

10 THE COURT: All right. Fair enough.

11 MR. NOLDER: And so --

12 THE COURT: Your view is there should be no points  
13 here?

14 MR. NOLDER: That's right. That's right. There  
15 shouldn't be a three-point or four-point enhancement. It  
16 should stand alone as --

17 THE COURT: So you have dealt with this guideline, so  
18 has your opposing counsel, a million different ways. This is a  
19 bit of an unusual one.

20 MR. NOLDER: Absolutely.

21 THE COURT: But there is a lot of -- let me just play  
22 devil's advocate with you. There's creation of a website, the  
23 shutdown, the creation of a second website, all done by this  
24 defendant individually. Then we have the Million Tears monkey  
25 adoption program. All involving other people. How do you see

1 that?

2 MR. NOLDER: We don't object to any of those facts.  
3 Those facts are true, and, you know, there's several facts we  
4 don't object to or challenge. You know, he belonged to the  
5 conspiracy. He created and administered several of these  
6 websites, including those that were created after ones were  
7 shut down that he categorized and organized the animal crush  
8 videos on the website. We don't challenge that.

9 Critically, though, he never recruited or, as  
10 Mr. Cullman said, invited people into the group. The people  
11 that joined the group, they requested admission into the group.  
12 Sure, Mr. Bedra may have vetted them and then allowed them to  
13 come in, but he didn't recruit them in the classic sense that  
14 you see for a 3B1.1 enhancement.

15 Also, Mr. Bedra didn't financially benefit from any of  
16 his activities.

17 THE COURT: What about the monkey adoption program,  
18 there was some consideration to be part of that.

19 MR. NOLDER: Absolutely. But that money did not go to  
20 Mr. Bedra, and I think that --

21 THE COURT: So where did it go?

22 MR. NOLDER: It would have gone to the videographers.

23 THE COURT: Okay.

24 MR. NOLDER: And one of the things that I think is  
25 important here is, just looking at, you know, 3B1.1, we do deal

1 with it 99 percent of the time in another context, as you said;  
2 and those are a lot easier to unravel based on behavior  
3 control, prices, and things of that nature. Here we don't have  
4 any of that at all.

5 If you look at the history of 3B1.1, there was a real  
6 mess in the circuits prior to the commission rewriting the  
7 guideline and adding Application Note 2, where some circuits  
8 allowed the application if someone directed or controlled other  
9 people. Others were satisfied, as long as the defendant  
10 controlled, maybe, some of the websites or some of the business  
11 or some of the important infrastructure of the conspiracy.

12 So the commission sought to unravel that confusion  
13 among the circuits. They added Application Note 2. And  
14 specifically they require that in order for 3B1.1 to apply,  
15 that he -- Mr. Bedra would have to be an organizer, leader,  
16 manager, or supervisor of one or more participants.

17 That's just not present in this case.

18 THE COURT: Well, let me ask. So a few of these words  
19 don't apply, I would agree with you. They're all connected by  
20 the "or."

21 So in terms of "supervisor," I think we can write that  
22 off. He didn't supervise.

23 But what about the word "organizer"?

24 MR. NOLDER: He didn't organize the individuals. He  
25 may have organized the property or assets of the conspiracy,

1 but he didn't organize the individuals. That would --

2 THE COURT: He organized the website.

3 MR. NOLDER: I'm sorry?

4 THE COURT: He organized the website.

5 MR. NOLDER: Absolutely, yep. And he organized the  
6 animal crush videos that were put on the website.

7 THE COURT: You don't think that's how the word  
8 "organizer" is meant to apply here?

9 MR. NOLDER: Well, if you read that it has to organize  
10 individuals, we just don't have that here. We don't have one  
11 or more participants. That is what is modified by those -- the  
12 words "organizer," "leader," "manager," or "supervisor" of one  
13 or more participants, not the infrastructure of the website.

14 THE COURT: All right. I'm going to ask the  
15 government the next question.

16 So I'm looking at Application Note 2, and the  
17 defendant must have been the -- we'll focus on the word  
18 "organizer" for now.

19 MR. CULLMAN: Sure.

20 THE COURT: Of one or more other participants.

21 So one or more other participants, let's stay with  
22 that for a moment.

23 Would your position be that's anybody who joined the  
24 website?

25 MR. CULLMAN: Certainly it's anyone that joined the

1 website. He created this website -- he created many websites,  
2 and it was more than one or two. There was likely over a dozen  
3 over the course of the time.

4 And he organized -- he wasn't simply out there doing  
5 this on his own and people happened to visit. This was he was  
6 drawing people in. He would tell people in one group when he  
7 was creating a new group, tell them, here, come to this new  
8 group.

9 His own co-conspirators, he would tell them when  
10 they're in website A, hey, everyone, I'm switching over to  
11 website B. It's more secure for operation --

12 THE COURT: So he's playing a major role, no argument  
13 there. But this would be organizer of one or more other  
14 participants. Isn't one way to read that, other people who are  
15 part of the conspiracy?

16 MR. CULLMAN: It's anyone who has potential criminal  
17 responsibility.

18 THE COURT: Right. So just going to the website  
19 wouldn't make you a participant, would it?

20 MR. CULLMAN: Just going to the website likely would  
21 not make you a participant.

22 THE COURT: But being the videographer would.

23 MR. CULLMAN: Being the videographer, being someone  
24 who was commissioning videos. Under law, anyone who is  
25 conspiring to create or distribute these videos would be a

1 participant under 3B1.1.

2 THE COURT: Let me take a narrow view of this and see  
3 how you respond.

4 If I take the position that you have to be involved in  
5 the conspiracy to be, quote, one or more other participants, as  
6 that phrase is used in Application Note 2, videographer we  
7 agree that would include.

8 How many people total, if we take the narrow view?  
9 Not people on the website, but people participating in the  
10 crush videos.

11 MR. CULLMAN: There would be, including the  
12 videographers, at least seven. I believe we have  
13 Co-conspirators 1 through 5. Those are all people who  
14 commissioned sexually explicit monkey torture videos who  
15 either --

16 THE COURT: Let me ask you a specific question. I  
17 really want to be careful.

18 MR. CULLMAN: Okay.

19 THE COURT: I'm limited here to what's in the  
20 presentence report. I mean, I know I can go beyond this in  
21 considering the sentence, but not in terms of a guideline.

