

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(MIAMI DIVISION)

CASE NO. 1:22-CR-20326-KMM-1

UNITED STATES OF AMERICA,

Miami, Florida

PLAINTIFF,

June 12, 2023
Monday

VS.

ANDRE LORQUET,

Scheduled for 3:00 p.m.
3:00 p.m. to 3:09 p.m.

DEFENDANT.

Pages 1 - 10

STATUS CONFERENCE

BEFORE THE HONORABLE K. MICHAEL MOORE
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

JONATHAN BAILYN, AUSA
U.S. ATTORNEY'S OFFICE
99 Northeast 4th Street
Miami, Florida 33132

FOR THE DEFENDANT:

PRO SE - ANDRE LORQUET

STENOGRAPHICALLY
REPORTED BY:

GLEND A M. POWERS, RPR, CRR, FPR
Official Court Reporter
United States District Court
Glenda_Powers@flsd.uscourts.gov

1 (Call to the order of the Court:)

2 COURTROOM DEPUTY: Calling Case Number 22-CR-20326,
3 United States of America versus Andre Lorquet.

4 Counsel, please state your appearances, beginning with
5 the Government.

6 MR. BAILYN: Good afternoon, Your Honor. Assistant
7 U.S. Attorney Jonathan Bailyn on behalf of the United States.

8 THE COURT: Good afternoon.

9 (Brief pause in the proceedings.)

10 THE COURT: Mr. Lorquet, can you hear me?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So, just to bring us up-to-date on -- my
13 records reflect that on March 31st of this year we granted
14 defense counsel's motion to withdraw and informed you to obtain
15 new counsel by April 30th, 2023.

16 We didn't get any word from you as to who your new
17 counsel was, so we issued an order to show cause ordering you
18 to tell us by May 12th, 2023, whether you wish to retain new
19 counsel or proceed pro se, and we have not heard from you, so
20 we set this down for a status conference to see what you want
21 to do.

22 THE DEFENDANT: Well, I thought I was going to have a
23 motion so I could tell you I was getting a lawyer because I
24 never knew about the date or the time, and I didn't even want
25 her off my case.

1 THE COURT: So, do you have a new lawyer?

2 THE DEFENDANT: No, sir. I've been trying. I've been
3 looking.

4 THE COURT: Okay. Can you afford to obtain an
5 attorney?

6 THE DEFENDANT: No.

7 THE COURT: Was your -- so you need a new attorney
8 then; is that it?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: So we'll go ahead and -- Alex, can we have
11 appointed a new attorney?

12 COURTROOM DEPUTY: Yes, Judge.

13 THE COURT: We will get you a now attorney appointed;
14 okay?

15 THE DEFENDANT: Yes.

16 THE COURT: Now, you're -- I don't know what the
17 circumstances were for the withdrawal of the first attorney,
18 but that was handled by Judge Louis; is that correct?

19 THE DEFENDANT: I don't know. I didn't even know she
20 was off the case.

21 THE COURT: Well, she held a hearing with you, didn't
22 she; is that right?

23 MR. BAILYN: So, Your Honor, procedurally, Judge Louis
24 held the plea colloquy. We had a sentencing hearing that was
25 scheduled May 31st. During that hearing Your Honor granted the

1 defense counsel's motion to withdraw.

2 THE COURT: Okay. Was that -- and that was not on
3 referral?

4 MR. BAILYN: That was not on referral, Your Honor.

5 THE COURT: But his attorney was CJA-appointed?

6 MR. BAILYN: No, she was privately retained.

7 THE COURT: Private? Okay. All right, so we're going
8 to appoint you an attorney from the Criminal Justice Act
9 attorney wheel, and they will be getting with you and getting
10 up-to-speed and we'll have another status conference to bring
11 you back and see if we can get it set for trial. Okay.

12 Do we need to do anything else?

13 MR. BAILYN: Yes, Your Honor, there's one thing I want
14 to raise to the Court. This is a mistake on the Government's
15 part.

16 The defendant had filed a motion to withdraw a plea.
17 Simultaneously, there was a motion to withdraw as counsel, the
18 defendant was proceeding per se. The motion to withdraw plea
19 was referred to Judge Louis.

20 It was my misapprehension, Your Honor, that the
21 referral was for a hearing and, therefore, I did not file a
22 brief response to the one-page motion to withdraw plea.

23 That was my mistake and my misunderstanding, Your
24 Honor. And I would simply ask the Court, if the Court would be
25 so obliged, to allow me to file a response to that motion to

1 withdraw plea out of time, and I would be grateful for any
2 amount of time the Court would offer.

