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1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 UNITED STATES OF AMERICA,)
5)
6 -VS-) DOCKET NO. 1:20-CR-00296-JPB
7)
8 AMANDA CHRISTIAN,)
9)
10 DEFENDANT.)

11 TRANSCRIPT OF CHANGE OF PLEA PROCEEDINGS
12 BEFORE THE HONORABLE J.P. BOULEE
13 UNITED STATES DISTRICT JUDGE
14 MARCH 23, 2022

15 APPEARANCES:

16 ON BEHALF OF THE GOVERNMENT:

17 TAL COHEN CHAIKEN, ESQ.
18 NATHAN PARKER KITCHENS, ESQ.
19 BABASIJIBOMI MOORE, ESQ.
20 ASSISTANT UNITED STATES ATTORNEY

21 ON BEHALF OF THE DEFENDANT:

22 JAMES GABRIEL BANKS, ESQ.

23 STENOGRAPHICALLY RECORDED BY:

24 PENNY PRITTY COUDRIET, RMR, CRR
25 OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
ATLANTA, GEORGIA

1 (PROCEEDINGS HELD VIA ZOOM TECHNOLOGY AT 10:05 AM,
2 ATLANTA, GEORGIA)

3 COURTROOM DEPUTY CLERK: The Court has set aside time
4 this morning for a change of plea hearing in case United
5 States v. Christian, case 1:20-CR-296.

6 Counsel, will you please make your appearance for the
7 record.

8 MS. CHAIKEN: Good morning, your Honor. Tal Chaiken
9 for the United States. And with me on behalf of the
10 government is Nathan Kitchens from my office, CG Moore from
11 the Department of Justice's fraud division, Special Agents Joe
12 Stites and Steffan Bublitz from the FBI, and Jeff Hale from
13 the IRS.

14 MR. BANKS: Good morning, Judge. Gabe Banks on
15 behalf of Ms. Christian. And Ms. Christian is present on the
16 Zoom hearing.

17 THE COURT: Good to see everyone.

18 If we could please swear in the defendant.

19 (The defendant was duly sworn)

20 THE COURT: All right. Thank you, Ms. Oduka.

21 Under Section 2 of the Northern District of Georgia's
22 General Order 20-04 the Court finds that this hearing cannot
23 be further delayed without serious harm to the interests of
24 justice.

25 Mr. Banks, do I understand correctly that you've

1 discussed handling this hearing by Zoom with your client and
2 that she consents to handling it by Zoom and waives her
3 personal appearance in court before me?

4 MR. BANKS: Yes, your Honor.

5 THE COURT: Okay. And, Ms. Christian, let me ask you
6 as well. Do you waive your personal appearance in court
7 before me and consent to doing this by Zoom video conference?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Okay. Thank you.

10 Ms. Chaiken, if you could please verify the
11 signatures on the plea agreement.

12 MS. CHAIKEN: Yes, your Honor.

13 Ms. Christian, do you have a copy of the guilty plea
14 and plea agreement? It's a 20-page PDF.

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: And have you had an opportunity to review
17 this document with your attorney?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: On page 17, above where it says your
20 name, is that your signature?

21 THE DEFENDANT: Yes, ma'am.

22 MS. CHAIKEN: And, Mr. Banks, above where it says
23 your name on page 17, is that your signature?

24 MR. BANKS: It is.

25 MS. CHAIKEN: Ms. Christian, on page 18 above where

1 it says your name, is that your signature?

2 THE DEFENDANT: Yes, ma'am.

3 MS. CHAIKEN: And, Mr. Banks, on page 19 above where
4 it says your name, is that your signature?

5 MR. BANKS: Yes.

6 MS. CHAIKEN: Thank you, your Honor.

7 THE COURT: Thank you.

8 Ms. Christian, before I can accept your plea of
9 guilty, I need to go over several matters with you. As we go
10 through this process, if anything I state is unclear, let me
11 know and I will repeat or rephrase it for you.

12 It's important that you understand not only my
13 statements to you but also my questions. You need to
14 understand my questions so that you can answer them
15 truthfully. A failure to truthfully answer any question could
16 result in additional charges being brought against you.

17 Also, as I ask questions, please answer the questions
18 out loud. This will allow the court reporter to take down
19 your responses so we can have an accurate record of these
20 proceedings.