22 Are there seven people directly or indirectly  
23 referenced anywhere in the presentence report?

24 There's obviously a videographer, at least one.

25 MR. CULLMAN: So there are five other co-conspirators

1 in both the Plea Agreement and the Information. Whether those  
2 individuals, I believe --

3 THE COURT: The Plea Agreement, I can rely on that.  
4 That's under oath.

5 MR. CULLMAN: Yes, Your Honor.

6 So the factual basis for the Plea Agreement -- well,  
7 it's in the body of the Information, as well as the Plea  
8 Agreement.

9 So Co-conspirator 1 is referenced in paragraph 4, and  
10 then there's Co-conspirators 2 and 3 in paragraphs 6 and 7.  
11 There's a Co-conspirator 4 in paragraph 10 of the factual  
12 basis, and there's a Co-conspirator 5 in paragraph 15 of the  
13 factual basis, which the defendant signed.

14 So there's -- those are all individuals who conspired  
15 with the defendant to create and distribute these videos.

16 THE COURT: And your argument is that he was, at a  
17 minimum, an organizer of those five?

18 MR. CULLMAN: Absolutely. Absolutely. He organized  
19 those five.

20 And I think it's important -- while I understand that  
21 this is not the typical circumstance of 3B1.1, the factors are  
22 actually quite broad under Note 4. And it's not simply, you  
23 know, as we imagine, sort of the boss and the underling. They  
24 direct that we should be considering, yes, the exercise of  
25 decision-making authority, but also the nature and

1 participation in the commission of the offense. And the nature  
2 of his participation was as a leader, as the one who was  
3 pitching the tent and inviting people to come, pitching a new  
4 tent, telling them come on over here, let's keep doing this,  
5 and rallying the troops.

6 It was the degree of planning -- degree of  
7 participation in planning or organizing the offense. He was  
8 the one. He was planning and he was organizing this offense.

9 And, again, just the control over the videographers,  
10 which he recounts doing. It's in the sentencing memo where he  
11 talks about his interactions with these videographers, telling  
12 them exactly what to do, you know, using the language as -- you  
13 know, in the way that he described having to use it to control  
14 their behavior to get the videos that he wanted.

15 That's exercise of control over a participant, and  
16 that's just another reason why he should receive the four-level  
17 increase under 3B1.1.

18 THE COURT: Thank you.

19 Mr. Nolder, you get the last word.

20 MR. NOLDER: Well, I think that just simply counting  
21 noses doesn't get us to the point of whether the application  
22 note applies. You know, they have to organize a participant,  
23 and our position is that Mr. Bedra wasn't an organizer of any  
24 of the participants. Yes, he organized the property, assets,  
25 and activities of the conspiracy. We know that's not enough.

1 The application note says that, and the *Sexton* case says it as  
2 well.

3 We also know that it's not sufficient that he played  
4 an essential role because of the *Vandenberg* case. The Sixth  
5 Circuit case says that's not important either. Instead, he has  
6 to have played the role in directing others. That fact simply  
7 doesn't exist in this case, and that's why we believe there  
8 should not be a role enhancement.

9 THE COURT: Thank you.

10 So the issue before me is whether to enhance, under  
11 the guideline calculation, Mr. Bedra's testimony for the role  
12 he played, and we're looking at specifically whether he played  
13 an aggravated role. And there are three levels, all of which  
14 require some type of organizing, leadership, or management.

15 The probation office has picked the middle number, a  
16 three-point enhancement. The government objects and wants a  
17 four-point enhancement, and Mr. Nolder on behalf of Mr. Bedra  
18 urges no enhancement.

19 The guidelines in the commentary list the factors I  
20 should consider. I'm to look at the exercise of  
21 decision-making authority, the nature of the participation in  
22 the commission of the offense, the recruitment of accomplices,  
23 the claimed right to a larger share of fruits of the crime, the  
24 degree of participation and planning or organizing the offense,  
25 the nature and scope of the illegal conduct, and the degree of

1 control and authority exercised over others.

2 As often happens with this guideline, a few of these  
3 apply, a few of these don't.

4 I do find that Mr. Bedra basically had a degree of  
5 participation in planning and organizing the offense that is  
6 far beyond that of the average participant; that he had a  
7 degree of control not over individuals necessarily, but over  
8 what the websites would display.

9 And to reiterate, the undisputed facts are that he  
10 first created a website with crush videos of animals that was  
11 shut down, and then he personally organized a new site. On  
12 that site, he organized what was called Million Tears monkey  
13 adoption program where participants could contact him and watch  
14 a monkey be horrifically abused and ultimately killed in some  
15 cases.

16 I think if I focus on one or more participants, I do  
17 find that he was at least a manager or supervisor, which is  
18 what the probation department found.

19 The guideline could arguably cover him as an organizer  
20 or a leader with five or more participants, but I think the  
21 more appropriate is the three-level enhancement suggested by  
22 the probation officer because I find that he meets some of the  
23 factors in Commentary Note No. 4, but not all. For that  
24 reason, I find three to be the most appropriate.

25 So the objection on both ends will be overruled, and I

1 believe that is the last sentencing guideline issue we have to  
2 address. Correct me if I'm wrong, but the guideline range  
3 stands at 37 to 46 months.

4 MR. NOLDER: That's right.

5 THE COURT: All right. So, Mr. Nolder, you have  
6 submitted, as always, a very thorough memorandum. I want to  
7 note I have a number of letters from family members and friends  
8 that I have read. I also have two reports from medical  
9 providers, Dr. Predmore. I have read all of those as well, but  
10 I would certainly invite any additional comments you would like  
11 to make.

12 MR. NOLDER: Your Honor, at this point I assume that  
13 the government's motion would also be granted?

14 THE COURT: Yes.

15 MR. NOLDER: So that would take us to 33 to 41 months  
16 after the reduction for that.

17 THE COURT: Everyone agrees on that?

18 MR. CULLMAN: Yes, Your Honor.

19 MR. NOLDER: So in the third phase of the sentencing  
20 process here, where you're to consider what sentence is  
21 sufficient but not greater than necessary, I guess I would  
22 first like to address several of the Court's concerns that were  
23 articulated.

24 THE COURT: I'm looking at the conduct here. It's  
25 pretty egregious, and I want to focus you on what's on my mind

1 so you can be your best self, but that's where we start.

2 MR. NOLDER: I understand, and that certainly rings  
3 loud and clear in the Court's order that was filed on October  
4 the 3rd.

5 THE COURT: So I don't create some confusion --

6 MR. NOLDER: Yes, sir.

7 THE COURT: -- the government doesn't contend that the  
8 videographers are victims in the literal sense, and the  
9 presentence report mentions them but does not go into any  
10 detail. I would suggest we take that off of the table here so  
11 we don't confuse any issues that are at play.

