

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

United States of America,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:23CR21
	)	
Brandon Jamal Thurmond,	)	
	)	
Defendant.	)	
_____	)	

INITIAL APPEARANCE
BEFORE THE HONORABLE BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
THURSDAY, APRIL 13, 2023; 10:02 A.M.

FOR THE PLAINTIFF:

Jennifer A. Stanley, Esquire
U.S. Attorney's Office
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Augusta, Georgia 30903
(706)724-0517

FOR THE DEFENDANT:

Brandon Jamal Thurmond, Pro Se

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Lisa H. Davenport, RPR, FCRR
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1 (Call to Order at 10:02 a.m.)

2 THE CLERK: The court calls case no. 1:23CR21, the
3 United States of America versus Brandon Jamal Thurmond.
4 Jennifer Stanley for the government. Here for initial
5 appearance.

6 THE COURT: Good morning, everybody.

7 MS. STANLEY: Good morning, Your Honor.

8 THE DEFENDANT: Good morning.

9 THE COURT: All right. Good morning, Mr. Thurmond. I
10 brought you here today without an attorney because I am not
11 quite sure what your intentions are in that regard and there
12 are some important things that I need to explain to you pretty
13 quickly, but don't worry; today is mainly for your benefit, you
14 know, to give you information you need to get your case started
15 and once we have an attorney by your side we'll proceed with
16 your case trying to get it ready for trial. Okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. So before we talk about all
19 those things I need to make sure you're competent so I have a
20 couple of questions for you. In the past three to four months
21 have you been seen by any type of medical practitioner
22 including any physician, psychologist, or psychiatrist?

23 THE DEFENDANT: No, sir.

24 THE COURT: In that same timeframe have you undergone
25 any type of counseling or therapy?

1 THE DEFENDANT: No, sir.

2 THE COURT: In your lifetime have you ever been
3 diagnosed with any type of mental health condition or mental
4 illness?

5 THE DEFENDANT: No, sir.

6 THE COURT: Are you currently prescribed any
7 medications?

8 THE DEFENDANT: No, sir.

9 THE COURT: Have you had any alcohol, medicine or
10 drugs of any kind in the past 24 hours?

11 THE DEFENDANT: No, sir.

12 THE COURT: Based on your general appearance and your
13 answers to my questions, I find that you're competent. You're
14 here today because of an Indictment handed down by the grand
15 jury in the Southern District of Georgia charging you with two
16 bank and financial-related crimes. The purpose of this hearing
17 today is to make sure you understand the nature of the charges
18 and the maximum penalties associated with those charges as well
19 as your basic rights, your right to legal representation, and
20 your right to remain silent, and we won't take any kind of plea
21 from you today. The next time I see you with an attorney we'll
22 take a not-guilty plea from you, and at that time the
23 prosecutor will give to your attorney all the information and
24 the government's files that you're entitled to receive as we
25 prepare for -- as you prepare for trial in this matter.

1 We'll touch on the issue of bond versus being detained
2 pretrial in a minute and explain a couple of those things to
3 you, and, finally, I am going to ask you about your citizenship
4 because if you're a citizen of another country there are some
5 additional rights I'll need to explain to you. So the first of
6 these things is your right to legal representation. You have
7 the right to be represented by an attorney at every stage of
8 this case both in and out of court and including any
9 questioning by law enforcement. You have the right to consult
10 with an attorney before questioning may occur at any time. You
11 may hire your own attorney if you're financially able to do so
12 and if you're unable to afford an attorney, I will appoint one
13 to represent you at no cost to you. Do you understand your
14 right to legal representation?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: I understand here that you are making
17 attempts to hire an attorney with your own money. Is that
18 right?

19 THE DEFENDANT: That's a question mark in the air
20 right now.

21 THE COURT: I'm sorry?

22 THE DEFENDANT: It is a question mark right now.

23 THE COURT: Okay.

24 THE DEFENDANT: So I would rather have one appointed
25 to me.

1 THE COURT: Okay. Well, you know, if I were you I
2 wouldn't hesitate to ask for court-appointed counsel if you
3 cannot afford somebody because we have really good attorneys --

4 THE DEFENDANT: Yeah, I'll go with it.

5 THE COURT: -- who serve in a court-appointed capacity
6 here. So if you're having trouble, you know, getting the money
7 together to hire somebody and you think you can't afford it,
8 I'll be glad to appoint somebody to represent you.

9 THE DEFENDANT: I would appreciate that.

10 THE COURT: Okay. We have a one-page financial
11 affidavit that Mr. Brownlee will meet with you and help you
12 fill out that gives me an indication of whether you qualify or
13 not. You probably have no source of income right now?

