

THE FOLLOWING IS THE PDF OF AN OFFICIAL
TRANSCRIPT. OFFICIAL TRANSCRIPTS MAY ONLY BE FILED IN CM/ECF
BY THE OFFICIAL COURT REPORTER AND WILL BE RESTRICTED IN
CM/ECF FOR A PERIOD OF 90 DAYS. YOU MAY CITE TO A PORTION OF
THE ATTACHED TRANSCRIPT BY THE DOCKET ENTRY NUMBER,
REFERENCING PAGE AND LINE NUMBER, ONLY AFTER THE COURT
REPORTER HAS FILED THE OFFICIAL TRANSCRIPT; HOWEVER, YOU ARE
PROHIBITED FROM ATTACHING A FULL OR PARTIAL TRANSCRIPT TO ANY
DOCUMENT FILED WITH THE COURT.

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
12
13
14
15
16
17
18
19
20
21
22
23
24
25
TRANSCRIPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE J.P. BOULEE
UNITED STATES DISTRICT JUDGE
SEPTEMBER 13, 2022

APPEARANCES:

ON BEHALF OF THE GOVERNMENT:

TAL COHEN CHAIKEN, ESQ.
NATHAN PARKER KITCHENS, ESQ.
BABASIJIBOMI MOORE, ESQ.
ASSISTANT UNITED STATES ATTORNEY

ON BEHALF OF THE DEFENDANT:

JAMES GABRIEL BANKS, ESQ.

STENOGRAPHICALLY RECORDED BY:

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

1 (PROCEEDINGS HELD IN OPEN COURT AT 10:13 AM, ATLANTA, GEORGIA)

2 COURTROOM DEPUTY CLERK: Good morning. The Court has
3 set aside time for a sentencing in the United States v. Amanda
4 Christian, Case Number 1:20-CR-296.

5 Counsel, will you please make your appearances for
6 the record.

7 MR. KITCHENS: Good morning. AUSA Nathan Kitchens.
8 And I'm here with trial attorney CG Moore, as well as FBI
9 Special Agent Joe Stites.

10 THE COURT: Good morning.

11 MR. BANKS: Good morning, Judge. Gabe Banks on
12 behalf of Ms. Christian. She is present in the courtroom.

13 THE COURT: Good to see both of you this morning as
14 well.

15 We also have a probation officer. It doesn't look
16 like Ms. Ridley back there.

17 OFFICER JEFFERS: Ms. Ridley called me and stated
18 that she had a sick child. So I'm Ken Jeffers, and I'm
19 standing in for her today.

20 THE COURT: All right. Good to see you, Officer
21 Jeffers.

22 Ms. Christian pled guilty on March 23rd this year to
23 Count 34 of the second superseding indictment for conspiracy
24 to commit wire fraud.

25 In accordance with Rule 32 of the Federal Rules of

1 Criminal Procedure the US Probation Office conducted a
2 presentence investigation and prepared a presentence report, a
3 copy of which has been provided to both the government and the
4 defense.

5 Mr. Banks, have you and your client had an
6 opportunity to read and discuss the presentence report?

7 MR. BANKS: We have, Judge.

8 THE COURT: Do you have any questions about the
9 presentence report or any amendments now other than what's
10 been previously filed?

11 MR. BANKS: No, your Honor.

12 THE COURT: Thank you.

13 I understand there were some objections but that
14 those have been withdrawn, is that correct?

15 MR. BANKS: That is correct, Judge.

16 THE COURT: All right. Very well.

17 Are there any objections or amendments now from
18 either side to the presentence report just to clarify the
19 record?

20 MR. KITCHENS: No, your Honor.

21 THE COURT: Okay. Thank you.

22 And no from you as well, Mr. Banks, correct?

23 MR. BANKS: That's true. I did drop a footnote in my
24 notice or my sentencing memorandum about her criminal history.
25 There was an issue about whether or not it was zero or one

1 point. It doesn't make a difference, but she was not
2 convicted of an open container.

3 And so although that doesn't make a difference, we
4 withdrew the objection and I provided documentation of that,
5 so...

6 THE COURT: Thank you.

7 And I'll consider that. Thank you.

8 And I assume the government has no beef with that
9 statement?

10 MR. KITCHENS: No, your Honor.

11 THE COURT: Very well.

12 I will adopt the findings of fact and conclusions of
13 law in the presentence report to which no objections have been
14 made. And I will consider without objection the statement
15 Mr. Banks made regarding the open container charge.

16 Based on the findings of fact and conclusions of law
17 the guideline calculations are as follows:

18 Base offense level of 7;

19 Adjusted offense level of 26;

20 Total offense level of 23;

21 Criminal history category of 1;

22 Recommended sentencing range of 46 to 47 months;

23 Fine guideline range of 20,000 to 4,755,568, or twice
24 the loss dollars;

25 Term of supervised release of one to three years;

1 And a special assessment of \$100.

2 Any objection to the guideline calculations as stated
3 by the Court?

4 MR. KITCHENS: No, your Honor.

5 MR. BANKS: No, Judge.

6 THE COURT: I'll now hear from the parties as to
7 recommendations for a reasonable sentence considering the 18
8 USC, Section 3553(a) factors.

9 I have reviewed both the presentence report and the
10 sentencing memorandum of both the government and the defense,
11 as well as the exhibits, including character letters in
12 support of the defendant.

13 Are there any other documents or letters for the
14 Court from either side?

15 MR. KITCHENS: No, your Honor.

16 MR. BANKS: No documents, but at some point
17 Ms. Christian will want to make a statement to the Court.

18 THE COURT: Of course.

19 Any victims present that wish to speak or present
20 evidence in connection with the evidence in this case?

21 MR. KITCHENS: No, your Honor.

22 THE COURT: Other than Ms. Christian herself, are
23 there any witnesses on behalf of the defense?

24 MR. BANKS: No witnesses on behalf of the defense.

25 However, I would note that Mr. Knox is here present in the

1 courtroom. That is Ms. Christian's fiance.

2 THE COURT: Good to see you, Mr. Knox. Thank you for
3 being here. It is always helpful for the Court to know the
4 defendant, someone that I'm sentencing, has family and friends
5 that support them. So it's important to me to see that, so I
6 appreciate your being here. And I'm sure that Ms. Christian
7 appreciates your being here as well. Thank you.

8 Mr. Banks, would you like to make an argument on
9 behalf of your client regarding sentencing?

10 MR. BANKS: Yes, Judge.

11 THE COURT: Go ahead.

12 MR. BANKS: Do you want me to approach the podium?

13 THE COURT: Wherever you're more comfortable.

14 MR. BANKS: Judge, as you know from the sentencing
15 memorandum, we've asked for a three-level reduction and
16 believe that that three-level reduction is appropriate in this
17 case.

18 Without trying to diminish or minimize her role or
19 her acknowledgment of --

20 THE COURT: You're welcome to take your mask off if
21 you would like when you're speaking. I'm going to do the
22 same.

23 MR. BANKS: Without minimizing her role or her
24 conduct and her appreciation for the offense conduct in this
25 case, Judge, I do believe that a three-level departure is

1 warranted in this case for a few reasons.