12 MR. NOLDER: Okay. Gotcha.

13 THE COURT: It's the conduct that we're talking about.

14 MR. NOLDER: I understand.

15 Well, let's first look at the evolution of this animal  
16 crush video statute. I think it was promulgated by Congress in  
17 1999 and was relatively unused for some period of time, and  
18 then there was a *Stevens* case that went to the U.S. Supreme  
19 Court in 2010.

20 The *Stevens* case found that the animal crush video  
21 statute was unconstitutional. It was unconstitutionally broad,  
22 and it applied not only to conduct that it currently applies to  
23 but also other innocent conduct.

24 So the eight-to-one majority opinion in that case also  
25 provided a template to Congress as far as how that statute

1 should be rewritten so that it wouldn't violate First Amendment  
2 concerns and be unusually overly broad.

3 And I think that Chief Justice Roberts' opinion wanted  
4 to limit the reach of the statute to criminalize animal crush  
5 videos or other depictions of extreme animal cruelty.

6 So that's the *Stevens* case in 2010.

7 Congress quickly reacted to that, also in 2010, and  
8 followed the template that Chief Justice Roberts had written  
9 about in his majority opinion in *Stevens*.

10 The statute underwent another modification in 2019, so  
11 that it currently, as written, is what Mr. Bedra was -- that he  
12 violated, and that's Section 48 of the criminal code.

13 So Congress also provided -- I guess my point here is  
14 let's look at what has to happen in order for the statute to be  
15 violated, and it's terrible what has to happen. There's no  
16 question about it. Mr. Bedra would tell you it's terrible what  
17 happened.

18 But if you look at how some of these phrases are  
19 defined, animal crushing is defined as conduct where an animal  
20 is purposely crushed, burned, drowned, suffocated, impaled, or  
21 subjected to serious bodily injury.

22 Now, let's take those verbs individually and see what  
23 they mean in everyday language. Most of them are not defined.  
24 They don't need to be defined.

25 But if you look at "crushed," that necessarily means

1 the animal is dead. If you look at "burned," likely to be  
2 dead; "drowned," to be dead; "suffocated," to be dead;  
3 "Impaled," likely to be dead; and subjected to serious bodily  
4 injury.

5 We know that the guidelines provide a definition. If  
6 you go to 1B1.1, Application Note (M), capital M, defines  
7 "serious bodily injury" as injury involving extreme physical  
8 pain or the protracted impairment of a function of a bodily  
9 member, organ, or mental faculty, or requiring medical  
10 intervention such as surgery, hospitalization, or physical  
11 rehabilitation.

12 So that's exactly what Congress has said has to happen  
13 for this statute to be considered to be violated, animal  
14 crushing. It also talks about an animal crush video, and it  
15 says that's a recording depicting animal crushing, which we  
16 just defined, and (B) that is obscene.

17 So that kind of walks in -- there's a University of  
18 Virginia Law Review article that talks about how that walks in  
19 the Miller test, and the Miller test would be the recording  
20 lacks any serious artistic or literary value. It depicts  
21 sexual conduct in a patently offensive way. It appeals to the  
22 prurient interest of the viewer.

23 So those are the definitions that apply to this case.  
24 Those are the definitions that apply to the videos that were  
25 created in this case. Mr. Bedra doesn't contest that those

1 definitions apply, and he violated the statute. Yes, it is  
2 horrible.

3 I guess my point, more than anything, is the videos,  
4 as terrible as they are, the conduct as terrible as they are,  
5 they're within the heartland of this particular definition. It  
6 doesn't support any sort of variance because without that type  
7 of conduct Mr. Bedra doesn't stand beside me here in this  
8 courtroom.

9 And I would also reference the Court to a case that  
10 the government referenced in their sentencing memo and I  
11 referenced in a document I filed earlier in this case, and  
12 that's the *Herrera* case. And the *Herrera* case is important  
13 because Mr. Herrera is a related case to Mr. Bedra's.

14 He was a pharmacist working in the Western District of  
15 Wisconsin, and Mr. Herrera was involved in this same conspiracy  
16 as Mr. Bedra. The FBI came calling to Mr. Herrera's house  
17 first. They found Mr. Herrera in possession of animal crush  
18 videos. They found also a flash drive that Mr. Bedra had  
19 created, and that was at the request of Mr. Herrera because he  
20 had lost his flash drive containing all these animal crush  
21 videos.

22 So Mr. Bedra sends Herrera the animal crush video  
23 flash drive in an overnight mailing. FBI finds the flash  
24 drive. They also -- I mean, this is months -- many months  
25 before the FBI came calling, and Herrera's wife remembered that

1 they had saved the mailer. So obviously that's the straw that  
2 broke the camel's back in locating Mr. Bedra and identifying  
3 him.

4 Let's look at Mr. Herrera's Plea Agreement. He did  
5 the same things. He's ordering from a videographer 10  
6 different videos. And, you know, the factual statement in his  
7 Plea Agreement, which I attached to my document, is terrible.  
8 It's no different than what Mr. Bedra was involved in doing.  
9 Yeah, maybe he didn't get the aggravated role enhancement that  
10 Mr. Bedra just got, but other than that he's ordering the same  
11 type of videos.

12 What happens to Mr. Herrera? Mr. Herrera gets a year  
13 and a day. He's on supervised release. And I think that's  
14 important because, one, there wasn't an upward variance in that  
15 case; and, two, if we're looking not only about the conduct but  
16 also about (a) (6), which is whether or not the national  
17 uniformity requirement of the sentencing guidelines, the need  
18 to avoid unwarranted disparities, is followed.

19 Here we have a defendant whose conduct is the same as  
20 Mr. Bedra's -- maybe he didn't get an aggravated role -- and  
21 same criminal history. I have to believe that since  
22 Mr. Herrera was a pharmacist, he didn't have a criminal history  
23 either. And we also, then, have people convicted of the same  
24 offense.

25 So in my world, you know, as bad as the elements are

1 in this case and how tightly they're drafted by Congress at the  
2 request and behest of the U.S. Supreme Court, Mr. Bedra's  
3 conduct falls flatly within those elements. It's not extreme  
4 as far as outside. It's terrible, but it doesn't support an  
5 upwards variance, for all the reasons I just articulated.