14 THE DEFENDANT: No, sir.

15 THE COURT: Okay. And probably have little to nothing
16 in terms of checking or savings account?

17 THE DEFENDANT: No, sir. Just some pennies.

18 THE COURT: Okay. All right. Well, based on that I
19 think you probably qualify, but I'll need those details in a
20 one-page affidavit that Mr. Brownlee will have you fill out
21 before you leave here today. I'll review that document and if
22 it looks like you qualify, we'll get someone in place to
23 represent you and they'll be in touch with you very shortly
24 from today's date. If I find that you don't qualify and that
25 you have enough money to hire someone, then I'll tell

1 Mr. Brownlee and he'll let you know you need to continue your
2 search for someone. Okay?

3 THE DEFENDANT: Okay.

4 THE COURT: All right. The next thing we need to talk
5 about is your right to legal represent -- I mean your right to
6 remain silent. You have the absolute constitutional right to
7 remain silent which means no one associated with the government
8 or any law enforcement agency can force or compel you to make
9 any statement regarding any subject whatsoever including this
10 case and the allegations being made against you by the
11 government and the charges that they're asserting against you.

12 You have a right to remain silent with respect to this
13 case. Your right to remain silent is not limited to this case.
14 Instead your right to remain silent includes any topic. Any
15 statement made by you or the answers you give to any questions
16 asked of you by law enforcement can be used as evidence against
17 you, not only in connection with this case but also any other
18 cases currently pending against you or may be brought against
19 you in the future in any court in any jurisdiction. The bottom
20 line is you're not required to make a statement. If you have
21 made a statement, you need not say any more, and if you start
22 to make a statement, you may stop at any time. Do you
23 understand your right to remain silent?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Have you received a copy of the charging

1 document: The Indictment and the Penalty Certification?

2 THE DEFENDANT: No, sir.

3 THE COURT: Okay. Mrs. Akins, could you please print
4 a copy of those things for him?

5 THE CLERK: Yes, sir.

6 THE COURT: We'll get that printed right away. While
7 she's working on that, we can talk about a couple of other
8 things.

9 Is the government seeking detention pending trial?

10 MS. STANLEY: We are, Your Honor. I think it will be
11 moot because of his current custodial status, but we are.

12 THE COURT: Right. Okay. So the government has asked
13 that you be detained rather than released on bond. You are
14 entitled to a bond hearing in front of me and at that hearing I
15 would listen very carefully to the evidence and make a
16 practical, common sense decision about whether you pose the
17 type of danger to the community or risk of flight that would
18 require you to be detained rather than released on bond.

19 I understand, however, that right now you're currently
20 serving a lengthy sentence with the state of Georgia and
21 because of that if we have a bond hearing now and once you get
22 your lawyer and I find that you qualify for release on bond and
23 order you released into the community, you would not be
24 released into the community, obviously; right? You would have
25 to go back --

1 THE DEFENDANT: Back to the state.

2 THE COURT: -- to the state authority where you came
3 from. So a lot of times in that setting a defendant says,
4 look, I don't want a bond hearing now, but if something changes
5 with the state of Georgia, I would like the right to request
6 one. Right? So talk with your lawyer about that issue about
7 whether you should waive your right to a bond hearing or
8 whether you should go ahead and move forward with one now given
9 your incarceration status with the state.

10 THE DEFENDANT: Okay.

11 THE COURT: Okay. And then if you want a bond hearing
12 when I see you the next time which will be very shortly from
13 now after we get your lawyer appointed for you, we'll go
14 through that and talk about it again.

15 THE DEFENDANT: Okay.

16 THE COURT: Okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you have citizenship in a country other
19 than the United States?

20 THE DEFENDANT: I was in Canada when I was playing
21 football for them, but I think it's expired now.

22 THE COURT: Okay. Well, let's just assume for a
23 minute you still are a citizen of Canada because some people
24 have dual citizenship and it may not have expired. You can
25 request that Canadian officials here in the United States be

1 notified of this case and your detention and I'm not sure what
2 benefits Canada may offer --

3 THE DEFENDANT: Thank you.

4 THE COURT: -- to its citizens. Potential benefits
5 include visiting you in jail, notifying any family or relatives
6 or friends that you have back in Canada of your situation,
7 perhaps even arranging for retention of a lawyer to represent
8 you. There are a lot of potential benefits. I just can't tell
9 you what ones Canada may have for you. Would you like the
10 prosecutor's office to notify Canada of this case and the fact
11 that you've been arrested and detained?

12 THE DEFENDANT: No, sir.

13 THE COURT: Okay. Now so the final thing is making
14 sure you understand the nature of the charges, why you're here
15 to begin with; right? So now you've received a copy of two
16 documents. The first is the Indictment itself that contains
17 the charges against you and then behind that is the Penalty
18 Certification that sets forth the maximum penalties allowed by
19 law for these charges and so now I am going to turn it over to
20 Mrs. Stanley and ask her to summarize those documents for you.

21 MS. STANLEY: Thank you, Your Honor. This is a
22 three-count Indictment. Only the first count is asserted
23 against this defendant, Mr. Brandon Jamal Thurmond. The
24 Indictment begins by identifying the two defendants in this
25 case and the various financial institutions that are at issue.