2 I think that it's not an unfair statement on behalf
3 of Ms. Christian and, frankly, maybe other defendants who have
4 come before this Court and pled guilty to similar charges that
5 she didn't start this or participate or join this scheme
6 knowing that it was a scheme initially. It's not like there
7 was a meeting whereby someone said, you're going to have to
8 falsify records or lie about the number of employees that you
9 have or lie about the amount of revenue your business is
10 generating on a yearly basis in order to qualify for a loan.
11 Rather, ads were made out on social media. And that is when
12 she met one of the co-defendants and then ultimately was
13 introduced to Daryl Thomas as well as Ms. Slaton. And at that
14 point in time they talked about ways of getting money through
15 your business through the PPP loan.

16 She participated in those three loans that she's
17 being held responsible for, Judge. I will say the timing of
18 those loans is significant. I know the government made
19 mention of -- that the timing of the loans was significant in
20 their opinion because it reflected her knowledge. But I do
21 think, as pointed out in my sentencing memorandum, she didn't
22 realize that it was a fraudulent scheme until she actually
23 signed her documents.

24 And so, for example, the Transportation and
25 Management Service, that loan was funded in May of 2020. And

1 I believe all the applications -- not just for Transportation
2 Management but the other two loans that she was a part of and
3 is being held responsible for, the applications to those
4 things were -- and the documentation for those loans were
5 provided even well in advance of that.

6 But as it concerns Transportation Management -- and
7 the reason why I'm saying she didn't know until she ultimately
8 signed off on her loan back in -- the government's documents
9 reflect June, she remembers DocuSigning her loan sometime in
10 July, but I don't think it really makes a difference because
11 ultimately there's some conduct after her executing the
12 documents.

13 But prior to executing her loan documents where there
14 were a number of employees that she knew she didn't have and
15 where there was an amount generated in terms of the amount of
16 money her business was generating, she didn't know this was a
17 fraudulent scheme. In fact, Transportation Management, she
18 didn't sign any of those documents, she didn't see the loan
19 application. And, frankly, that is the loan that was funded
20 about \$830,000, of which she received about \$20,000.

21 And so I will say that once she got her loan
22 documentation, Judge, she signed it. She did have several
23 questions about it. She posed those questions to Mr. Thomas
24 and Ms. Slaton about the number of employees and about the
25 payroll and raised that with them. They reassured her that --

1 not to worry about it but -- and she knew it was wrong.

2 Still, even after that conversation, Judge, I think
3 she knew it was wrong and it didn't set right with her, but
4 she did it anyhow. And she'll talk to you about that.

5 But that's in a nutshell. It's one thing to start
6 out in a fraudulent scheme knowing, and it's another thing to
7 get there. And I know it's a dicey argument in some respect
8 because it's arguably what you're suggesting, that is if you
9 knew about it in the beginning, you wouldn't have been
10 involved in it. But I do think that there is some credence to
11 the argument that once you're so close to the finish line and
12 then you're being told by people who have essentially been
13 ordering you around, including Mr. Thomas, you kind of
14 overlook certain things. And so she overlooked those things,
15 Judge, and she's apologetic about it.

16 But the reason why I believe that a variance is
17 warranted in this case is more about who she is. I mean, as
18 the Court knows from my papers she had a very difficult
19 upbringing. And it's not to say she wasn't raised in a loving
20 environment.

21 And, frankly, Ms. Christian and I have struggled with
22 trying to present that to the Court because even in her
23 presentence interview she feels like if she talks about the
24 tough environment in which she was raised, that she would be
25 doing a disservice to her adoptive parents, her aunt, who took

1 her on and took her sisters on. And so while she didn't know
2 her mother -- her biological mother as far back as she can
3 remember as an infant when she was turned over to her aunt,
4 she struggles with identity issues because of not knowing who
5 her biological mother was and only meeting her biological
6 mother up until the time she was 16 at a family funeral, at
7 which point her mother simply just says hello to her, doesn't
8 embrace her and just says hello, how are you doing. And
9 Ms. Christian goes back to life as normal. I don't know her.
10 I don't know who she is. I mean, I've never been embraced by
11 her. And still, to this day, I think that that is something
12 that she struggles with without knowing that she struggles
13 with it.

14 I will also say, though, to her credit, as a result
15 of being reared by a woman who took her in and showed her so
16 much love and charity, she took that kind of persona on. And
17 throughout the community she has developed her own nonprofit.
18 She has assisted at-risk youth, under-privileged communities,
19 including the elderly as well as the homeless. Her nonprofit,
20 as reflected in my sentencing memo, is Feeding Everyone Daily.
21 And it's not to say that she's every day out there on the
22 ground, boots active, feeding people, but it's a concept in
23 which she believes that the under-privileged community needs
24 to be fed every day from a spiritual perspective, from a
25 nutrition perspective, from a financial perspective and

1 certainly from certain materials that we need to survive. And
2 she has done that from -- I believe her business was formed
3 sometime in 2019, August of 2019, and then ultimately
4 incorporated in 2020.

5 And so she's been an active member of giving back
6 to the community. And I really believe that those
7 characteristics of Ms. Christian speak to the true nature of
8 who she was.

9 I think she will speak to ultimately who she is as a
10 person in her statement to the Court, but this is clearly a
11 series of choices that she made during this particular
12 fraudulent scheme that was more than a mistake she'll
13 acknowledge but was a drastic -- I mean decision, and she
14 regrets it every day. And she has an internal struggle as
15 to why she made the decision she made in this case.

16 But, Judge, based upon her background and all of her
17 family -- familial circumstances, when -- being raised, as
18 well as her community support and her efforts to give back to
19 the community, I do believe that a three-level departure is
20 warranted.

21 She is not suggesting that a sentence of probation is
22 necessary in this case. And she is not asking for probation
23 because she knows that she has to suffer the consequences of
24 what she did.

25 But at the end of the day, Judge, I would

1 respectfully suggest that a sentence of no greater than
2 33 months would be appropriate in her case.

3 With that, Judge, I don't have anything more. I know
4 Ms. Christian would like to make a statement to this court.

5 But unless the Court has any other questions, I'm happy to --

6 THE COURT: I do. I have one. It's Feeding Everyone
7 Daily, is that the name of the organization?

8 MR. BANKS: It is, Judge.

9 THE COURT: Okay. I'll just be blunt. Obviously I
10 like any member of society to do something charitable. And I
11 like to know that when I have a defendant before me for
12 sentencing, they're the type of person that's done something
13 charitable. But I always have a little bit of an antenna up
14 if someone does something after they're charged. So I'm glad
15 to see she did this starting in 2020, but I'm curious, was she
16 involved in any efforts like this before 2020 to your
17 knowledge?

18 MR. BANKS: I think -- well, if you're asking me, I
19 think she was. And I think she will be able to speak to that.
20 I think the letters of support reflect that as well. To the
21 extent that she met individuals in the community, she was
22 always very giving of her time and her energy and of her
23 resources, and so she will speak to that.

24 She will also speak to the fact that, I mean, she's
25 written a children's book about her conduct in this case and

1 what that means and about the power of forgiveness and
2 recognizing how to get forgiveness from the community and from
3 others.