6 THE COURT: Thank you.

7 Mr. Bedra, you have a right to speak if you would  
8 like.

9 MR. NOLDER: Your Honor, I did have other things. I  
10 thought we were just dealing with the --

11 THE COURT: I didn't want to cut you short.

12 MR. NOLDER: I'm sorry. I'm a little long-winded. I  
13 apologize.

14 So if we can then shift to other 3553(a) factors.  
15 Okay?

16 Nature and circumstance of the offense. It's  
17 terrible.

18 Mr. Bedra's history and characteristics. I think that  
19 the FBI came calling to Mr. Bedra's house on March 21st, 2022.  
20 And within a day, his wife -- his then-wife called me. And a  
21 day after that, Mr. Bedra comes into my office with his wife;  
22 and he's telling me about what happened, or his wife is telling  
23 me about what happened.

24 One thing that struck me, because I've done this long  
25 enough to have identified and been in the presence of people

1 with Asperger's syndrome, Tourette's syndrome, severe autism,  
2 that something jumped off the page whenever I dealt with  
3 Mr. Bedra, and that is that he was likely afflicted by this. I  
4 thought this because he had nervous tics. He sucked on his  
5 lips incredibly, could not make eye contact with me, and  
6 avoided any personal contact whatsoever whenever I reached out  
7 my hand to shake his hand.

8 That's not unusual for people that have these sorts of  
9 conditions and who also live in this internet world where they  
10 don't have to engage people regularly, and so that concerned me  
11 a lot. I wasn't Mr. Bedra's lawyer at that time, but I told  
12 him that he needs to address these issues because something's  
13 amiss.

14 So Mr. Bedra was at a crossroads of his life. He had  
15 lived this internet life forever. You know, yes, he was a  
16 teacher. But after that, he was content to be on the internet  
17 for all hours of the day and night.

18 So he had a choice to make. He was at the crossroads  
19 of his life. Did he continue down the same path he had  
20 charted, or did he try to address some of these issues and  
21 deficits that he had? And he did that. Within a month he is  
22 subjected to an evaluation.

23 You have the three reports that the medical mental  
24 health people had prepared, and Mr. Bedra was identified with  
25 all these conditions and deficits that I suspected that he

1 suffered from.

2 So just being -- that doesn't excuse his conduct, and  
3 no one says it does, but it's not unlike a lot of people that  
4 do live these crazy internet lives and get satisfaction and joy  
5 out of things that mainstream America just doesn't understand.

6 So what has he done since then? For two-and-a-half  
7 years he's been involved in cognitive behavioral therapy  
8 religiously, and I can tell you that Mr. Bedra -- and sometimes  
9 it's weekly; sometimes it's biweekly. Now I think he's going a  
10 couple of times a week because of everything that he's going  
11 through.

12 But Mr. Bedra right now is such a different person  
13 than whenever I first encountered him. Now he can look me in  
14 the eye. He can talk to me like a person. He can shake my  
15 hand. He can engage.

16 Certainly that doesn't merit a sentence reduction.  
17 I'm not telling you for that purpose, but he could have just  
18 sat there and done nothing and been the damaged person when he  
19 appeared before you for sentencing, but he didn't do that. He  
20 took the bull by the horns. He tried to improve his situation  
21 so that once he is released from prison, and he will be  
22 released, that he walks a different path.

23 You know, his parents are here. His stepmom is here.  
24 His girlfriend is here. They're here to support Ron Bedra.  
25 You can -- if you have read his medical reports, he's extremely

1 bright. He was always gainfully employed. He resigned his  
2 position with Columbus Public Schools the day before the Bill  
3 of Information. Mr. Cullman was kind enough to withhold filing  
4 anything until the term ended, and Mr. Bedra then resigned. So  
5 he's no longer a teacher, never will be again.

6 He's lost a lot. You know, he's lost -- he's divorced  
7 now. His wife moved away because of the stain that this case  
8 has brought to their name. The kids are living with her in  
9 Minneapolis.

10 I think a couple of other things that I want to touch  
11 on is, yes, Mr. Bedra doesn't get the zero-point offender.  
12 There's no question he doesn't qualify, whether it's the reason  
13 I articulated or the reason you found. So that's not something  
14 that gives him any sort of benefit.

15 But one thing that does cry out is the Sentencing  
16 Commission in their monographs, they have studied zero-point  
17 offenders, a person without any criminal history, and compared  
18 them to a person with one criminal history point. They're  
19 still Criminal History Category I. And they found that a  
20 person with zero criminal history is 13 percent less likely to  
21 be a recidivist, and so that's something that's important as  
22 well.

23 Look at what Mr. Bedra has done as far as his mental  
24 health, addressing those things, the progress he's made, as  
25 well as the lack of any criminal history.

1           Finally, I'll end up with, which probably dovetails  
2 with how I started, how the guidelines apply in this case.

3           Yes, these issues typically come up in a child  
4 pornography case. Whereas, the person always gets two points  
5 for --

6           THE COURT: Use of a computer.

7           MR. NOLDER: -- use of a computer.

8           The Commission has said this is silly. That is not an  
9 adequate specific offense characteristic to distinguish cases  
10 from the heartland case, and as well as the S&M enhancement,  
11 the four-level enhancement. It applies in this case; I'm not  
12 saying it doesn't. But if you look at the elements of the  
13 offense that I articulated, it always is going to apply in an  
14 animal crush video case. So that doesn't serve as a metric  
15 that differentiates Bedra's case from any other case.

16           We have asked the Court to consider a six-month  
17 sentence. I think Mr. Herrera's case is a good data point to  
18 look at. I don't know what Mr. Herrera did to improve himself.  
19 I'm sure he got maybe a more robust 5K than Mr. Bedra did  
20 because he was first in the door, and maybe he didn't get the  
21 role enhancement.

22           But I think that serves as a good data point, and I  
23 would ask the Court to allow Mr. Bedra to serve the sentence,  
24 and I would ask the Court to also designate the facility at  
25 Ashland so that he could serve that sentence there.

1 THE COURT: All right. I will do that.

2 MR. NOLDER: That's all. Thank you.

3 THE COURT: Now, Mr. Bedra, you're not required to  
4 speak, but you have a right to if you wish.

5 THE DEFENDANT: Yes, Your Honor.

6 I don't want to make excuses for myself. I know now  
7 what I did was atrocious, terrible, unlike me, unlike how I was  
8 raised, the character that I was meant to have, that I thought  
9 I had.