21 Do you understand, ma'am?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: How old are you?

24 THE DEFENDANT: Thirty-four.

25 THE COURT: How far did you go in school?

1 THE DEFENDANT: I have a bachelor's degree.

2 THE COURT: In the last 24 hours have you taken any
3 drugs, medicine, pills or had any alcoholic beverages to
4 drink?

5 THE DEFENDANT: I take Claritin for my allergies
6 daily. And I'm on birth control pills.

7 THE COURT: I assume that those don't, but those
8 don't affect your judgment or actions in any manner or your
9 ability to understand these proceedings and enter a knowing
10 plea, do they?

11 THE DEFENDANT: No, sir.

12 THE COURT: Have you been treated recently for any
13 mental illness or addiction to alcohol or drugs?

14 THE DEFENDANT: No, sir.

15 THE COURT: And, Mr. Banks, are you aware of any
16 issues regarding your client's competence to enter a plea this
17 morning?

18 MR. BANKS: No, your Honor.

19 THE COURT: I'll now review with you the rights,
20 ma'am, you're guaranteed under the Constitution and laws of
21 the United States. I want to be sure that you understand your
22 rights and by entering this plea of guilty, you're giving up
23 many of these rights.

24 Do you understand that under the Constitution and
25 laws of the United States you have the right to plead not

1 guilty and have a trial by jury?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand that you're entitled to
4 a speedy and public trial on the charge against you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that you have the right
7 to be represented by an attorney throughout all proceedings
8 and if you cannot afford an attorney, one will be appointed to
9 represent you at no cost to you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that if you pled not
12 guilty and went to trial, at the trial you would be presumed
13 to be innocent and that the government would have to overcome
14 the presumption and prove you guilty beyond a reasonable
15 doubt?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand that at a trial you
18 would not have to prove that you were innocent because the
19 burden would be on the government to prove you're guilty
20 beyond a reasonable doubt?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you understand that at a trial you
23 would have the right to subpoena witnesses which would be an
24 order from the Court compelling their appearance at trial to
25 testify on your behalf?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you understand that during a trial
3 witnesses for the government must come to court and testify in
4 your presence?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you understand that your attorney
7 would have the opportunity to cross-examine the witnesses for
8 the government, object to evidence offered by the government
9 and offer evidence on your behalf?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you understand that at a trial, while
12 you would have the right to testify if you chose to do so, you
13 also would have the right not to testify?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And do you understand that if you chose
16 not to testify or put on any evidence, those facts could not
17 be used against you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that in order to
20 convict you at a trial, the jury would have to reach a
21 unanimous verdict that you were guilty of the crime with which
22 you're charged?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: If I accept your plea of guilty, you will
25 not have a trial and a jury will not decide your guilt, but I

1 will find you're guilty of the charge based on your admission
2 that you're guilty. Do you understand?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Are you willing to give up your right to
5 a trial and proceed with a plea of guilty at this time?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: You earlier verified your signature on
8 the plea agreement that you've entered into with the
9 government. In a moment I will ask the Assistant US Attorney
10 to review the terms of the agreement other than the factual
11 basis for the plea and the penalties which we will discuss a
12 bit later in the proceeding;

13 After that, I will be asking you whether the
14 agreement as presented accurately reflects your understanding
15 of the agreement that you have reached with the government.

16 Ms. Chaiken.

17 MS. CHAIKEN: Thank you, your Honor.

18 Paragraph one of the plea agreement sets forth
19 Ms. Christian is pleading guilty to Count 34 because she is,
20 in fact, guilty of that offense.

21 Paragraphs 2 through 6 set forth an acknowledgment
22 and a waiver of the rights the Court just covered with
23 Ms. Christian.

24 Paragraph 7 through 9 sets forth an acknowledgment
25 of the penalties associated with the offense to which

1 Ms. Christian is pleading guilty, which I understand we'll be
2 reviewing in a moment.

3 Paragraph 11 provides the government's agreement not
4 to bring further charges related to the charge to which
5 Ms. Christian is pleading guilty.

6 Paragraphs 12 through 15 set forth a series of
7 guideline stipulation; specifically, that the base offense
8 level is Section 2B1.1, that a 16-level upward adjustment will
9 apply under Section 2B1.1(b)(1)(h) because the amount of loss
10 is between 1.5 million and 3.5 million, that there will not be
11 a two-level adjustment pursuant to Section 2B1.1(b)(10) for
12 sophisticated means, and that there will not be a two-level
13 upward adjustment for obstruction of justice.