4 THE COURT: Let me -- just to clarity, I still think
5 it's good that someone even after they've, for lack of a
6 better way of putting it, been caught and admitted to it, I
7 still think it's good, even at that point. Even if
8 someone has to that point in their life done nothing good for
9 anyone except themselves, I still am happy to see people then
10 go out and do something good. I'm always curious if -- I want
11 to be conscious of the fact that there may be some out
12 there -- it sounds like it's not Ms. Christian, but there may
13 be some out there that do something in preparation for their
14 sentencing hearing that they wouldn't have been involved in
15 otherwise, but it sounds like that's not the case. And I
16 think that would be reflected in the letters that I've
17 received as well.

18 MR. BANKS: That's correct, Judge.

19 Giving back to the community is a part of who she is.
20 She learned those traits from her aunt who was her surrogate
21 mother that she realizes is just really -- you couldn't tell
22 her that that's not her biological mother, but she knows -- I
23 mean, in fact, it's not, but she treats it as if it was her
24 biological mother.

25 THE COURT: I understand adoptive parents can be much

1 better than biological parents in many instances by the way.

2 MR. BANKS: And apparently that was the case here.

3 Her aunt, who served as her mother, was her saving grace.

4 The one thing that I failed to mention but it's in my
5 sentencing memorandum is that she did sit down with the
6 government and answered their questions pursuant to a proffer
7 agreement. While it didn't give rise to a 5K, and I respect
8 the government's decision, they have to make those hard calls,
9 and they are hard calls to make. And to the extent it didn't
10 give rise to a 5K, the fact that she was willing to sit down
11 with the government and own what she did and tell what she
12 knew is also something that this court should consider as
13 well.

14 THE COURT: Thank you.

15 MR. BANKS: Thank you, Judge.

16 THE COURT: Ms. Christian, I've had the benefit of
17 hearing from your counsel, both from his arguments on your
18 behalf this morning and also through the papers he submitted
19 prior to today. But if there's anything you would like to
20 personally say before I sentence you, I would be happy to hear
21 from you now. And I would be curious, as I inquired of
22 Mr. Banks, what other things you've done before founding
23 Feeding Everyone Daily in 2020.

24 THE DEFENDANT: Good morning, your Honor.

25 THE COURT: Good morning.

1 THE DEFENDANT: So first I would like to address the
2 question that you had about Feeding Everyone Daily.

3 So I've been giving back to the community since 2014.
4 Actually that's how I met my fiance. I used to have pool
5 parties, but to get into the pool party you had to bring
6 school supplies. And I would work with other non-profits. So
7 it wasn't a non-profit, but I would donate school supplies, I
8 would give back to the community in various events, but I
9 never put a name on it.

10 So in 2019 we decided to do the LLC. But the lady
11 who was doing the -- I had a consultant working on the
12 paperwork, she passed away. So that's why the paperwork
13 didn't get filed, and I didn't get the 501(c)(3) until 2020
14 because I ended up having to do it myself because the lady who
15 was doing it for me passed away. If that answers your
16 question.

17 THE COURT: It does. Thank you.

18 THE DEFENDANT: Okay.

19 I'll read my statement. To the Honorable Judge
20 Boulee, persons and officers of the court in their respective
21 places, I, Amanda Christian, am before you to make this
22 statement.

23 I would first like to express my profound -- excuse
24 me -- profuse remorse for my activity in this crime. At this
25 time I fully realize the damage and consequences of my

1 actions. I apologize for this, and I accept full
2 responsibility for my actions.

3 I grew up in the small town of Springfield,
4 South Carolina. My parents, Elizabeth and Russell Williams,
5 in their retirement years decided to take me and my sisters in
6 and raised us to believe that faith in God can and will get
7 you through anything.

8 Excuse me. I further --

9 MR. BANKS: Take your time.

10 THE DEFENDANT: I firmly believe this and have clung
11 to my faith throughout this situation. I know that they will
12 be severely disappointed in my involvement, but she would tell
13 me that God has forgiven me and that she will do so as well.

14 I've struggled and tried many times to figure out
15 what exactly that means to connect with these individuals in
16 hopes of figuring out where I went wrong. There is no doubt
17 that my naivety allowed me to trust individuals who I did not
18 know formally and did not do research with before doing
19 business with them, realizing later that some of them didn't
20 even give me their real names.

21 While naive when I met these people, the true
22 struggle that I have and have had with myself is to why when I
23 realized that when I was involved in a fraudulent scheme did I
24 go through with it anyway. I'm not sure that there is one
25 answer or a simple answer to this internal daily struggle.

1 What I do know is that my conduct in this case was
2 wrong and it will never happen again. I have learned a lot
3 from my conduct and decisions and from this situation,
4 including the criminal proceedings.

5 I wrote a children's book entitled The Adventures of
6 Amanda Panda that discusses making a mistake and asking
7 oneself for forgiveness because of my struggles.

8 I believe that this has caused me to fully appreciate
9 how wrong my conduct was in this situation, but also it has
10 taught me the power of forgiveness even when you feel as if
11 your conduct is unforgiveable.

12 I realized in 2013 that one of the reasons God put me
13 on this earth was to help people like my mother and father did
14 when they took in children whose parents did not want them and
15 raise them and love them as if they were their own.

16 Because of my mother and others in my community who
17 believed in me, I went to college and strived to work hard to
18 become a strong individual. And although life has not always
19 been great, I'm grateful in the life that I had and the
20 clients that did and still support me.

21 I made a series of bad choices in this fraudulent
22 scheme, your Honor, but I truly want you to know that those
23 decisions do not define who I really am. I will work
24 diligently for the rest of my life to help the disadvantaged
25 youth and elderly in my community for I believe that I still

1 have an opportunity to provide a service and have a positive
2 impact in this world.

3 I have my fiance, family, church family and friends
4 who have continued to stand by me, and I am so grateful for
5 their unwavering support in spite of the circumstances.

6 I would like to close by saying each one of us is
7 more than the worse thing we've ever done. There is power
8 even in understanding brokenness because embracing our
9 brokenness creates a need and desire for mercy and perhaps a
10 corresponding need to show mercy.

11 Bryan Stephenson said that. And it's with this and
12 the understanding of the grace of God that I ask you and this
13 court, your Honor, for your mercy.

14 Thank you for your time.

15 THE COURT: Thank you, ma'am. I appreciate your
16 statement.

17 Mr. Kitchens, does the government have a response?

18 MR. KITCHENS: Yes, your Honor.

19 THE COURT: And, Mr. Kitchens, one thing I would be
20 curious to hear from you about is, you know, we have now in
21 this -- I guess there are two related cases that aren't the
22 same case number, but we've had it seems like the majority of
23 the sentencings in this case at this point. I think we might
24 have several left.

25 But as far as 3553(a) is concerned, avoiding

1 sentencing disparity, it's odd because that factor almost
2 becomes more clear later in a multi-defendant case than it is
3 at the first sentencing obviously. So I would be interested
4 to hear from you about that factor in particular as well.

5 MR. KITCHENS: I'll certainly address that, your
6 Honor.

7 THE COURT: All right.

8 MR. KITCHENS: Thank you.

9 Your Honor, we read the character letters. We heard
10 the statement from Ms. Christian as well. And it is clear
11 that Ms. Christian has supportive family members and friends
12 and that she is a valuable member of her community and has
13 performed exemplary service for her community.