10 The mental issues I was going through is not an excuse  
11 for what I chose to do, what I participated in, what I started.  
12 I don't want to be that person ever again. I don't want that  
13 in my life. I have nightmares about it. Once I was -- once  
14 they came to the house and raided the house, it was like a fog  
15 started to lift, was starting to lift, like I didn't know where  
16 I had been almost. Not literally, but just a brain fog. The  
17 fear of -- and the reality of the situation hit me very, very  
18 hard then, and I suddenly realized what I've been doing.

19 I didn't want to do it again. It was one day. One  
20 day started to bring me back, and I'm grateful for that day  
21 because I don't know if I would still be doing it if they  
22 hadn't have come that day.

23 I know now, through two years of therapy, that I had  
24 an addiction to it, to seeing these videos, pictures, just  
25 browsing online-produced things for hours a day. It overtook

1 my life. It affected my family. It hurt my family very, very  
2 much. I didn't see it at the time, but it did because I no  
3 longer have that family.

4 But I wanted to be better, and so I did start therapy,  
5 and I got testing to see if there's anything that could have  
6 contributed to this. I participated fully. I haven't stopped.  
7 The cognitive behavioral therapy has helped me to learn to feel  
8 emotion, to experience empathy for other people more than I was  
9 ever able to before.

10 I wasn't, you know, a completely emotionally dead  
11 person, but I didn't feel much. I didn't have strong reactions  
12 when I lost family members to age or disease. I knew I was  
13 supposed to be sad, but I didn't really know how to react or  
14 what to feel or how to process those things.

15 Through my therapy and through the help of my support  
16 system, who is, you know, mostly here with me today, the ones  
17 that are here, are here, most of them are here, I have learned  
18 to, it sounds cliché, but get in touch with my emotions. I've  
19 learned to feel things that I never really felt before that.

20 When that came about, I remember the first time I  
21 broke down and I cried, and I don't think I had ever done that  
22 before since I was, you know, a child. I felt a rush of things  
23 opening. Like, my mind just opened up to everything that I had  
24 been missing out on and the horrors of what I had done as well.

25 And I have so many regrets about what I did, but I

1 don't regret the opportunity to better myself and to be a real  
2 person who can feel, who can emote, who can empathize with  
3 another human being now.

4 It took a lot of work, and I'm still working on it.  
5 I'm not perfect at it. I may look strange the way I stand up  
6 here and move my body around. I don't know if these are some  
7 of my tics or nerves, but I just know that I'm happy to be  
8 feeling something, and I feel like I don't ever want to leave  
9 this path.

10 I don't think there's ever an end to improving myself.  
11 I don't think there's ever an end to learning how to care more  
12 about others, how to try to feel what they're feeling, and how  
13 to give more of myself to them. I don't want to leave that  
14 path. I don't want to feel like I have completed some sort of  
15 study and put a cap on it and say I'm good now. I know this is  
16 something that will happen and keep happening, my improvement,  
17 to the day that I die some day.

18 I don't want to stop that. I'm still in therapy. I'm  
19 going to continue. I'm hoping it's available in prison, and I  
20 will be attending when I get out eventually.

21 I just want to apologize to everyone I love. I want  
22 to apologize to everyone who has ever been there for me,  
23 everyone who ever had faith in me or believed in me, for taking  
24 myself down a few levels, to say the least.

25 I want to apologize to the real me who hasn't been

1 around in a long time. Now that he's back, he's very  
2 disappointed in himself. But I'm not going to let that stop  
3 me. I'm going to keep growing. I'm going to keep moving on.  
4 I'm going to learn to forgive myself, which is something that I  
5 have never really been able to do before with anything.

6 So I just want to apologize to everybody for what I  
7 did. I accept full responsibility for it, and I'm done  
8 fighting it. I'm going to have to take what's coming to me.  
9 I'm learning from it, and I appreciate -- I hate the  
10 circumstances, but I appreciate the opportunity to finally,  
11 finally break out of myself and grow as a person.

12 I think that's all. Thank you.

13 THE COURT: Thank you.

14 Mr. Cullman, the government's view?

15 MR. CULLMAN: Thank you, Your Honor.

16 Turning to the 3553(a) factors. Obviously they  
17 demonstrate that a significant sentence is appropriate, is the  
18 only appropriate outcome of this case.

19 The nature and circumstances are obviously horrific.  
20 The defendant and his co-conspirators approached people in  
21 impoverished countries that they knew were impoverished,  
22 offering small amounts of money to create these videos, which  
23 they would then threaten to withhold if the videos weren't to  
24 their exact liking.

25 The defendant knew that the videographers didn't want

1 to do these things. They joked about the fact that the  
2 videographers didn't want to do these things and wouldn't have  
3 done it if he hadn't been offering these little bits of money  
4 to get them to keep going.

5 And he continued to do this over and over, despite all  
6 the demonstrations from the videographers that this made them  
7 uncomfortable, that they didn't like it, but that they would  
8 keep doing it because they needed the money. And they truly  
9 did need the money. The average monthly salary in Indonesia is  
10 about \$200.

11 THE COURT: One thing I want to caution you. I am a  
12 stickler about staying within the facts in the presentence  
13 report because there's a notice and chance to respond, and we  
14 got into that a little bit. Mr. Nolder had to respond last  
15 minute.

16 So let's just stay with the presentence report. I  
17 mean, we know what happened here. I don't think you need to  
18 embellish this. It's horrible what happened.

19 MR. CULLMAN: Yes, Your Honor.

20 THE COURT: Not even Mr. Bedra denies that. But as  
21 far as the impoverishment and so on, that's not in the  
22 presentence report.

23 MR. CULLMAN: So in the Statement of Facts -- in the  
24 Statement of Facts in the Plea Agreement and in the  
25 government's sentencing memorandum, we set out some of these

1 conversations between --

2 THE COURT: The Plea Agreement is fine. That's under  
3 oath. At least the Statement of Facts are under oath, but a  
4 memorandum is not. Particularly from Mr. Bedra's side.

5 MR. CULLMAN: Yes, Your Honor.

6 The only reason why these individuals in Indonesia did  
7 this was because they needed the money. No one is denying  
8 that. That's been demonstrated time and again. In the  
9 response that Mr. Nolder filed to Your Honor's notice, he  
10 quoted from the BBC investigation where -- and he quoted a  
11 videographer that was interviewed as part of that  
12 investigation.

13 THE COURT: What I want to do, I don't want this to  
14 bleed into things that aren't in the record. I suggested that  
15 there be an attempt to modify the presentence report. That  
16 hasn't happened, that's fine.

17 I guess my point to you is, the facts of this case  
18 that no one disputes, that are in this presentence report, are  
19 horrible. I think we should just stay with those.