3 THE COURT: So she entered a report and recommendation
4 that it be granted; right?

5 MR. BAILYN: Yes, sir.

6 THE COURT: So, did she do that just because of
7 default, or do you know?

8 MR. BAILYN: No, so -- in the report and
9 recommendation -- it's relatively short -- there was no hearing
10 held, the Government didn't file papers.

11 The argument, I guess, judges don't make arguments, but
12 the theory was that the defendant was representing that he
13 thought that he was signing bond paperwork.

14 Because the Government didn't respond to that
15 allegation, it was uncontroverted and, therefore, the
16 recommendation was that the motion be granted.

17 THE COURT: All right. So just to clear up the record
18 on this then, if you file a response you're going to want me to
19 re-refer the matter back to Judge Louis?

20 MR. BAILYN: I think that -- procedurally, I don't know
21 the best, most efficient way is. I think that could happen,
22 alternatively, Your Honor, I could simply file an objection to
23 the report and recommendation.

24 The Government's objections and the Court could review
25 them de novo. I just want to give due deference to the Court,

1 the magistrate, it was the Government's mistake to not have
2 responded.

3 THE COURT: You made a mistake, okay, thank you.

4 But I guess when you say in deference to her, I'm
5 trying to be as well and give her the opportunity to at least
6 consider what your merits response would be.

7 MR. BAILYN: Yes, Your Honor. I would ask then that
8 you allow the Government the opportunity to file a response and
9 then the Court could enter an amended report and recommendation
10 if she believes that the Government's response is meritorious.

11 THE COURT: Okay. So let me help you frame your
12 objections then. So you're going to say in there that you made
13 a mistake and that here is the merits response, and you ask
14 that this Court refer the matter back to the magistrate judge
15 so that the magistrate judge can consider the merits of your
16 response and issue a supplemental report and recommendation,
17 who knows what she'll say. Fair enough?

18 MR. BAILYN: Thank you, Your Honor.

19 THE COURT: Okay, let's do that. All right.

20 And in the meantime, we'll also address the issue of
21 getting new counsel; all right?

22 MR. BAILYN: Yes, Your Honor.

23 THE DEFENDANT: Yes, sir.

24 MR. BAILYN: I don't know what you need from the
25 Government on that, Your Honor.

1 THE COURT: You don't need anything.

2 THE DEFENDANT: How am I going to do my discovery?
3 I've been asking my lawyer for it since and she hasn't sent me
4 anything.

5 THE COURT: Well, you'll get a new lawyer and your new
6 lawyer can take it up with the Government.

7 THE DEFENDANT: Okay.

8 THE COURT: Okay. And if there's anything you can do
9 to facilitate that, either by getting the discovery back from
10 his prior counsel or --

11 MR. BAILYN: Your Honor, I can produce it immediately,
12 as long as there's a lawyer on the other end.

13 THE COURT: Got you. Okay. So we will set it down and
14 see you again in a couple of weeks.

15 MR. BAILYN: Thank you, Your Honor.

16 THE DEFENDANT: Thank you.

17 (Proceedings concluded at 3:09 p.m.)
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I hereby certify that the foregoing is an
accurate transcription of the proceedings in the
above-entitled matter.

July 9th, 2024

S/Glenda M. Powers

GLEND A. POWERS, RPR, CRR, FPR
United States District Court
400 North Miami Avenue
Miami, Florida 33128