14 The charges and conviction ultimately do not define
15 Ms. Christian and agree with something I think she said at the
16 end of her statement, something along the lines of, you know,
17 a person is not defined by really their acts at their worse
18 moment.

19 But this ultimately is one of those difficult cases
20 where the Court is left trying to balance what has been a
21 productive life when overcoming some challenges in youth with
22 what was in the end a very, very serious crime, and one that
23 Ms. Christian had a more culpable role than some of the other
24 people who have been sentenced in this case.

25 As a result, the government's recommendation is

1 46 months, which is the low end of the guidelines range. We
2 think that low end appropriately accounts for Ms. Christian
3 both in terms of her history and circumstances and her
4 productive conduct since she's admitted responsibility in this
5 case with the serious nature of the crime and also the need to
6 avoid sentencing disparity.

7 So we think the Section 3553(a) factors support this.
8 And I'm specifically going to discuss the seriousness of the
9 offense, the need for deterrence, and the need to avoid
10 unwarranted sentencing disparities.

11 In terms of the seriousness of the fraud, there's two
12 aspects of this. First, as I know the Court is well aware,
13 we've talked about it certainly before, the nature of the
14 whole scheme itself, of course, was one that targeted a
15 government aid program at a time of national crisis.

16 The defendant and co-conspirators exploited a COVID
17 relief fund near the onset of the pandemic that wrecked the
18 economy, and that was a much-needed lifeline for businesses
19 that were suffering in the early days of the pandemic.

20 As we've discussed in the memo, really even -- this
21 is not a victimless crime in the sense that the money that was
22 taken with these fraudulent loans and the three of them was
23 money that could have been used to help other businesses that
24 were really in dire straits.

25 The second part of this is the defendant's specific

1 role and her leadership role in the fraud. Ms. Christian was
2 a little bit of a unique situation compared to some of the
3 defendants because she was both a loan applicant as well as
4 someone that assisted as sort of a middle person with some of
5 the other loans.

6 So she had total involvement in three loans, which,
7 you know, we certainly have seen some individuals, Mr. Thomas,
8 of course, being the most notable, that -- and Ms. Slaton,
9 that had involvement in multiple loans. I believe that
10 Ms. Christian may be the first one we've seen other than
11 Mr. Thomas that was both an applicant as well as someone that
12 helped facilitate loans for other people. That makes her, I
13 think, in our view more culpable than some of the individual
14 businessowners that have been sentenced in this case both in
15 terms of the number of loans involved and the role in
16 facilitating the other fraudulent loans.

17 I think in many ways -- and I think this is
18 ultimately when we talk about sentencing disparities, the
19 argument is that Ms. Christian's conduct was in many ways akin
20 to Dee Slaton and Charles Petty, where those defendants, you
21 know, also helped facilitate others to obtain fraudulent
22 loans, but those defendants, as we'll talk about, didn't apply
23 for loans themselves as Ms. Christian did.

24 Ms. Christian, you know, I think in the sentencing
25 memorandum argues that essentially that she was a middle woman

1 and kind of in the middle of the scheme. And we certainly
2 agree that she was by no means the mastermind. She was not by
3 any stretch the most culpable. That clearly was Mr. Thomas.
4 She did not have any role in fabricating the documents. She
5 did not necessarily know the specific falsehoods in some of
6 the other business loans aside from her own. But in the end,
7 Ms. Christian was still a level above the other businessowners
8 that have been sentenced in this case. She provided specific
9 instructions, helped facilitate their loans. And we'll talk
10 about a little bit some of those steps in particular.

11 I think the primary -- one of the arguments I heard
12 for the variance, and this was in the defendant's sentencing
13 memorandum, too, was that Ms. Christian did not know initially
14 at the onset when she first started to pursue this road that
15 this was necessarily something fraudulent, that that
16 recognition came further down the line. That, of course, I
17 think, you know, is likely true. I think that is true. And I
18 think we've heard that from some of the other defendants and
19 businessowners as well, that that was true.

20 What makes this situation, again, a little bit
21 different, and in our view makes Ms. Christian more culpable
22 than the other businessowners was really -- I think the
23 evidence is clear here that in the end, you know, there was no
24 mistake about her understanding that when she reached kind of
25 the key decision points, she knew exactly what she was doing

1 and she knew that it was fraudulent.

2 Specifically what we see is while it was the case
3 that some businessowners did not even sign their applications,
4 they provided information initially, and then they had money
5 that hit their accounts on the back end, Ms. Christian
6 actually did. She filled out -- as we noted in Exhibit 1 of
7 our sentencing memorandum, she DocuSigned an application
8 knowing that Advertising and Then Some did not have the number
9 of stated employees, that -- the payroll numbers and
10 everything that was filled out in that application. So she
11 knew certainly by that step when she DocuSigned that
12 application that this was fraudulent.

13 I think tellingly is what happens a few weeks after
14 that, and that's when Ms. Christian helps facilitate the
15 fraudulent loan for Mickey's. It's a few weeks later that
16 Mr. McDuffie came to her office to sign the borrower
17 resolution form for Mickey's, a key step in getting the
18 fraudulent loan for that case. So it would have been readily
19 apparent by the time that Ms. Christian DocuSigned her own
20 loan that this was not something on the up-and-up, that what
21 Daryl Thomas was doing was fraudulent.

22 And it was a few weeks later, you know, rather than
23 making the decision, you know what, I'm going to stop, return
24 the money, you know, whatever I need to do, this clearly is
25 not what I thought it was, she takes a step of helping to

1 facilitate another fraudulent loan for nearly \$800,000.

2 I think there was an argument about Ms. Christian
3 suggesting that she had a lower level -- she obtained a fairly
4 low level of proceeds compared to some of the other
5 businessowners, which is true, but I think as we explained in
6 the memorandum the reasons for that is really not to be
7 credited to her own, you know, recognition of wrongdoing and
8 attempts to stop it. With each of those cases, the amount
9 that ultimately was owed is small, not through her own efforts
10 or her own choices but through the diligence of investigators.

11 With the Advertising and Then Some the US Secret
12 Service detected there was fraud. They interviewed her. And
13 when it was apparent that it was under investigation, she
14 returned -- the money was at that point seized.

15 With Mickey's, the victim in that case caught the
16 fraud early from McDuffie's loan. And as a result, McDuffie
17 had spent only about \$5,000 before the bank froze the
18 remainder of the money.

19 With Transportation Management the government was
20 able to seize nearly \$500,000 for the loan amount that was
21 taken. So it is certainly the case that Ms. Christian only
22 received a small amount of the proceeds, but in each of those
23 instances it was because investigators had essentially,
24 whether the bank or the government, had detected that there
25 was fraud with those loans.

1 So this is not a case where Ms. Christian had second
2 thoughts. To the contrary. When she had that moment that
3 should have been a clarity call that this is fraud, this is
4 not the path I want to pursue, she has Mr. McDuffie come to
5 her office a couple weeks later to do another loan.

6 So this all ties into the second factor, which is the
7 need for deterrence. This is not a case I think where the
8 facts would suggest or the history and characteristics of
9 Ms. Christian would suggest that there's a strong need for
10 specific deterrence. She has that one prior conviction which
11 I think is appropriately described by the defense, I think
12 it's a minor violation. But this is something where I think
13 general deterrence again comes into play. And I know we've
14 made this argument before, but we think it is a significant
15 factor with these particular types of cases, the PPP fraud
16 cases.