14 Paragraph 16 provides the government's agreement to
15 recommend an adjustment for acceptance of responsibility to
16 the maximum extent authorized by the guidelines subject to the
17 exceptions that are set forth in that paragraph.

18 Paragraph 17 provides the parties' agreement that
19 each party reserves the right to make recommendations for
20 sentencing and that there are no agreements on the guidelines
21 other than those mentioned in the agreement.

22 Paragraph 18 provides that the United States reserves
23 the right to modify its sentencing recommendation if it
24 receives additional information that's relevant to those
25 issues.

Paragraph 19 provides that the -- that Ms. Christian agrees to cooperate truthfully and completely with the government, including producing all records requested, making herself available for interviews, responding truthfully to all government inquiries, and at the government's request testifying at trial or another proceeding.

Pursuant to paragraph 20 Ms. Christian consents to direct contact with the government outside the presence of her counsel for purposes of cooperation.

Paragraph 21 provides the government's agreement to abide by Section 1B1.8 of the sentencing guidelines and not to use information previously unknown to the government for sentencing guidelines purposes with the caveat that if Ms. Christian is not truthful or candid in her cooperation, she may be prosecuted for perjury, false statements, obstruction and all the information may be used against her.

Paragraph 22 provides the government's agreement to a conditional 5K or Rule 35 motion if the defendant provides substantial assistance.

It provides Ms. Christine's understanding that the government alone will determine if she provided substantial assistance. And that while the government may recommend a sentence reduction if it files a motion, the ultimate decision on any sentence reduction would rest with the Court.

Pursuant to paragraph 23 the government agrees to

1 recommend a sentence at the low end of the guideline range
2 subject to the caveat in Paragraph 16 regarding acceptance of
3 responsibility.

4 Pursuant to paragraph 24 the United States agrees to
5 make no specific recommendation as to the fine to be imposed.

6 Paragraph 25 provides Ms. Christian's agreement to
7 pay \$835,540 plus applicable interest and restitution to the
8 three victims who are identified in the plea agreement.

9 Paragraphs 26 and 27 provide Ms. Christian's
10 agreement to forfeiture of any assets that were seized in
11 connection with this case.

12 Paragraph 28 provides the government's -- I'm sorry,
13 Ms. Christian's agreement to pay a special assessment of \$100.

14 Paragraphs 29 through 33 provide Ms. Christian's
15 agreement to cooperate fully in the collection of any
16 restitution or fine pursuant to the terms that are laid out in
17 those paragraphs.

18 Paragraph 34 provides Ms. Christian's -- that
19 Ms. Christian understands that the recommendations in the plea
20 agreement are not binding on the Court.

21 Paragraph 35 sets forth an appeal waiver, which I
22 would like to read in full into the record.

23 To the maximum extent permitted by federal law the
24 defendant voluntarily and expressly waives the right to appeal
25 her conviction and sentence and the right to collaterally

1 attack her conviction and sentence in any post-conviction
2 proceeding including but not limited to motions filed pursuant
3 to 28 United States Code, Section 2255, on any ground except
4 that the defendant may file a direct appeal of an upward
5 departure or upward variance above the sentencing guideline
6 range as calculated by the district court.

7 Claims that the defendant's counsel rendered
8 constitutionally ineffective assistance are excepted from this
9 waiver.

10 The defendant understands that this plea agreement
11 does not limit the government's right to appeal, but if the
12 government initiates a direct appeal of the sentence imposed,
13 the defendant may file a cross-appeal of that same sentence.

14 Paragraph 36 sets forth the standard FOIA and Privacy
15 Act waiver.

16 And paragraph 37 provides that there are no other
17 agreements between the parties other than those set forth in
18 the plea agreement.

19 THE COURT: Thank you.

20 Ms. Christian, does that accurately reflect the
21 agreement that you believe you've reached with the government?

22 THE DEFENDANT: Yes, sir.

23 MR. BANKS: Judge, if I may, I may have heard it
24 wrong, but on paragraph 13, provision B, I thought she said
25 2B1.1(b)(1)(H). I think the loss amount is correct, 1.5 to

1 3.5, but (b)(1)(H), if I heard it correctly, actually provides
2 for a loss amount of 550 to 1.5. I do believe it's correctly
3 reflected in the plea agreement, I just thought I heard her
4 say (b)(1)(H) as opposed to (b)(1)(I), if that makes sense.
5 So I just wanted to make that notation on the record.