1	appointed [3] - 3:11, 3:13, 4:5 April [1] - 2:15 argument [1] - 5:11 arguments [1] - 5:11 assistant [1] - 2:6 attorney [8] - 3:5, 3:7, 3:11, 3:13, 3:17, 4:5, 4:8, 4:9 Attorney [1] - 2:7 ATTORNEY'S [1] - 1:17 AUSA [1] - 1:17 Avenue [1] - 8:10	couple [1] - 7:14 COURT [24] - 1:1, 2:8, 2:10, 2:12, 3:1, 3:4, 3:7, 3:10, 3:13, 3:16, 3:21, 4:2, 4:5, 4:7, 5:3, 5:6, 5:17, 6:3, 6:11, 6:19, 7:1, 7:5, 7:8, 7:13 Court [12] - 1:24, 1:24, 2:1, 4:14, 4:24, 5:2, 5:24, 5:25, 6:9, 6:14, 8:9 COURTROOM [2] - 2:2, 3:12 Criminal [1] - 4:8 CRR [2] - 1:23, 8:9	Florida [3] - 1:4, 1:18, 8:10 FOR [2] - 1:17, 1:20 foregoing [1] - 8:2 FPR [2] - 1:23, 8:9 frame [1] - 6:11	judges [1] - 5:11 July [1] - 8:6 June [1] - 1:6 Justice [1] - 4:8
2	2023 [3] - 1:6, 2:15, 2:18 2024 [1] - 8:6 22-CR-20326 [1] - 2:2	B	G	K
3	30th [1] - 2:15 31st [2] - 2:13, 3:25 33128 [1] - 8:10 33132 [1] - 1:18 3:00 [2] - 1:9, 1:9 3:09 [2] - 1:9, 7:17	Bailyn [1] - 2:7 BAILYN [15] - 1:17, 2:6, 3:23, 4:4, 4:6, 4:13, 5:5, 5:8, 5:20, 6:7, 6:18, 6:22, 6:24, 7:11, 7:15 BEFORE [1] - 1:13 beginning [1] - 2:4 behalf [1] - 2:7 believes [1] - 6:10 best [1] - 5:21 bond [1] - 5:13 brief [1] - 4:22 Brief [1] - 2:9 bring [2] - 2:12, 4:10 BY [1] - 1:23	D	L
4	400 [1] - 8:10 4th [1] - 1:18	date [2] - 2:12, 2:24 de [1] - 5:25 default [1] - 5:7 defendant [3] - 4:16, 4:18, 5:12 DEFENDANT [13] - 1:10, 1:20, 2:11, 2:22, 3:2, 3:6, 3:9, 3:15, 3:19, 6:23, 7:2, 7:7, 7:16 defense [2] - 2:14, 4:1 deference [2] - 5:25, 6:4 DEPUTY [2] - 2:2, 3:12 discovery [2] - 7:2, 7:9 District [2] - 1:24, 8:9 DISTRICT [2] - 1:1, 1:1 DIVISION [1] - 1:2 down [2] - 2:20, 7:13 due [1] - 5:25 during [1] - 3:25	GLEENDA [2] - 1:23, 8:9 glenda_Powers@flsd.uscourts.gov [1] - 1:25 GOVERNMENT [1] - 1:17 Government [6] - 2:5, 5:10, 5:14, 6:8, 6:25, 7:6 Government's [4] - 4:14, 5:24, 6:1, 6:10 granted [4] - 2:13, 3:25, 5:4, 5:16 grateful [1] - 5:1 guess [2] - 5:11, 6:4	lawyer [6] - 2:23, 3:1, 7:3, 7:5, 7:6, 7:12 least [1] - 6:5 looking [1] - 3:3 Lorquet [2] - 2:3, 2:10 LORQUET [2] - 1:8, 1:20 Louis [4] - 3:18, 3:23, 4:19, 5:19
9	99 [1] - 1:18 9th [1] - 8:6	E	H	M
A	above-entitled [1] - 8:4 accurate [1] - 8:3 Act [1] - 4:8 address [1] - 6:20 afford [1] - 3:4 afternoon [2] - 2:6, 2:8 ahead [1] - 3:10 Alex [1] - 3:10 allegation [1] - 5:15 allow [2] - 4:25, 6:8 alternatively [1] - 5:22 amended [1] - 6:9 AMERICA [1] - 1:4 America [1] - 2:3 amount [1] - 5:2 ANDRE [2] - 1:8, 1:20 Andre [1] - 2:3 APPEARANCES [1] - 1:15 appearances [1] - 2:4 appoint [1] - 4:8	C	I	MAGISTRATE [1] - 1:14 magistrate [3] - 6:1, 6:14, 6:15 March [1] - 2:13 matter [3] - 5:19, 6:14, 8:4 meantime [1] - 6:20 meritorious [1] - 6:10 merits [3] - 6:6, 6:13, 6:15 MIAMI [1] - 1:2 Miami [4] - 1:4, 1:18, 8:10, 8:10 MICHAEL [1] - 1:13 misapprehension [1] - 4:20 mistake [5] - 4:14, 4:23, 6:1, 6:3, 6:13 misunderstanding [1] - 4:23 monday [1] - 1:6 MOORE [1] - 1:13 most [1] - 5:21 motion [9] - 2:14, 2:23, 4:1, 4:16, 4:17, 4:18, 4:22, 4:25, 5:16 MR [14] - 2:6, 3:23, 4:4, 4:6, 4:13, 5:5, 5:8, 5:20, 6:7, 6:18, 6:22, 6:24, 7:11, 7:15
		F	J	N
		efficient [1] - 5:21 either [1] - 7:9 end [1] - 7:12 enter [1] - 6:9 entered [1] - 5:3 entitled [1] - 8:4	JONATHAN [1] - 1:17 Jonathan [1] - 2:7 Judge [5] - 3:12, 3:18, 3:23, 4:19, 5:19 JUDGE [1] - 1:14 judge [2] - 6:14, 6:15	need [4] - 3:7, 4:12,