20 MR. CULLMAN: Yes, Your Honor.

21 What the defendant did was demeaning and degrading to  
22 these videographers. What the defendant did was offer small  
23 amounts of money to create videos where monkeys' limbs are  
24 severed; where monkeys, the skin is removed from their face;  
25 where they are punctured with needles in their genitals and

1 other areas; where a heated screwdriver is inserted into a  
2 monkey's anus.

3 And they reveled in this. This was -- they loved to  
4 see this. They dove into it when one of these videos would be  
5 published to the group, and they got true joy out of this.

6 And as he said, this was something he was doing hours  
7 upon hours, over and over. That was his conduct. That's the  
8 nature and circumstances of his offense, was to spend his life  
9 enjoying videos of baby monkeys, these vulnerable baby monkeys,  
10 that would -- that were, you know, clinging to the  
11 videographers, as we have seen, and torturing them in the worst  
12 way possible.

13 And they would spend their time creating new ways in  
14 which this conduct could evolve, including the monkey adoption  
15 program where someone could take ownership over a monkey. Even  
16 if they couldn't get a monkey in their hands, this was the next  
17 closest thing that they could do to getting a monkey in their  
18 hands, was to own a monkey that was over in Indonesia and  
19 control the manner in which -- be the only one that controlled  
20 the manner in which that monkey was tortured. And they were  
21 willing to pay money for that because it gave them joy, right?

22 They weren't just observing videos that someone else  
23 had created. They weren't just paying videographers for videos  
24 that had already been made. What they wanted to do was be the  
25 ones to say exactly how that monkey would be tortured. They

1 wanted to see that their vision was brought to life. And it  
2 was sick, and it was poison.

3 What we need to do is expose that and then impose a  
4 sentence that tells society that this is a serious offense,  
5 that it's harmful to society when this sort of conduct occurs,  
6 and that it will be punished seriously, and there will be a  
7 sentence that reflects the seriousness of the harm that was  
8 done.

9 I do want to talk about the characteristics of the  
10 defendant. And I appreciate the words that he has said here  
11 today, but I think that there is also another side to that. We  
12 have seen in the PSR, in the statements that are reflected  
13 there to the therapist and in the letters, that it appears that  
14 the defendant has a real problem not minimizing his conduct and  
15 talking about himself being a reluctant participant, as being  
16 someone who just posted a website, and these other people did  
17 things that made him uncomfortable but he felt locked in.

18 That's not what happened. That's not what we see in  
19 the PSR. That's not what we see in any of the documents that  
20 are before the Court. He loved this stuff. The fact that he's  
21 minimizing his conduct when he's seeking help, the fact that  
22 he's minimizing his conduct, draws into question whether or  
23 not -- how serious he is about getting better.

24 And then, of course, you know, after this supposed fog  
25 had lifted, after the search warrant, we have the pretrial

1 release violation report, right, where we have this person who  
2 is supposedly a different person. He's his true self now.  
3 What's he doing? He's creating AI images of Chase the dog  
4 being lowered into a shredder, Elmo staring at Big Bird's  
5 aching cloaca, Oscar the Grouch throwing bags of children into  
6 the lake.

7 It's not the exact same conduct that he is charged  
8 with, but it certainly bears a lot of similarities to that  
9 conduct and again calls into question this story that we're  
10 hearing about him being a completely new person and someone who  
11 is not going to engage in this conduct again.

12 There is very shocking similarities between what he  
13 did while on release, while he knew what he was doing was going  
14 to be monitored, and apparently couldn't help himself engaging  
15 in very similar conduct.

16 I think that general deterrence is very important, as  
17 well as --

18 THE COURT: Excuse me one second.

19 (The Court conferring with the law clerk off the record.)

20 THE COURT: I'm sorry. Go ahead.

21 MR. CULLMAN: General deterrence is important because,  
22 as we have seen, this is a market that is driven strictly by  
23 the demand, right? The supply of these videos matches exactly  
24 the demand. The people in Indonesia aren't going to be  
25 creating these if they're not getting paid. They're going to

1 create it when someone pays them money to do that.

2 So if we reduce the demand here in the United States,  
3 we automatically reduce the amount of this conduct that's  
4 actually occurring.

5 So general deterrence cannot only accomplish, you  
6 know, putting a stop to people in the United States engaging in  
7 this conduct, it can actually put a stop to the conduct  
8 occurring at all. Because if you reduce the demand, you reduce  
9 the supply, and so the -- to the extent that there is a  
10 sentence that sends a message that this is a serious crime,  
11 that it will be punished severely, and that deters people from  
12 requesting these videos, fewer videos will be made, fewer  
13 monkeys will be tortured. General deterrence is an important  
14 factor here in this case.

15 I do also want to just mention, you know, I appreciate  
16 that Mr. Bedra is seeking help, but I would draw the Court's  
17 attention to the entire series of reports that we got from  
18 these therapists.

19 The first one did not -- did not characterize  
20 Mr. Bedra as having autism or Asperger's whatsoever. And if we  
21 look at the way in which his life has been described, the  
22 vice-president of his high school class, having long-standing  
23 friendships, getting together with friends monthly to drink  
24 beers, all of that stands in stark contrast to the later report  
25 from the therapist in which he reports that he has difficulty

1 reading social cues, that he has difficulty maintaining social  
2 relationships, that he has difficulty naming his emotions.  
3 All that happens later.

4 I do think that's important because obviously they are  
5 asking for Your Honor to take into consideration the latter  
6 diagnosis in crafting a sentence, and that's an important  
7 characteristic of this defendant.

8 Obviously this was a serious offense. This was a  
9 crime of almost unspeakable cruelty and darkness, and the  
10 sentence should reflect that.

11 For all these reasons, the government asks that this  
12 Court impose a significant sentence that punishes the defendant  
13 for his behavior which caused so much pain and suffering and  
14 which sends the clear message that this sort of conduct cannot  
15 be tolerated in our society.

16 Thank you.

17 THE COURT: Ms. Pennington, anything from the  
18 probation office?

19 MS. PENNINGTON: Not at this time, Your Honor.

20 THE COURT: Thank you for your work in this case.

21 Mr. Nolder, anything additional?

22 MR. NOLDER: Your Honor, I guess I just would point  
23 out that if you look at page 138 of ECF 3-4, it says that Ron  
24 has been diagnosed with ADHD, Tourette's syndrome, persistent  
25 depressive disorder, and anxiety disorder. That was a document

1 signed on August 30, 2023.

