

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

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

SENTENCING HEARING
BEFORE THE HONORABLE J. RANDAL HALL
CHIEF UNITED STATES DISTRICT COURT JUDGE
TUESDAY, APRIL 30, 2024; 2:39 P.M.

FOR THE PLAINTIFF:

Jennifer A. Stanley, Esquire
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FOR THE DEFENDANT:

Michon D. Walker, Esquire
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1 (Call to Order at 2:39 p.m.)

2 THE CLERK: The court calls case no. 1:23CR21, United
3 States of America v Brandon Jamal Thurmond. Jennifer Stanley
4 for the government. Michon Walker for the defendant. Here for
5 sentencing.

6 THE COURT: Good afternoon. Are you Brandon Thurmond?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Brandon Jamal Thurmond appeared before
9 this court on November 28, 2023, accompanied by his attorney,
10 Michon Walker, for a Rule 11 proceeding. Pursuant to a Plea
11 Agreement Mr. Thurmond plead guilty and was adjudged guilty of
12 a modified count one of the Indictment charging him with
13 conspiracy to commit wire fraud in violation of
14 18 U.S.C. § 1349. Upon completion of the Rule 11 proceeding
15 and the Court's acceptance of the guilty plea, the Court
16 directed the probation office to prepare a Presentence Report
17 and to disclose the report to the government and to
18 Mr. Thurmond.

19 Has the government completed its review of the
20 Presentence Report, Ms. Stanley?

21 MS. STANLEY: Yes, Your Honor.

22 THE COURT: No outstanding objections?

23 MS. STANLEY: No objections.

24 THE COURT: Mrs. Walker, have you and Mr. Thurmond
25 completed your review of the report?

1 MRS. WALKER: Yes, Your Honor.

2 THE COURT: And you have no outstanding objections?

3 MRS. WALKER: No, Your Honor.

4 THE COURT: There being no objections to the factual
5 statements or to the probation officer's conclusions as to the
6 applicable advisory guidelines contained in the report, the
7 Court adopts those facts and conclusions and determines that
8 the applicable advisory guidelines are total offense level 14,
9 criminal history category II, 18 to 24 months imprisonment, one
10 to three years of supervised release, \$7,500 to \$250,000 fine,
11 restitution of \$140,228, \$100 special assessment.

12 I received a letter from the Arizona Department of
13 Economic Security which I think could be characterized as a
14 Victim Impact Statement. So I have reviewed that and will
15 order that into the record of the proceeding.

16 Any other statements for anyone else identified as a
17 victim in this case?

18 MS. STANLEY: No, Your Honor. We reached out to and
19 spoke with each of the victims and they were helpful concerning
20 restitution amounts, but no one else wished to submit a
21 statement or wished to speak today.

22 THE COURT: Thank you. All right. With that, then
23 I'll look to you, Mrs. Walker, for your thoughts on anything
24 that you'd like to present in mitigation of the sentence, and,
25 Mr. Thurmond, the law provides you have a right to make a

1 personal statement to the Court before the sentence is imposed.
2 If you wish to make a statement, this would be the time to do
3 so, but, anyway, I'll hear from you, Mrs. Walker.

4 MRS. WALKER: Thank you, Your Honor. Brandon Thurmond
5 had a bright future in football when he graduated from high
6 school. His formidable talent as a defensive end garnered him
7 a position on the University of Arkansas Pine Bluff Golden
8 Lions. He is a competitor at heart. He continued to work hard
9 and attain one of his biggest achievements. He successfully
10 made it to the National Football League and was assigned to the
11 roster of Atlanta Falcons as a free agent in 2013.

12 In the purview of his community and family
13 Mr. Thurmond's coveted NFL position would change the trajectory
14 of his family's life. He was raised by a single mother, had
15 several siblings who were counting on him. He took on the
16 financial responsibility of the family at the young age of 23.
17 When his football career ended in 2016, Mr. Thurmond made a
18 decision that altered the path of his life, and found guilty of
19 a felony, he was ordered to a sentence to a term of 10 years of
20 incarceration with the Georgia Department of Corrections.

21 He was no longer able to provide for his family and
22 this family now included a daughter named Laila. In 2020 he
23 made another poor decision. Desperate to financially provide
24 for his family and daughter, he filed for applications for
25 unemployment compensation, Payment Protection Program loans,

1 and Economics Injury Disaster Loans while incarcerated.

2 Over the last six months Mr. Thurmond recognizes that
3 his daughter needs him more now than ever. She has been
4 removed from her biological mother's residence by the
5 Department of Family and Children's Services. He wants to be
6 named the primary custodial parent of Laila, but he was first
7 required to file a Petition of Legitimation in order for him to
8 be recognized by the state as having equal rights. He has done
9 that. He filed that Petition of Legitimation in the Juvenile
10 Court of Dekalb County, and he has a hearing on that Petition
11 scheduled for May 17, 2024.