6:24, 7:1 never [1] - 2:24 new [9] - 2:15, 2:16, 2:18, 3:1, 3:7, 3:11, 6:21, 7:5 NO [1] - 1:3 North [1] - 8:10 Northeast [1] - 1:18 novo [1] - 5:25 Number [1] - 2:2	re [1] - 5:19 re-refer [1] - 5:19 recommendation [6] - 5:3, 5:9, 5:16, 5:23, 6:9, 6:16 record [1] - 5:17 records [1] - 2:13 refer [2] - 5:19, 6:14 referral [3] - 4:3, 4:4, 4:21 referred [1] - 4:19 reflect [1] - 2:13 relatively [1] - 5:9 report [5] - 5:3, 5:8, 5:23, 6:9, 6:16 REPORTED [1] - 1:23 Reporter [1] - 1:24 representing [1] - 5:12 respond [1] - 5:14 responded [1] - 6:2 response [8] - 4:22, 4:25, 5:18, 6:6, 6:8, 6:10, 6:13, 6:16 retain [1] - 2:18 retained [1] - 4:6 review [1] - 5:24 RPR [2] - 1:23, 8:9	Street [1] - 1:18 supplemental [1] - 6:16
O		T
objection [1] - 5:22 objections [2] - 5:24, 6:12 obliged [1] - 4:25 obtain [2] - 2:14, 3:4 OF [2] - 1:1, 1:4 offer [1] - 5:2 OFFICE [1] - 1:17 Official [1] - 1:24 one [2] - 4:13, 4:22 one-page [1] - 4:22 opportunity [2] - 6:5, 6:8 order [2] - 2:1, 2:17 ordering [1] - 2:17		THE [37] - 1:13, 1:17, 1:20, 2:8, 2:10, 2:11, 2:12, 2:22, 3:1, 3:2, 3:4, 3:6, 3:7, 3:9, 3:10, 3:13, 3:15, 3:16, 3:19, 3:21, 4:2, 4:5, 4:7, 5:3, 5:6, 5:17, 6:3, 6:11, 6:19, 6:23, 7:1, 7:2, 7:5, 7:7, 7:8, 7:13, 7:16 theory [1] - 5:12 therefore [2] - 4:21, 5:15 transcription [1] - 8:3 trial [1] - 4:11 trying [2] - 3:2, 6:5
P	S	U
p.m [4] - 1:9, 1:9, 7:17 page [1] - 4:22 Pages [1] - 1:11 papers [1] - 5:10 paperwork [1] - 5:13 part [1] - 4:15 pause [1] - 2:9 per [1] - 4:18 PLAINTIFF [1] - 1:6 plea [5] - 3:24, 4:16, 4:18, 4:22, 5:1 Powers [1] - 8:8 POWERS [2] - 1:23, 8:9 private [1] - 4:7 privately [1] - 4:6 pro [1] - 2:19 PRO [1] - 1:20 procedurally [2] - 3:23, 5:20 proceed [1] - 2:19 proceeding [1] - 4:18 proceedings [3] - 2:9, 7:17, 8:3 produce [1] - 7:11	s/Glenda [1] - 8:8 Scheduled [1] - 1:9 scheduled [1] - 3:25 se [2] - 2:19, 4:18 SE [1] - 1:20 see [3] - 2:20, 4:11, 7:14 sent [1] - 7:3 sentencing [1] - 3:24 set [3] - 2:20, 4:11, 7:13 short [1] - 5:9 show [1] - 2:17 signing [1] - 5:13 simply [2] - 4:24, 5:22 simultaneously [1] - 4:17 SOUTHERN [1] - 1:1 speed [1] - 4:10 state [1] - 2:4 STATES [3] - 1:1, 1:4, 1:14 States [4] - 1:24, 2:3, 2:7, 8:9 STATUS [1] - 1:12 status [2] - 2:20, 4:10 STENOGRAPHICAL LY [1] - 1:23	U.S [2] - 1:17, 2:7 uncontroverted [1] - 5:15 united [1] - 1:24 UNITED [3] - 1:1, 1:4, 1:14 United [3] - 2:3, 2:7, 8:9 up [4] - 2:12, 4:10, 5:17, 7:6 up-to-date [1] - 2:12 up-to-speed [1] - 4:10
		V
		versus [1] - 2:3 VS [1] - 1:7
		W
		weeks [1] - 7:14 wheel [1] - 4:9 wish [1] - 2:18 withdraw [7] - 2:14, 4:1, 4:16, 4:17, 4:18, 4:22, 5:1 withdrawal [1] - 3:17 word [1] - 2:16
R		Y
raise [1] - 4:14		year [1] - 2:13