2 I would also note that the government hasn't even  
3 touched upon the need to avoid unwarranted sentencing  
4 disparities under 3553(a)(6). Again, the perfect data point is  
5 Herrera's case. There may be a few differences, maybe, as far  
6 as role is concerned, but the conduct is the same.

7 So we would ask the Court to take that into  
8 consideration in determining whether a variance is appropriate,  
9 as well as the ultimate landing point on a sentence that is  
10 sufficient but not greater than necessary.

11 THE COURT: Thank you.

12 I did tell Mr. Nolder he gets the last word, but you  
13 may respond to that Mr. Cullman if you wish.

14 MR. CULLMAN: Certainly.

15 There have not been many of these monkey torture cases  
16 that have come. Of the three that I'm aware of and that we  
17 referenced in our brief, Mr. Herrera did go first. The other  
18 two, again, same conduct. A lot of this looks very similar.

19 Those sentences were significantly more --  
20 significantly longer than Mr. Herrera's. I believe they were  
21 in the neighborhood of 48 to 51 months. Those followed  
22 Mr. Herrera. Those courts did not follow the outcome that we  
23 saw in Herrera's offense. Obviously Mr. Nolder is correct that  
24 he was the first in the door and, I believe, did receive  
25 acknowledgment of that at sentencing.

1           Nonetheless, even the sentences that have already been  
2 handed down have been very distinct from the one that  
3 Mr. Herrera received. Frankly, given the horrific nature -- I  
4 wasn't at that sentencing; but given the horrific nature of  
5 these crimes, a sentence similar to what Mr. Herrera received  
6 would not adequately reflect the seriousness of this offense or  
7 do justice to the conduct that occurred.

8           THE COURT: Well, to be precise, you can't tell from  
9 the record, and I can't either, whether he received a  
10 cooperation agreement.

11           MR. NOLDER: It's part of his presentence report. I  
12 mean, we have all done this long enough that I can readily  
13 guess that he did. I don't know the extent of that. But if  
14 you look at his guidelines, they would be right in line with  
15 Mr. Bedra's except for maybe a three-point enhancement for  
16 role.

17           So at best, he was an 18.1 starting out.

18           THE COURT: Because I don't know the degree of his  
19 cooperation, it's hard to compare. That's my only point.

20           MR. NOLDER: Well, yes. What we don't know about the  
21 other two cases, we don't know the defendant's criminal  
22 histories in those other two cases either.

23           So obviously the data point here that I'm trying to  
24 draw is Bedra and Herrera are co-conspirators. Bedra and  
25 Herrera have Criminal History Category I's. Bedra and

1 Herrera's conduct, as evidenced by the Statement of Facts in  
2 Herrera's case, is not far off.

3 So we think that's a benchmark that the Court has to  
4 consider to avoid unwarranted sentencing disparities.

5 THE COURT: All right. Thank you.

6 Mr. Bedra, would you please stand.

7 Mr. Bedra is before me for sentencing after pleading  
8 guilty to two counts. Count 1 is conspiracy to create and  
9 distribute animal crush videos, in violation of Chapter 18 of  
10 the United States Code Section 371. Count 2 is distribution of  
11 animal crush videos, in violation of Chapter 18 of the United  
12 States Code Section 48.

13 After the Supreme Court case in *Booker v. United*  
14 *States*, I'm to walk through a three-part analysis.

15 The first is to correctly compute the sentencing  
16 guideline range. There are objections in this case from both  
17 sides, but my computation is 33 to 41 months. I'll preserve  
18 both of those objections, by the way.

19 The second step is to look at the guidelines  
20 themselves to see if there are any appropriate departure  
21 grounds. Some may be close, but I think better considered  
22 under the third step, which is to look at a series of factors  
23 under the federal criminal code at Section 3553(a).

24 The first factor comes in two parts. I'm to look at  
25 the nature and the circumstance of this offense and at the same

1 time look at Mr. Bedra's personal history and characteristics.

2 The presentence report lays out in much detail the  
3 conduct in this case, which no one has denied is dark,  
4 egregious, and truly horrible.

5 We have small, young monkeys, macaques to be exact,  
6 who were videoed at the behest of Mr. Bedra, and the degree of  
7 cruelty is difficult to describe. There are limbs severed.  
8 There is skin ripped off. There is a red-hot screwdriver used  
9 to sodomize a young monkey. And I could go on.

10 This conspiracy took place for close to a year. In  
11 addition to causing all of this to happen, as we have discussed  
12 with regard to the objections earlier addressed, we also have  
13 the situation where Mr. Bedra created not one, but two websites  
14 to promote all of this. Also had a raffle of sorts where a  
15 person could earn an opportunity to be able to direct the  
16 videographer to perform these kind of horrible acts.

17 So the Court looks at this conduct as depraved.  
18 Completely fits the statute.

19 Mr. Nolder discussed this in detail, which was  
20 helpful. To commit this offense, all these things or something  
21 close to them has to happen. There is nothing in the statute  
22 that has a lower threshold for a simple suffering.

23 So I do start with the point that he has made, made it  
24 well, that the guideline is picking up an offense that already  
25 has a very high level of extreme cruelty before the statute can

1 be -- the offense creating the statute can be committed.

2 So we begin with that as the nature of the offense.

3 I'm also to look at Mr. Bedra's personal history and  
4 characteristics. There's a lot here. I always appreciate  
5 psychological evaluations. Sometimes that can provide great  
6 insight in the type of sentence that's appropriate. I have  
7 read all three of the reports.

8 I'll start with Dr. Predmore, a licensed psychologist  
9 here in Franklin County. She describes three major symptoms:  
10 Attention deficit hyperactivity disorder, persistent depressive  
11 disorder, anxiety disorder.

12 Dr. Skinner has diagnosed autism spectrum disorder. I  
13 want to spend a moment on that. That certainly can explain  
14 behavior on the internet to a point, but only to a point. I  
15 note that he is set by Dr. Skinner at level one; and on the  
16 three levels, he is the lowest. I also note he has a master's  
17 degree. He's been gainfully employed in some important work,  
18 particularly that with disabled children.

19 So if he has autism, he has managed to navigate it for  
20 his life. It may explain more of an obsession with viewing a  
21 computer, but I'll leave it at that.

22 I mention, if I haven't, that there is no criminal  
23 record in this case, which is always a factor for the Court to  
24 consider.