17 The Eleventh Circuit has certainly laid out the
18 general standard for why this is important in fraud-based
19 offenses because deliberation is such a key part of the
20 offense.

21 The second part of that, and this is the one we think
22 is particularly important with PPP fraud, is the government
23 with its resources is only able to capture only a fraction of
24 the fraudulent activity that may be out there. That's
25 certainly true with PPP fraud. The government could spend all

1 its resources, could decide we're no longer going to prosecute
2 drug cases, violent crime, whatever, and spend everything on
3 PPP fraud and it still would just make a dent in the overall
4 problem because the full extent of the PPP fraud --

5 THE COURT: That's a real shame.

6 MR. KITCHENS: It is. And it's -- you know, and,
7 again, it's kind of the nature of how it was set up. It was
8 set up as a lifeline at a point when the country needed
9 resources to try to get the money out quickly and with limited
10 oversight. And that was a trade-off the government decided to
11 make given the desperate times. But we're left with a
12 situation where, yeah, there is not the ability or resources
13 to prosecute the number of people that took advantage of that
14 program. And that really heightens the need in cases like
15 this, as the Court has done previously, of sending a strong
16 message, that if you engage in this type of fraud, if a
17 circumstance -- and let's hope something like this does not
18 come up again, this is not a time to take advantage of
19 government aid programs that are truly needed by people in
20 more desperate situations.

21 The last point is the unwarranted sentencing
22 disparities. And I know this is the Court's concern and
23 flagged at the beginning. We, again, believe that the most
24 similar defendants to Ms. Christian is Dee Slaton and Charles
25 Petty based on their role in packaging and helping to

1 facilitate other fraudulent loans. All three of them, again,
2 were not -- they essentially were what were described, as the
3 defense said, as basically middle people in the scheme. They
4 were by no means the most culpable but they were a level above
5 and to the level of sophistication and understanding beyond
6 what the individual businessowners showed for their one-time
7 loans.

8 I think, again, that in this case I will say that
9 there's some differences with Dee Slaton and Charles Petty.
10 Most notably I think to the negative, I guess, for those two
11 defendants, they had prior criminal history. They were
12 previously convicted of fraud-related offenses. And their
13 criminal history scores were adjusted and higher than
14 Ms. Christian's as a result. And so that certainly affected
15 their guidelines range. But they also differ in other ways
16 from Ms. Christian that I think casts Ms. Christian in a more
17 aggravating light.

18 Again, as we discussed, Ms. Christian applied for her
19 own loan, which Dee Slaton and Charles Petty did not, and that
20 was a loan that Ms. Christian personally DocuSigned.

21 Ms. Christian was involved in three different loans,
22 including her own. Charles Petty had involvement in only one
23 loan that he helped package and facilitate.

24 Ms. Slaton provided substantial assistance to the
25 United States, and the government provided a 5K motion based

1 on her assistance. In this case, as is noted in the
2 defendant's sentencing memorandum, Ms. Christian did meet with
3 us, she did talk with us. She provided information, admitted
4 her own fault in the scheme. But it was not something that
5 ultimately resulted in information that we could use at this
6 point.

7 And, you know, of course, as we noted as well when
8 she was initially confronted by the Secret Service in her
9 initial interview, she was not truthful, which affected her
10 ability certainly to cooperate in this case as well.

11 So Ms. Christian really in the end had equal roles to
12 both of those. And all of those, both Dee Slaton and Charles
13 Petty, actually were facing the same guidelines range once the
14 adjustments were made. I think Dee Slaton was higher but
15 because of the 5K she was down to 46- to 57-month sentence.
16 And both of those defendants received low-end guideline
17 sentences of 46 months, which is what we would recommend here.

18 We think that that is the appropriate one, sentence
19 here. There's nothing really particularly unique in a
20 mitigating factor to Ms. Christian compared to those two. And
21 there's some aggravating factors based on the level of her
22 involvement in multiple different loans.

23 So in the end we think a 46-month sentence
24 appropriately takes into account all of the 3553(a) factors
25 and is a fair result for Ms. Christian as well as the just

1 result given the seriousness of the offense in this case.

2 THE COURT: Thank you.

3 Is there any other matter that the Court needs to
4 take up or anything else from either side before I issue the
5 sentence in this case?

6 MR. BANKS: Judge, no. I was -- I'm sorry.

7 OFFICER JEFFERS: That's okay. Go ahead.

8 MR. BANKS: Mr. Knox was pointing to me. I know I
9 did not give advance notice to this court. When I stepped
10 away from the podium, he asked if he could say words.

11 THE COURT: I would be happy to hear from Mr. Knox.

12 And then, Officer Jeffers, did you have something?

13 OFFICER JEFFERS: Your Honor, while reviewing
14 counsel's memorandum, I did note that he's correct, it does
15 not impact the criminal history score; however, if it is a
16 suspended license, it would not be countable pursuant to 4A1.2
17 (d) -- or 4A1.2(c). Therefore, if she receives a custodial
18 sentence, because BOP goes off points, not the criminal
19 history category, it could affect her designation to some
20 degree.

21 With your permission I would like to research that a
22 little bit further and if that is a suspended sentenced -- or
23 suspended license sentence, amend the report to remove that
24 point.

25 THE COURT: Okay. Mr. Kitchens, I'm guessing that

1 you don't have a dog in that fight?

2 MR. KITCHENS: That's correct, your Honor. I
3 appreciate the offer to do more research. And we have no
4 objection to that.

5 THE COURT: Okay. And does that mean that I should
6 have Ms. Lee hold off on the J and C until you've done that?

7 OFFICER JEFFERS: No, sir. There's no need to do
8 that, we would just modify the presentence report before we
9 submit it to the BOP.

10 THE COURT: Okay. Very well. Well, I'll let you
11 leave that open. And can you have that done in a week?

12 OFFICER JEFFERS: I'll have it done today, your
13 Honor.

14 THE COURT: All right. Even better. Thank you.

15 Mr. Knox, if you would like to come forward, sir.

16 MR. KNOX: Good morning, everybody. I just wanted to
17 try to come and speak to her character a little bit.

18 She said she started giving back in 2014, but it was
19 actually 2013 when I met her at the aforementioned pool party
20 that required school supplies to get in, to donate. And since
21 then she's made efforts every year, whether it be through
22 church or through her own efforts, to provide these things to
23 different students.

24 I think she's at a different church now, I don't go,
25 but we have gotten together supplies. She's gotten supplies

1 to adoptive families through the entire time I've known her.

2 She's always been a person to kind of just take
3 everything on herself. So even when her mother passed at a
4 young age and she has a lot of siblings that's older than her,
5 it was her that took on the responsibility of the family,
6 handled everything with that. The sisters that her parents
7 took in along with her, she always promised her mom that she
8 would take care of them. So every year, her, sometimes even
9 myself, we go in and get them school clothes and get them
10 school supplies every year.