1 It then goes on to explain by way of background the CARES Act
2 passed by Congress in or about March of 2020, what the Small
3 Business Administration is, and then sets out the specifics of
4 three different federal relief programs -- specifically,
5 Economic Injury Disaster Loans, the Paycheck Protection Program
6 and Unemployment Insurance. The Indictment explains the
7 specifics of those various programs and how individuals could
8 apply for relief under each of them.

9 Count one of the Indictment against both defendants
10 charges conspiracy to commit wire fraud and bank fraud. It
11 explains that beginning at least as early as June of 2020 the
12 two defendants conspired with each other and with others, known
13 and unknown, to commit wire fraud and bank fraud. The object
14 of the conspiracy was for the defendants and others to
15 unlawfully enrich themselves by, among other things, obtaining
16 EIDL and PPP proceeds and Unemployment Insurance benefits under
17 false and fraudulent pretenses. The Indictment then goes on to
18 explain that as part of that conspiracy one or both of the
19 defendants submitted or caused to be submitted multiple
20 applications for PPP loans, at least one application for an
21 EIDL loan, and multiple electronic applications for
22 Unemployment Insurance benefits.

23 Specifically, there are six false and fraudulent PPP
24 loans that were submitted through Harvest Small Business
25 Finance identified, nine applications for Unemployment

1 Insurance benefits to five different states, and then one EIDL
2 application which is in the name of Brandon Thurmond.

3 Counts two and three, again, are against only
4 defendant La'Kyera Me'Lika Thurmond.

5 The maximum penalties for count one, conspiracy to
6 commit wire fraud and bank fraud, are not more than 30 years of
7 imprisonment, not more than a 1 million-dollar fine, not more
8 than five years of supervised release, and a \$100 special
9 assessment.

10 THE COURT: Thank you, Mrs. Stanley.

11 Is it fair to say that you understand the nature of
12 the charge against you as well as the maximum penalties
13 associated with that charge, Mr. Thurmond?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. I know we threw a lot at you, but I
16 think she did a really good job of summarizing it, and, of
17 course, you got the Indictment there you can take back with you
18 and read that when you have more time. I believe that takes
19 care of everything we need to talk about today.

20 Like I said, we'll bring you back again very shortly
21 with an attorney by your side and at that time I'll take a not
22 guilty plea from you. The prosecutor will hand over all of the
23 information in the government's files to your attorney that
24 you're entitled to receive. Your attorney will start looking
25 through all of that information pretty quickly and then decide

1 whether to file any pretrial motions on your behalf for the
2 court. Those are simply documents filed with the court asking
3 the court to take certain action in advance of trial. In some
4 cases motions should be filed and in others they're not
5 necessary. It just depends on your case; right? So your
6 attorney will be doing that work in the next month or so and
7 then letting you know whether they should file any motions or
8 whether your best thing to do is focus on getting ready for
9 trial.

10 THE DEFENDANT: Okay.

11 THE COURT: And then don't forget the bond issue, too.
12 If you want a bond hearing we'll probably have that the next
13 time I see you as well.

14 THE DEFENDANT: Okay.

15 THE COURT: Do you have any questions for me about
16 anything we've talked about?

17 THE DEFENDANT: I know you mentioned about my state --
18 my state time I had left, but is there any way that you guys
19 can get me released from the state to deal with this?

20 THE COURT: That typically does not happen. So, you
21 know, usually what happens is if you're detained here until
22 trial in federal custody that state sentence may or may not --
23 the time you spend here may or may not be credited against that
24 state sentence, but it certainly will not relieve you of the
25 obligation to complete that sentence.

1 THE DEFENDANT: Okay.

2 THE COURT: And that's something you need to talk with
3 your attorney about.

4 THE DEFENDANT: Okay.

5 THE COURT: The effect that your pretrial detention in
6 this case might have on your state case.

7 THE DEFENDANT: Okay.

8 THE COURT: That's a good question. Okay. Anything
9 else?

10 THE DEFENDANT: No, sir.

11 THE COURT: Okay. You've understood everything I've
12 explained to you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Okay. All right. Ms. Stanley, anything
15 further from your perspective?

16 MS. STANLEY: No, Judge.

17 THE COURT: Okay. Court is adjourned. Thank you.

18 (The hearing is concluded.)
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1 CERTIFICATE OF OFFICIAL REPORTER

2
3
4 I, Lisa H. Davenport, Federal Official Court Reporter, in
5 and for the United States District Court for the Southern
6 District of Georgia, do hereby certify that pursuant to Section
7 753, Title 28, United States Code that the foregoing is a true
8 and correct transcript of record of the digitally-recorded
9 proceedings to the best of my ability and that the transcript
10 page format is in conformance with the regulations of the
11 Judicial Conference of the United States.

12
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14 _____
15 Lisa H. Davenport, RPR, FCRR
16 Federal Official Court Reporter
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