6 MS. CHAIKEN: I do believe I misspoke, your Honor.
7 The plea agreement does set forth that the applicable
8 adjustment is 2B1.1(b)(1)(I). And I think I correctly stated
9 the loss amount of between 1.5 and 3.5 million, but I did
10 reference the wrong subsection. So my apologies to the Court
11 for that.

12 THE COURT: Okay. Very well. Sounds like we've got
13 it cleared up now, so thank you.

14 Ms. Christian, with that correction does that
15 accurately reflect the agreement that you believe you've
16 reached with the government?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand that any provisions in
19 the agreement regarding recommendations to be made by the
20 government are not binding on the Court? In other words, if I
21 choose not to follow some recommendation the government makes,
22 do you understand that you will still be bound by your plea of
23 guilty and would not be entitled to withdraw the plea based on
24 the Court not following the recommendation?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Is this the only agreement that you've
2 entered into with the government?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Other than the terms of this agreement
5 has any promise of any kind been made to cause you to plead
6 guilty?

7 THE DEFENDANT: No, sir.

8 THE COURT: Per the terms of the plea agreement, the
9 United States Attorney for the Northern District of Georgia
10 has agreed not to bring any additional charges related to the
11 offense to which you're pleading guilty.

12 Other than those terms has anyone threatened or
13 forced you to plead guilty or told you if you do not plead
14 guilty further charges will be brought against you and other
15 adverse action taken against you?

16 THE DEFENDANT: No, sir.

17 THE COURT: Mr. Banks, are you aware of any plea
18 agreement or promise being made to your client other than
19 what's been discussed here this morning?

20 MR. BANKS: No, your Honor.

21 THE COURT: In a moment I will ask the Assistant US
22 Attorney to state the elements of the offense to which you're
23 pleading guilty. The elements of the offense are those
24 matters that the government must prove beyond a reasonable
25 doubt in order to convict you of the charge.

1 Ms. Chaiken.

2 MS. CHAIKEN: Thank you, your Honor.

3 Ms. Christian will be pleading guilty to Count 34 of
4 the second superseding indictment, which charges conspiracy to
5 commit wire fraud in violation of Title 18 United States Code,
6 Section 1349.

7 The elements of conspiracy to commit wire fraud are
8 as follows:

9 One, two or more persons in some way or manner agreed
10 to try to accomplish a common and unlawful plan to commit wire
11 fraud as charged in the indictment;

12 And, two, the defendant knew the unlawful purpose of
13 the plan and willfully joined in it.

14 The elements of wire fraud in turn are as follows:

15 One, the defendant knowingly devised or participated
16 in a scheme to defraud someone by using false or fraud
17 pretenses, representations or promises.

18 Two, the false pretenses, representations or promises
19 were about a material fact.

20 Three, the defendant acted with the intent to
21 defraud.

22 And, four, the defendant transmitted or caused to be
23 transmitted by wire some communication in interstate commerce
24 to help carry out the scheme to defraud.

25 THE COURT: Thank you.

1 Ms. Christian, do you understand those are the
2 elements that the government would have to prove beyond a
3 reasonable doubt to convict you of the charge?

4 THE DEFENDANT: I'm sorry, your Honor, can you repeat
5 that, please.

6 THE COURT: Sure. Ms. Chaiken just listed the
7 elements of the offense to which you're pleading guilty. And
8 I'm asking you if you understand that those are the elements
9 that the government would have to prove beyond a reasonable
10 doubt in order to convict you of the charge?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right.

13 In a moment I will ask the Assistant US Attorney to
14 summarize the evidence that the government would expect to
15 present at trial to prove each of these elements. In other
16 words, these are what the government contends are the facts of
17 the case.

18 It's necessary for the government to state these
19 facts because I must determine whether there is a factual
20 basis for you to enter this plea of guilty.

21 After this statement I will ask you whether you
22 disagree with any of the facts as stated by the prosecutor.
23 If you do, tell me and we will discuss those facts at that
24 time.

25 Ms. Chaiken.

1 MS. CHAIKEN: Thank you, your Honor.

2 If this case were to go to trial, the United States
3 would prove by admissible evidence and beyond a reasonable
4 doubt the following facts.