25 I do want to note that pretrial services officer

1 Dennis McCafferty, who is here, filed a report, most recently  
2 just two days ago, reminding the Court that Mr. Bedra, in the  
3 summer, used AI, artificial intelligence, to create images  
4 depicting harm to animal characters, which the Court finds  
5 disturbing and will also be a factor in sentencing.

6 I'm glad he's receiving cognitive behavioral therapy,  
7 that he's taking this situation and trying to turn it into  
8 whatever kind of positive it can be. So I give him credit for  
9 that.

10 I'm next to look at any statements made by the  
11 Sentencing Commission. Mr. Nolder has mentioned a couple.  
12 Having zero criminal points indicates a very good likelihood of  
13 successful recidivism, which I will consider.

14 The guidelines in this case impose two additional  
15 points for use of a computer. The commission has called that  
16 into question in the child pornography area for the simple  
17 reason that the crime is almost always committed now with the  
18 use of a computer and that adding something as an enhancement  
19 to what should be built into the base offense level violates  
20 one of the essential principles of the guidelines. I'm not  
21 sure in that case that results in anything more than what the  
22 case deserves.

23 I will pass along a comment. With regard to the  
24 four-point enhancement for sadomasochistic conduct, the  
25 commission hasn't been as critical of that guideline. That

1 isn't always the case. In an animal crush video, it would have  
2 to be, just by the nature of the statute. So to that extent,  
3 there is a bit of a double-counting. Not, in the Court's view,  
4 to change the Court's view of whether the sentencing guideline  
5 range is, at least, not overstated.

6 The last issue to discuss is to avoid unwarranted  
7 sentence disparities. In other words, to make sure that the  
8 sentence imposed in this case is not disproportionate to  
9 sentences other people are given.

10 There's not a large universe of cases here, and I'm  
11 reluctant to look at a particular case and feel guided by it.  
12 First, for the simple reason that another district judge  
13 doesn't control any other district judge as far as precedent.  
14 Second, there are oftentimes factors that are beyond the cold  
15 record of a case, including the degree of cooperation of  
16 another defendant sentenced in another district.

17 So there are a lot of things to consider in this  
18 sentence. There is an extreme amount of sadism in this case,  
19 prolonged suffering, and sort of the conduct that, by any  
20 definition, should fit the statute, which has a high threshold  
21 to start with.

22 In addition, there is this organizational role that we  
23 have talked about where these videos were made accessible to  
24 many others by way of a website created and controlled by  
25 Mr. Bedra.

1           So the Court has to put all of those factors together.  
2           I am not convinced that the guidelines capture everything  
3           that's happened in this case.

4           First, the type of offense -- again, I credit  
5           Mr. Nolder's persuasive argument that the guidelines track the  
6           statute because the statute takes such a high threshold; that  
7           this is in the heartland, as he would argue. There's truth to  
8           that, but there's also a couple of aggravating factors the  
9           guideline does not -- even though there's an enhancement for  
10          role, doesn't completely pick up exactly how long this took  
11          place and how organized the websites were and particularly the  
12          issue involving the raffling off of a monkey to be abused.

13          And then last, despite the remedial care Mr. Bedra has  
14          received, he was still found to be creating images depicting  
15          harm to animals. This time by AI, which is different, I  
16          understand, from a legal standpoint, than doing it with real  
17          animals. Nonetheless, it doesn't indicate successful  
18          acceptance of responsibility, and it doesn't indicate a good  
19          way forward to rehabilitation.

20          So putting all of this together, it will be the  
21          judgment of the Court that the defendant shall serve a term of  
22          imprisonment of 54 months. I do recommend that he be placed in  
23          Ashland, Kentucky.

24          By the way, he will serve that amount on each of the  
25          counts, and they will run concurrently.

1 I find no ability to pay a fine. None will be  
2 imposed. There is no issue of restitution. He will pay a  
3 special assessment in the amount of \$200.

4 There are a list of special conditions of supervision  
5 that I am going to adopt verbatim.

6 First is he participate in a program of mental health  
7 and assessment; that he not possess anything remotely connected  
8 to images of animal crush videos or any violence against  
9 animals.

10 He shall not own any animals, and he will submit to  
11 the installation of software to monitor computer activities  
12 through the probation officer and also comply with the standard  
13 internet monitoring agreement put together by the probation  
14 office of this court.

15 Are there any other sentencing issues or objections  
16 either side would like me to address?

17 Mr. Nolder?

18 MR. NOLDER: Not other than what I have already  
19 articulated.

20 THE COURT: All right. This is the Sixth Circuit  
21 we're in. You all know the *Boston* case. I'm going to note  
22 your objections for record.

23 MR. NOLDER: And that would include the variance  
24 issue.

25 THE COURT: Yes, all noted.

1 MR. CULLMAN: Briefly, did Your Honor impose a term of  
2 supervised release to follow?

3 THE COURT: I did not. Thank you for reminding me.

4 The term of supervised release will be three years on  
5 each count, and they will run concurrently.

6 I understand there is a Plea Agreement in this case --  
7 I'm sorry. A waiver of appeal in the Plea Agreement in this  
8 case.

9 MR. CULLMAN: Yes, Your Honor.

10 THE COURT: Mr. Nolder, outside of Court, I would ask  
11 you if you could discuss with Mr. Bedra where that leaves him  
12 as far as options.

13 MR. NOLDER: I will.

14 THE COURT: All right. Are there any other matters we  
15 need to address?

16 MR. CULLMAN: Not from the government, Your Honor.

17 MR. NOLDER: The issue of self-surrender, Your Honor.

18 THE COURT: Yes. Any objection from the government  
19 for self-surrender?

20 MR. CULLMAN: No, Your Honor.

21 THE COURT: So, Mr. Bedra, you will be notified of  
22 where you are to report. You won't be arrested today.

23 Will you assure me that you will be there at the  
24 precise time directed?

25 THE DEFENDANT: Yes, Your Honor.

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THE COURT: All right. It will probably be in a couple of weeks. Mr. Nolder can fill you in on more of that.

Thank you very much. With that, we'll be in brief recess.

(Proceedings concluded at 11:15 a.m.)

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C E R T I F I C A T E

I, Crystal Hatchett, RPR, CRR, do hereby certify that the foregoing is a true and correct transcript of the proceedings before the HONORABLE EDMUND A. SARGUS, JR., Judge, in the United States District Court, Southern District of Ohio, Eastern Division, on the date indicated, reported by me in shorthand and transcribed by me or under my supervision.

s/Crystal Hatchett  
Crystal Hatchett, RPR, CRR  
Official Federal Court Reporter  
April 8, 2025.