11 And I tell a quick story just to illustrate what I
12 mean, and then I'll leave you guys to --

13 THE COURT: Mr. Knox, you have as much time as you
14 would like, okay?

15 MR. KNOX: Okay.

16 There was -- one morning she was cooking breakfast.
17 And I don't know if she remembers this, but she got
18 lightheaded. And I didn't realize what was going on at the
19 time, but she had almost passed out because earlier she had
20 went to give blood to pay the taxes on her mother's house.
21 And her mother's house had several able-bodied adults working
22 there, but just because she takes all of that kind of stuff on
23 herself, even at risk to her own health, you know, she went on
24 ahead and tried to get everything taken care of.

25 She's often there for people who aren't there for

1 her. She's often -- I don't want to be redundant, but she's
2 often there for people who -- she often is there for people
3 who won't return the favor to her.

4 But she's one of the best people I know. She has
5 inspired me to give back also. And I even started a business,
6 a trucking business so that I could get people who couldn't
7 get jobs and may have had trouble and helped them out and get
8 them -- get them employed, even some of the times that, you
9 know, they couldn't get a license, whether they had fees or
10 child support, I even paid that just to get them on the road
11 just to provide them opportunities. And not about me, all
12 that is thanks to her.

13 I just wanted to speak to the high level of character
14 that she has. She's allowed my father who lived -- who took
15 care of my grandmother until she died at 95 to come and live
16 with us now at his older age and declining health. And she
17 cooks for him and does all these kind of things specifically
18 for him just to make sure that he's okay and she does that for
19 him and me.

20 It's just -- I could go on all day, but I just wanted
21 to appeal to the Court to please just show mercy. She means
22 everything to me and a lot of other people. Thank you.

23 THE COURT: Thank you, Mr. Knox.

24 Just because I always like to have counsel have the
25 last word if they want it before I sentence someone, anything

1 else from either the government or the defense?

2 MR. KITCHENS: Nothing else from the government, your
3 Honor.

4 MR. BANKS: Just that she would be able to be
5 designated to a facility as close to South Carolina -- I'm
6 presuming you would ask me that, judge?

7 THE COURT: I was.

8 MR. BANKS: And so as close to South Carolina as
9 possible, with a facility that has all of the tools and
10 training programs that would -- that she could avail herself
11 to under the First Step Act. But that's it, Judge.

12 And we would also ask -- I think her aunt has a
13 surgery at the beginning of November. I don't know if that
14 puts it out 60 days or 90 days, but in terms of turning
15 herself in, I think most have asked or some have asked for 60.
16 I just don't want her to miss that surgery. So I would ask
17 for 90.

18 She has been in compliance with all the bond
19 conditions. Obviously she traveled up here from South
20 Carolina today to be here. So I don't think that her
21 designating -- or her reporting to a designated facility would
22 be a problem in this case.

23 THE COURT: Mr. Kitchens, is 90 days an issue for the
24 government?

25 MR. KITCHENS: In light of that, I think that's

1 reasonable. We would not have an objection.

2 THE COURT: All right. And what's -- there's some
3 magic language I always forget given how people are designated
4 and when they have to be there. Is it no earlier than
5 90 days, is that what I'm supposed to say for the record?

6 MR. KITCHENS: I think we have been using that
7 language. With 90 days I think that certainly will give the
8 Bureau of Prisons plenty of time to make the designation
9 decision.

10 THE COURT: Very well.

11 I'm struggling a bit on this one, but the range that
12 I'm struggling over is pretty small. But I think I need a few
13 minutes.

14 So it's 11:00. Let's take until 11:10, okay.

15 Thanks, everyone.

16 (After a recess, the proceedings continued at 11:11
17 as follows:)

18 THE COURT: Ms. Christian, if you can please stand.

19 Pursuant to the Sentencing Reform Act of 1984, it's
20 the judgment of the Court that you, Amanda Christian, are
21 hereby committed to the custody of the Federal Bureau of
22 Prisons to be imprisoned for a term of 46 months custody as to
23 Count 34.

24 You must pay to the United States -- I'm sorry. I
25 misspoke. I had some initial notes, and I took that ten

1 minutes to think about it, and my new sentence is imprisoned
2 for a term of 41 months custody as to Count 34. I apologize.

3 You must pay to the United States a special
4 assessment of \$100 due immediately. The assessment should be
5 paid to the Clerk of the US District Court for the Northern
6 District of Georgia.

7 The Court finds that you do not have the ability to
8 pay a fine and cost of incarceration. The Court will waive
9 the fine and cost of incarceration in this case.

10 It's further ordered that you shall make restitution
11 in the amount of \$835,542 for distribution to the following
12 victims:

13 Cross River Bank, \$805,504.49.

14 Small Business Administration, \$24,912.51.

15 CDC Small Business Finance, \$5,125.

16 Restitution shall be paid in full immediately.

17 Ma'am, you can be seated while I read some additional
18 portions of your sentence.

19 You must pay the above-noted financial penalties in
20 accordance with the schedule of payment sheet of the judgment.
21 Payment of criminal monetary penalties is due during the
22 period of imprisonment. All criminal monetary penalties
23 except those payments made through the Federal Bureau of
24 Prison's Inmate Financial Responsibility Program are to be
25 made to the Clerk, US District Court, 2211 US Courthouse,

1 75 Ted Turner Drive, Southwest, Atlanta, Georgia, 30303.

2 Any balance that remains unpaid at the commencement
3 of the term of supervision shall commence within 60 days after
4 release from imprisonment on the following terms:

5 Payable at a rate of no less than \$250 monthly to the
6 US District Court Clerk.

7 You must notify the Court of any change in economic
8 circumstances that might affect the ability to pay this
9 financial penalty.

10 The Court determines that you do not have the ability
11 to pay interest, and it is ordered that the interest
12 requirement is waived for restitution.

13 If applicable, forfeiture of your right, title and
14 interest in certain property is hereby ordered consistent with
15 the plea agreement and verdict of forfeiture. The United
16 States shall submit a proposed order of forfeiture forthwith,
17 or have we done that?

18 OFFICER JEFFERS: Your Honor, very quickly, could you
19 make that restitution joint and several with any co-defendants
20 as well?

21 THE COURT: Yes.

22 MR. KITCHENS: I will have to look at the docket to
23 make sure and figure out if there was.

24 THE COURT: Very well.

25 Upon release from imprisonment you'll be on

1 supervised release for a term of three years. You must comply
2 with the mandatory conditions of release.

3 You must not commit another federal, state or local
4 crime.

5 You must not unlawfully possess a controlled
6 substance.

7 You must refrain from any unlawful use of a
8 controlled substance.

9 The drug testing condition is suspended based on the
10 Court's determination that you pose a low risk of future
11 substance abuse.

12 You must cooperate in the collection of DNA as
13 directed by the probation officer.

14 You must make restitution in accordance with 18 USC,
15 Sections 3663 and 3663(a) or any other statute authorizing a
16 sentence of restitution.

17 As part of your supervised release, you must comply
18 with the standard conditions of supervision. These conditions
19 are imposed because they establish basic expectations for your
20 behavior while on supervision and identify the minimum tools
21 needed by probation officers to keep informed, report to the
22 Court and bring about improvements in your conduct and
23 condition. The standard conditions of supervision will be
24 included in the judgment.