12 Daily he has followed the rules of this court while
13 he's been awaiting sentencing. He's been a model citizen. He
14 obtained employment with Publix warehouse within two weeks of
15 being released from the Georgia Department of Corrections and
16 he's maintained that job full time and he's adhered to all of
17 the conditions of the appearance bond.

18 He's also been active in the community as a mentor for
19 at-risk teenage boys through a non-profit by the name of
20 Village Strong Non-Profit Co. He has hosted free youth
21 football camps that teach football skills and also life skills.
22 He provides those at-risk boys guidance and mentorship. While
23 the children are having fun, he is providing life lessons
24 telling them about his story, the good attributes, the bad
25 decisions and how those bad decisions have affected his life

1 today. He's also talked to them about leadership skills and
2 offered support, especially to those young boys that do not
3 have active fathers in their life. He is in a stable home with
4 his partner Brandi and Brandi's 12-year-old daughter Dakota and
5 Laila when she visits. They have forged a unit and that unit
6 they based it on family, work, and community. Dakota and Laila
7 are like sisters. They are a sweet duo.

8 The U.S. Probation Office recommends a guideline
9 imprisonment range of 18 months to 24 months based upon a total
10 offense level of 14 and a criminal history category of II. The
11 total offense level 14 is based upon the total intended loss of
12 \$234,442. The U.S. Probation Office relies upon the guidelines
13 commentary of the United States Sentencing Guidelines, Section
14 2B1.1, Application Note 3A, that provides loss is the greater
15 of actual loss or intended loss. The actual loss in this case
16 is \$130,228.

17 We ask this court to take into consideration *United*
18 *States versus Banks* wherein the Third Circuit court gave
19 deference to the guideline and no deference to the definition
20 of loss as outlined in the commentary because the commentary
21 expanded the definition of loss. Their conclusion was based
22 upon five things: The guideline does not mention actual versus
23 intended loss; the distinction appears only in the commentary;
24 the court in *Banks* looked to the ordinary meaning of loss and
25 determined that in the context of 2B1.1 loss is actual loss;

1 and the court also compared the definition of the word "loss"
2 in the Webster's New International Dictionary as well as the
3 Webster's New Collegiate Dictionary. None of the definitions
4 suggest an ordinary understanding that loss means intended
5 loss.

6 We're asking that this court join the Fourth, Sixth,
7 Ninth and Eleventh Circuit as well as the Third Circuit who are
8 all in agreement that less deference should be extended to the
9 commentary of the guidelines. We respectfully request this
10 court impose a sentence of probation or, in the alternative,
11 home confinement followed by supervised release.

12 The Comprehensive Crime Control Act of 1984 makes
13 probation a sentence in and of itself, and it requires the
14 court to consider the kinds of sentences available in
15 determining the particular sentence to be imposed. In cases
16 where probation is statutorily authorized as it is in this
17 case, the court should consider before imposing a sentence of
18 imprisonment whether the purposes of sentencing can be served
19 with an alternative to incarceration. Probation may be used as
20 an alternative to incarceration provided the terms and
21 conditions of probation can be fashioned so as to meet fully
22 the statutory purposes of sentencing.

23 A sentence of probation may be appropriate for a
24 repeat or high risk offender who would benefit from treatment
25 for emotional conditions or who have stabilizing ties in the

1 community such as family or employment. In this case
2 Mr. Thurmond has accepted full responsibility for his actions
3 and acknowledges that he was wrong for his poor choices, for
4 participating in the offense and that his actions have, indeed,
5 consequences.

6 He is gainfully employed, has a stable family life.
7 He's filed that Petition for Legitimation seeking to be the
8 primary custodial parent of his daughter Laila. He is a mentor
9 to teenage boys. He hosts those football clinics to provide
10 leadership skills, football skills for at-risk boys and in
11 doing so he has ties to the community and he's making a great
12 effort to rehabilitate himself and to increase his personal
13 growth.

14 He initiated mental health therapy and meets with a
15 certified clinical trauma professional for individual bi-weekly
16 counseling. He has been diagnosed as outlined in the
17 Sentencing Memorandum -- Chronic Post Traumatic Stress Disorder
18 and Moderate Generalized Anxiety Disorder and he does need
19 additional health treatment to address his ongoing mental
20 health needs.