5 The Paycheck Protection Program, known as the PPP,
6 was authorized as part of the Coronavirus Aid, Relief, and
7 Economic Security Act to provide forgivable loans to eligible
8 small businesses.

9 Under the PPP small businesses could apply for loans
10 that must be used for payroll expenses, interest on mortgage,
11 rent and/or utilities.

12 The amount of the PPP loan that a business could
13 receive was generally two-and-a-half times, or 250 percent, of
14 the business' average monthly payroll cost.

15 While the United States Small Business Administration
16 oversaw the PPP, individual PPP loans were issued by private
17 approved lenders, including CDC Small Business Finance.

18 The PPP borrower application form asks the applicant
19 to provide information related to their loan application,
20 including the amount of the business' average monthly payroll,
21 the number of the business' employees and the purpose of the
22 loan, with options for payroll, lease and mortgage interest,
23 utilities and/or other.

24 The lender then used this information to calculate
25 the amount of the loan that the business was eligible to

1 receive.

2 The application form also included certain
3 representations and certifications, including certifications
4 as to the accuracy of the information included in the
5 application itself and in any supporting documents, and the
6 certification that the funds would be used to retain workers
7 and maintain payroll or to make mortgage interest payments,
8 lease payments and utilities payment.

9 The Defendant Amanda Christian conspired with Daryl
10 Thomas, Denesseria Slaton and others to submit fraudulent PPP
11 loan applications for three businesses: Advertising and Then
12 Some, Inc., purportedly owned by Ms. Christian, Mickey's Auto
13 and Tire, known as Mickey's, which is purportedly owned by
14 Rick McDuffie, and Transportation Management Services, Inc.,
15 which is purportedly owned by Bern Benoit.

16 On or around August 10th of 2020, Mickey's
17 electronically submitted a PPP loan application to CDC Small
18 Business Finance. In its PPP loan application Mickey's
19 represented that it had 67 employees and an average monthly
20 payroll of \$314,864 and that it would use the funds for
21 payroll. In reality Mickey's has no employees and no average
22 monthly payroll.

23 To support its payroll figures Mickey's submitted
24 with its PPP loan application fabricated IRS form 941s, which
25 are employer's quarterly federal tax returns, for several

1 quarters of 2019.

2 Mickey's also submitted with its application
3 fabricated payroll spreadsheets for 2019 and for January 1st
4 through May 31st of 2020.

5 Based on the untrue statements in Mickey's PPP
6 application and the accompanying documents, CDC Small Business
7 Finance deposited approximately \$787,160 into Mickey's account
8 at Woodforest Bank. However, with the exception of \$5,125 the
9 funds were frozen and ultimately returned to CDC Small
10 Business Finance because Woodforest Bank suspected the deposit
11 was fraudulent.

12 Ms. Christian facilitated Mickey's fraudulent PPP
13 loan by directing Mr. McDuffie regarding Mickey's PPP loan
14 application. For example, she directed Mr. McDuffie to
15 provide information and documentation necessary for the
16 submission of the loan and provided that information and
17 documentation to other individuals acting on Daryl Thomas'
18 behalf, knowing that Mickey's did not have any employees and
19 that Daryl Thomas would use the information and documentation
20 to submit a fraudulent PPP loan application on behalf of
21 Mickey's

22 THE COURT: All right. Thank you.

23 Ms. Christian, do you disagree with any of the facts
24 as stated by the Assistant US Attorney?

25 MR. BANKS: Judge, if I may just briefly on behalf of

1 Ms. Christian. We don't dispute that there's a factual basis
2 for the fraud, that she participated in the fraudulent
3 conduct, that she received e-mails and sent e-mails during
4 this fraudulent scheme. What is noted in the plea agreement
5 under Paragraph 14(b) is that the parties have an agreement to
6 dispute about whether -- what role or aggravating role, if
7 any, she played in this fraudulent scheme. And to the extent
8 that any of the factual basis speaks to the role, we would ask
9 respectfully that we be able to present evidence at the
10 appropriate time at the sentencing hearing to contest that as
11 is permitted by the plea agreement.

12 Other than that, I do believe that she would admit to
13 the factual basis.

14 THE COURT: All right. Thank you, Mr. Banks.

15 Ms. Christian, subject to the caveats as stated by
16 your attorney, do you disagree with any of the facts as stated
17 by the Assistant US Attorney?