25 You must comply with the following special conditions

1 during the term of supervised release:

2 You must make full and complete disclosure of your
3 finances and submit to an audit of your financial documents at
4 the request of your probation officer.

5 You must provide the probation officer with full and
6 complete access to any requested financial information and
7 authorize the release of any financial information. The
8 probation office may share the financial information with the
9 United States Attorney's Office.

10 You must not incur new credit charges or open
11 additional lines of credit without the approval of the
12 probation officer.

13 You must submit your person, property, house,
14 residence, vehicle, papers, computers, other electronic
15 communications or data storage devices or media or office to a
16 search conducted by a US probation officer. Failure to submit
17 to a search may be grounds for revocation of release. You
18 must warn any other occupants that the premises may be subject
19 to searches pursuant to this condition.

20 An officer may conduct a search pursuant to this
21 condition only when reasonable suspicion exists that you
22 violated a condition of your supervision and that the areas to
23 be searched contain evidence of this violation. Any search
24 must be conducted at a reasonable time and in a reasonable
25 manner.

1 You must permit confiscation and/or disposal of any
2 material considered to be contraband or any other item which
3 may be deemed to have evidentiary value of violations of
4 supervision.

5 The defendant is to report for service in 90 days
6 from today's date.

7 Release conditions previously established continue to
8 apply.

9 Failure to report for service of the sentence is a
10 criminal offense.

11 Did we decide, Mr. Kitchens, that since it's 90 days
12 I don't need to say that "no earlier than"?

13 MR. KITCHENS: I think that's right, your Honor.

14 THE COURT: Although the Court does not have the
15 authority to select the detention facility, it can recommend
16 the detention facility to the Bureau of Prisons. And I
17 respectfully request that the Bureau of Prisons hold her as
18 close to South Carolina as possible where she has supportive
19 family and friends. And that she be allowed to participate to
20 the fullest extent to activities under the First Step Act.

21 This sentence is made in view of the sentencing goals
22 delineated in 18 USC, Section 3553(a) and the parties'
23 arguments as to those factors, including:

24 The nature and circumstances of the offense and the
25 history and characteristics of the defendant;

1 The need for the sentence imposed to reflect the
2 seriousness of the offense, to afford adequate deterrence and
3 to protect the public;

4 The kinds of sentences available;

5 The kinds of sentence in the sentencing range
6 established for the applicable category of offense committed
7 as set forth in the sentencing guidelines;

8 Any pertinent policy statement;

9 The need to avoid sentencing disparity;

10 The need to provide restitution to victims.

11 This sentence meets the criteria of punishment,
12 deterrence and incapacitation and is sufficient but not
13 greater than necessary to comply with the directives of
14 Section 3553(a).

15 Based on these considerations I find this is a just
16 and appropriate sentence particularly in light of some factors
17 I'll now discuss.

18 And I fumbled there when I read the most important
19 part of today's proceedings, which was the months in custody
20 when I said 46 originally and then changed it to 41, and
21 that's what I was struggling with.

22 I think for a lot of reasons this is a guideline case
23 and that based on my initial review of all the papers and
24 everything I had seen coming into today was where I was
25 headed.

1 But I was worried about this. And as Mr. Banks and
2 Mr. Kitchens know and court personnel, every hearing and every
3 sentencing in every courtroom in this courthouse we say
4 sufficient but not greater than necessary. It's part of what
5 we say because it's part of what's important. And as a judge
6 the last thing you ever want to do is wake up, you know, when
7 it's too late for you to change it and think, gosh, I gave
8 that person more time than I should have. If I wake up, you
9 know, after the time I can change it expires and I think I
10 maybe was a little too soft, that doesn't feel good. But when
11 somebody's in jail -- in prison and I later on think about it
12 more and think, gosh, I gave them too much, even if it's only
13 by five months, I've toured federal prisons, I wouldn't want
14 to serve five minutes there much less five more months. So I
15 think every hour is important, certainly every month is
16 important.

17 And here that's what I was struggling with. And at
18 the end of the day I decided that varying downward one level,
19 not the three that the defense requested, I thought that that
20 was appropriate.

21 And I came to this sentence based on the entirety of
22 my review of the factors. But I think one important factor
23 for an ultimate variance was what I saw about the history and
24 characteristics of the defendant.

25 It's rare that I don't have a defendant that comes in

1 that has some family issue or done something else good in
2 their life or at least has a mother or father or sister or
3 brother who thinks they're a good person, that they did
4 something good for in the course of their life. But I think
5 in Ms. Christian's instance, she goes above and beyond that
6 and has gone above and beyond to serve others throughout her
7 life more so than most. And I think that that's a factor that
8 caused me, along with these other factors, to vary down one
9 level, not three.

10 I also think varying down one level is consistent for
11 sentencing disparity when I look at overall -- the overall
12 case here. I think many people have gotten guideline
13 sentences, but many others have gotten a little bit below the
14 guideline. There have been a lot of -- Mr. Kitchens, I don't
15 know how you find your defendants but there's been just a lot
16 of special interesting outlier-type situations in this case,
17 whether it's been their own personal medical issues or extreme
18 care for parents or other things. And I think that
19 Ms. Christian, her outlier is that she's done more I think
20 than others have for other people, including this latest thing
21 about feeding the hungry.

22 Importantly that variance is not just because of
23 that, it's when I consider all these factors. And, again, I
24 think sentencing disparity is important. And I think going
25 down one level means that there's not sentencing disparity

1 here.

2 As to deterrence, I think the government makes an
3 incredibly compelling argument about general deterrence. I am
4 disgusted that some have decided to take a program that our
5 executive and legislative branches passed to do something good
6 when our nation and our world was in crisis. I mean, it's
7 easy sitting here in late 2022 to think, oh, COVID was bad but
8 maybe it wasn't horrible. But you think back to 2019 and 2020
9 and what was going on, this behavior back then, you know, we
10 didn't know how this was going to turn out. And Ms. Christian
11 abused the charity of her own government and our tax dollars.
12 And I think it's a serious offense and warrants considerable
13 jail time. And that's why I struggled and was very tempted to
14 go with the government's recommendation of 46 months,
15 especially when I considered some factors about her statements
16 to the Secret Service, the fact that she was involved in not
17 one loan but three, the fact that she not only received a loan
18 for her own company but also assisted others. There were a
19 lot of good reasons, and I think the government made a
20 compelling argument for that 46-month sentence.

21 But all things considered -- and I got distracted on
22 the deterrence front. Although I think the general deterrence
23 is strong here and the reason for the sentence is strong here,
24 I think the specific deterrence is weak here. I don't suspect
25 that Ms. Christian will engage in additional behavior of this

1 type based on what I've learned about her.

2 One moment while I review my notes.

3 Again, I was asked to vary, and I decided to vary
4 down one level for reasons stated after consideration of the
5 entirety of the 3553(a) factors.

6 Before I advise the defendant of her appeal rights,
7 does the government or the defense have any further objections
8 to the findings of the Court, the guideline calculations or
9 the sentence or manner in which it's been pronounced?