18 THE DEFENDANT: No, sir.

19 THE COURT: I want to go over those elements with you
20 that Ms. Chaiken outlined earlier and see if you admit each of
21 those.

22 First off, do you admit that two or more persons in
23 some way or manner agreed to try to accomplish a common and
24 unlawful plan to commit wire fraud as charged in the
25 indictment?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And do you admit that you knew the
3 unlawful purpose of the plan and willfully joined in it?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you admit that you knowingly devised
6 or participated in a scheme to defraud someone by using false
7 or fraudulent pretenses, representations or promises?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you admit that the false pretenses,
10 representations or promises were about a material fact?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you admit that you acted with the
13 intent to defraud?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And, finally, do you admit that you
16 transmitted or caused to be transmitted by wire some
17 communication in interstate commerce to help carry out the
18 scheme to defraud?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Ms. Chaiken, if you could please state
21 the potential penalties that the defendant faces for the
22 charge, including any maximum penalty and any mandatory
23 minimums?

24 MS. CHAIKEN: Yes, your Honor.

25 Ms. Christian faces the following maximum and

1 mandatory minimum penalties as to Count 34:

2 The maximum term of imprisonment is 20 years.

3 There is no mandatory minimum term of imprisonment.

4 The authorized term of supervised release is zero to
5 three years.

6 There's a maximum fine of \$250,000 or twice the gain
7 or twice the loss, whichever is greatest.

8 There's also full restitution, a mandatory special
9 assessment of \$100 and forfeiture of any property, real or
10 personal, constituting or derived from the proceeds of the
11 scheme directly or indirectly as a result of the offense.

12 THE COURT: Thank you.

13 Ms. Christian, do you understand those are the
14 possible penalties you could receive in this case?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you understand that it's not possible
17 for me to state to you today what your sentence will be?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that in deciding your
20 sentence, I will consider the sentencing guidelines and that
21 the sentencing guidelines are advisory, which means that I
22 have the discretion to impose a sentence that is either within
23 the guidelines, greater than the guidelines or less than the
24 guidelines?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: In the plea agreement that was reviewed
2 with you earlier, you waived certain appeal rights. I want to
3 be sure that you understand the meaning of that waiver.

4 Let me first state to you the rights you would have
5 if you did not waive or give up those rights.

6 The defendant in every criminal case has the right to
7 file a direct appeal immediately after her conviction and
8 sentence. In that appeal, you may raise any issues concerning
9 the handling of your case in this court that you wish to
10 raise.

11 Those issues would be reviewed by the Court of
12 Appeals. If errors were found, the Court of Appeals could
13 order that action be taken to correct those errors.

14 Besides that right to a direct appeal, you would have
15 an additional opportunity for review of your case by filing a
16 writ of habeas corpus pursuant to 28 USC, Section 2255.
17 That's another opportunity for you to challenge the legality
18 of your conviction and/or your sentence. These are the rights
19 that every defendant has unless she waives or gives them up.

20 In your plea agreement you have, for the most part,
21 given up these rights. Your right of review will be limited
22 to three specific circumstances:

23 First, if after calculating the sentencing guidelines
24 that apply to your case, I then impose a sentence that is
25 greater than the guidelines, you would have a right to file a

1 direct appeal challenging that sentence.

2 Second, if the government files an appeal for any
3 reason, you have a right to file a cross-appeal raising any
4 issues that you wish to raise.

5 Finally, you always reserve the right to challenge
6 constitutionally ineffective assistance of counsel.

7 But aside from these three very narrow circumstances,
8 you will have no right of appeal and will be essentially bound
9 by my decision. Do you understand that, ma'am?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Mr. Banks, have you reviewed the rights
12 with your client such that you're comfortable she understands
13 both her rights and her waiver of those rights?

14 MR. BANKS: I have, Judge.

15 THE COURT: And, Ms. Christian, do you understand
16 that parole has been abolished in the federal system and if
17 you're sentenced to prison, you will not be released early on
18 parole?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you understand that you may be
21 sentenced to a term of supervised release that will follow any
22 term of imprisonment and will include rules governing your
23 conduct that if you violate could result in more time in
24 prison?