10 MR. KITCHENS: No objections, your Honor.

11 MR. BANKS: No objections, Judge. I mean,
12 Ms. Christian did whisper in my ear, this came after she was
13 interviewed, she did not alert the pretrial interviewer of
14 this fact but apparently she has been using alcohol
15 excessively lately, not that she's drinking and driving, but
16 she is concerned about that. And to the extent that is a
17 substance that can be abused, I would ask the Court to
18 recommend RDAP.

19 THE COURT: The Court does recommend RDAP. I assume
20 the government has no objection to that? And, Officer
21 Jeffers, any thought?

22 MR. KITCHENS: I think typically we would have a
23 little more of a record before making a recommendation for
24 that.

25 I was just seeing paragraph 149 of the PSR describes

1 substance abuse, it notes that she described herself as a
2 social drinker and had experimented one time with marijuana
3 and did not express interest in substance abuse treatment.

4 THE COURT: Can we leave that open and let
5 Mr. Jeffers have a discussion with her and y'all come back and
6 let me know? I mean, I would be inclined -- you know,
7 assuming what Mr. Banks has indicated his client has told him,
8 it would seem that would probably makes sense, but I get I
9 shouldn't perhaps have a knee-jerk reaction without a little
10 more digging.

11 MR. KITCHENS: That's completely fine, your Honor. I
12 think the Court obviously understands that it ultimately --
13 participation has an effect in terms of how much time you
14 serve, so I think it's worth further exploration to see if
15 there is a basis for that treatment given that it would
16 obviously impact how long the defendant would end up serving
17 if she were in that program and, you know, completed the
18 treatment program.

19 THE COURT: Okay. Officer Jeffers?

20 OFFICER JEFFERS: Your Honor, I would recommend --
21 I'm already amending the report with regards to the criminal
22 history. I could have a brief interview to discuss that,
23 obtain some additional information from her with regards to
24 her substance abuse issues, supplement that in the report.

25 You could recommend that she be considered for RDAP.

1 They would make their own assessment to determine if she's
2 amenable to that or eligible for that and then we wouldn't
3 further delay the proceedings.

4 THE COURT: All right. I'm fine with all that. I'm
5 sure -- Mr. Banks, are you fine with all that as well?

6 MR. BANKS: Judge, I'm fine. And she whispered it to
7 me. It's an issue that came up after her interview. I will
8 say, as the Court knows from its extensive history dealing
9 with issues on the state court, sometimes people don't want
10 to admit to substance abuse problems readily. So it's an
11 embarrassment to her and she wasn't, you know, completely
12 forthright. But I was advised of it after the interview
13 report.

14 THE COURT: All right.

15 OFFICER JEFFERS: If we are going to go down that
16 road, your Honor, could we also add a special condition that
17 she receive upon release substance abuse treatment, if needed?

18 MR. BANKS: Absolutely. No objection to that, Judge.

19 THE COURT: I'll do that. And I guess I just -- I
20 profess, I don't really know all the mechanics. There's a
21 lot -- a lot goes on with this and every case, parts of which
22 I touch and see, other parts kind of happen behind the scenes
23 for me. So I don't really know what I need to do at this
24 point, if anything, Officer Jeffers, so you can do your job
25 and we get the documents looking like they need to look. And

1 if there's a decision I need to make, I would be happy to make
2 it now or later.

3 OFFICER JEFFERS: Because she will be supervised in
4 South Carolina rather than having to come back to the Court or
5 send her -- transfer jurisdiction to South Carolina, I believe
6 it would be prudent to add the special conditions of substance
7 abuse testing and treatment.

8 THE COURT: Okay. Well, that's part one. Let me
9 just say that for the record then.

10 Condition of supervised release will be substance
11 abuse evaluation and treatment, if necessary?

12 OFFICER JEFFERS: Yes, sir.

13 THE COURT: Very well.

14 OFFICER JEFFERS: Beyond that, I don't believe
15 there's anything you should be required to do other than to
16 recommend that she be evaluated for inclusion in the RDAP
17 program, if eligible.

18 THE COURT: Well, then, the Court also respectfully
19 recommends to the Bureau of Prisons that Ms. Christian be
20 evaluated for the RDAP program and be allowed to participate
21 in the RDAP program if it's adjudged that she is eligible for
22 it.

23 Good.

24 OFFICER JEFFERS: Yes, your Honor.

25 MR. KITCHENS: Yes, your Honor.

1 THE COURT: Thank you, Officer Jeffers.

2 OFFICER JEFFERS: You're welcome.

3 THE COURT: Ms. Christian, you can appeal your
4 conviction if you believe that your guilty plea was somehow
5 unlawful or involuntary or if there's some other fundamental
6 defect in the proceedings that was not waived by your guilty
7 plea.

8 You also have the statutory right to appeal your
9 sentence under certain circumstances, particularly if you
10 think the sentence is contrary to law. However, a defendant
11 may waive those rights as part of a plea agreement. And
12 you've entered into a plea agreement which, with very limited
13 exceptions, waives most of your rights to appeal the sentence
14 itself. Such waivers are generally enforceable, but if you
15 believe the waiver is unenforceable, you can present that
16 theory to the appellate court.

17 With few exceptions, any notice of appeal must be
18 filed within 14 days of judgment being entered in your case.

19 If you're unable to pay the cost of your appeal, you
20 may apply for leave to appeal in forma pauperis or without
21 payment of fees.

22 If you so request the Clerk of Court will prepare and
23 file a notice of appeal on your behalf.

24 On appeal you may also apply for court-appointed
25 counsel.

1 If you have any further questions about your right to
2 appeal, I'm sure Mr. Banks would be happy to advise you
3 further on this matter.

4 Ms. Christian, do you have any questions about
5 anything I've said at today's sentencing hearing, ma'am?

6 THE DEFENDANT: No, sir.

7 THE COURT: Counsel, anything else that we need to
8 discuss?

9 MR. KITCHENS: No, your Honor.

10 MR. BANKS: No, Judge. Thank you.

11 THE COURT: All right.

12 Good to see all of you.

13 Ms. Lee, thank you.

14 Ms. Coudriet, thank you.

15 To our court security officer and our probation
16 officer, I appreciate your help as well.

17 Ms. Christian, I wish you luck. I think Mr. Banks
18 has served you well here. I know he asked for a three-level
19 reduction from the -- variance from the guidelines and I gave
20 you only one. But from my perspective, he did an excellent
21 job in this proceeding in convincing me to go down even that
22 one level from the guideline range because there were a lot of
23 reasons, as I noted earlier, for a guideline sentence here.
24 And, frankly, had the government not been at 46, I probably
25 would have been in the middle of that guideline range, not at

1 the bottom of it as far as the range of numbers I was thinking
2 about. I won't belabor those points.

3 But I think you have done a lot of good for others
4 throughout your life, and I hope that you will continue to do
5 that upon release.

6 And I actually sometimes say to defendants I hope
7 that you've learned from this, but I know -- from everything I
8 know about you and what I've heard from you, I already know
9 you have learned from this. And my expectation is that we
10 won't see you again in this court or any other court unless
11 you're there helping someone else.

12 So best of luck to you, ma'am.

13 THE DEFENDANT: Thank you.

14 (PROCEEDINGS REPORTED WERE CONCLUDED AT 11:32 AM)

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 20th Day of October, 2023.



PENNY PRITTY COUDRIET, RMR, CRR
OFFICIAL COURT REPORTER