25 THE DEFENDANT: I'm sorry, could you repeat that.

1 THE COURT: Certainly. Do you understand that you
2 may be sentenced to a term of supervised release that will
3 follow any term of imprisonment and will include rules
4 governing your conduct which if you violate could result in
5 more time in prison?

6 THE DEFENDANT: Oh, yes, sir. Yes, sir. I missed a
7 word.

8 THE COURT: And do you understand that you may be
9 ordered to pay restitution to any victim of the offense?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you a citizen of the United States
12 Government?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And, Counsel, am I correct that
15 forfeiture is in play in this case?

16 MR. BANKS: Yes, your Honor.

17 THE COURT: Ma'am, do you understand that as part of
18 your sentence certain property that's been identified by the
19 government may be forfeited by you to the government?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Is there anything that we've talked about
22 today that you do not feel that you fully understand?

23 THE DEFENDANT: No, sir.

24 THE COURT: Have you had a sufficient opportunity to
25 talk about your case with your attorney and have your attorney

1 answer any questions that you have before entering your plea?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you satisfied with the representation
4 that your attorney has provided to you?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And how do you plead to Count 34 of the
7 second superseding indictment?

8 THE DEFENDANT: I plead guilty.

9 THE COURT: Mr. Banks, do you feel you've had a
10 sufficient opportunity to investigate your client's case and
11 advise her concerning entry of this plea?

12 MR. BANKS: Yes, your Honor.

13 THE COURT: Are you aware of any reason I should not
14 accept the plea?

15 MR. BANKS: No, Judge.

16 THE COURT: Is there anything else that you want me
17 to address with your client on the record at this time?

18 MR. BANKS: We would just ask that the Court allow
19 her to remain on bond. She has been in compliance with the
20 terms and conditions of her bond. I don't think the
21 government as long as she's been in compliance opposes that
22 request.

23 THE COURT: All right. Is that correct, Ms. Chaiken?

24 MS. CHAIKEN: That's correct, your Honor. We don't
25 oppose to her remaining on bond.

1 THE COURT: That's fine with the Court.

2 And, Ms. Chaiken, is there anything further that the
3 government wishes the Court to address?

4 MS. CHAIKEN: No, your Honor. Thank you.

5 THE COURT: I find the defendant understands the
6 charge and consequences of the plea.

7 I've observed the defendant during this proceeding
8 and she does not appear to be under the influence of any
9 substance that might affect her judgment or actions in any
10 manner.

11 The Court finds that the plea has a factual basis and
12 is free of any coercive influence of any kind.

13 I find that there have been no promises made to the
14 defendant except those set out in the plea agreement.

15 I find that the defendant is competent to understand
16 these proceedings and enter a knowing plea of guilty.

17 I find the plea is freely and voluntarily entered.

18 It's therefore ordered that the plea of guilty of the
19 defendant to Count 34 of the second superseding indictment is
20 accepted and entered.

21 Ms. Christian, you are hereby adjudged guilty of the
22 charge contained in Count 34 of the second superseding
23 indictment.

24 I will now be referring your case to a probation
25 officer who will prepare a presentence report.

1 Before I receive the report, ma'am, you and your
2 attorney will receive a copy of the report and will have an
3 opportunity to object to any findings that are in the report.

4 At your sentencing hearing I will hear from the
5 government and any witnesses that it wishes to present, and
6 from you, your attorney and any witnesses that you wish to
7 present.

8 At that time I will decide the proper sentence in
9 your case.

10 Do you understand, ma'am?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Counsel, anything else?

13 MR. BANKS: Not on behalf of Ms. Christian.

14 MS. CHAIKEN: Not from the government, your Honor.
15 Thank you.

16 THE COURT: All right.

17 Well, good to see all of you.

18 My thanks to Ms. Coudriet, our court reporter, to
19 Ms. Oduka who is our -- I guess for today still just a
20 temporary courtroom deputy but will be joining us as a
21 courtroom deputy full time in about another week. We're
22 certainly happy to have her rolling on board.

23 So, again, thanks, everyone. We are adjourned.

24 (PROCEEDINGS REPORTED WERE CONCLUDED 10:36 AM)
25

C E R T I F I C A T E

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

I do hereby certify that the foregoing pages are a true
and correct transcript of the proceedings taken down by me in
the case aforesaid.

This the 16th day of October, 2023.



PENNY PRITTY COUDRIET, RMR, CRR
OFFICIAL COURT REPORTER