21 He has shown respect for this court while awaiting
22 sentencing and the public is not in need of protection from
23 Mr. Thurmond. He will work diligently, also, Your Honor, to
24 pay restitution as outlined by this court. We pray that this
25 court extends mercy on Mr. Thurmond and sentence him to a

1 sentence of probation followed by supervised release. Should
2 this court impose incarceration, we respectfully request that
3 Mr. Thurmond is allowed to remain at liberty pending an appeal,
4 but if this court refuses to set an appeal bond, we ask that
5 Mr. Thurmond be allowed to self-report to the designated
6 institution. His choice, Your Honor, would be FCI Atlanta
7 because he has ties to his family there and Mr. Thurmond would
8 like to make an allocution statement at this time.

9 THE DEFENDANT: Yeah, I can.

10 THE COURT: Thank you.

11 Yes, sir?

12 THE DEFENDANT: Thank you for giving me the honor to
13 speak. My name is Brandon Thurmond and the situation that we
14 have right here I take full responsibility for, but under no --
15 like, with me being back in society, I see how important it is
16 not just for me to be in society, but for my daughter and my
17 stepdaughter to be in society as I help raise them as well.
18 The five years I have been away from my daughter -- it impacted
19 and it hurt her a lot and at the time that she came over she
20 was verbally getting back comfortable with me and speaking on
21 the things that she's been through, and I know if you find in
22 your heart to send me back down the road, the impact it will
23 have towards my daughter and my stepdaughter and also my family
24 that's here today. I thank you for taking the time to listen
25 to me. Hopefully, you find to give me probation to continue to

1 be in society. Thank you.

2 THE COURT: Anything else, Mrs. Walker?

3 MRS. WALKER: Yes, Your Honor. He has family that's
4 here today and I have provided that -- Brandi Barkus and his
5 mother, Crystal Thurmond. His mother is kind of shy.

6 THE COURT: That's okay.

7 Good afternoon, ma'am. What is your name?

8 MS. CRYSTAL THURMOND: Good afternoon, sir. My name
9 is Crystal Thurmond. I am Brandon's mother.

10 THE COURT: Yes, ma'am. What would you like for me to
11 know about your son?

12 MS. CRYSTAL THURMOND: I want you to know that I
13 raised him very respectfully and he's always been a respectable
14 young man. He went through high school, through college. I
15 never had to go to the school for him. I never had any
16 problems. He was such a leader in school to where it was other
17 football players' parents would allow their kids to come stay
18 with us because I had such a stable environment and I raised my
19 kids -- you know, I kept them in the church and I have raised
20 them to be good kids, you know, respectable, mannerable, and
21 that's him. He is very mannerable.

22 He loves his daughter. He loves his family, you know.
23 He just came home, you know, just somebody just -- somebody
24 just, you know, when he got his little career with the Falcons,
25 you know how jealousy sets in and he got set up and that's from

1 him being -- and I hate to say this -- sheltered, you know,
2 because I sheltered my kids because I never allowed them to be
3 around wrongdoing.

4 I didn't allow them to be out in the street. You
5 know, they didn't hang out and even as adults my kids don't,
6 you know, hang out in the street. They don't do drugs. They
7 don't involve themselves in clubs, and, you know, him right
8 now -- he's been locked up for the five years, but he still
9 come home. He hasn't been to a club. He don't drink alcohol.
10 He don't do drugs. He is a family guy and the only thing I am
11 asking, sir, is that, you know, you take consideration that,
12 you know, we all do wrong, and he know what he done wrong and I
13 am just asking you to forgive him, you know, and have
14 consideration that he does have a -- he does have a family and
15 he does have -- he does have me that's going to keep
16 distilling, you know, God first and for him to do right.

17 You know, he know what he done wrong and he's been on
18 the straight and narrow and I am just asking you, you know, if
19 he could get probation, home confinement, you know, because,
20 like, his daughter -- you know, she -- it was a big impact on
21 her. It was a big impact on me. I ain't getting no younger,
22 you know, but, you know, and I just want to enjoy, you know,
23 the time I have because even him coming home he showed me that
24 he still -- that he is that young man that I raised.

25 THE COURT: Yes, ma'am.

1 MS. CRYSTAL THURMOND: That's all I got to say.

2 THE COURT: Thank you.

3 MS. BRANDI BARKUS: Hi. Hello.

4 THE COURT: Yes and your name?

5 MS. BRANDI BARKUS: Brandi Barkus.

6 THE COURT: Yes, ma'am.

7 MS. BRANDI BARKUS: Thank you for reading my letter I
8 sent and I just wanted to speak on Brandon's commitment since
9 he's been home to being a better person as far as the
10 commitment he has to getting up at 3 o'clock in the morning to
11 go to work everyday. He makes no excuses. His commitment to
12 apply for 100 jobs to get 7 to 10 offers with the hurdles of
13 being a felon, all of the things that he has to face to become
14 the man that he is today and the man that he has the potential
15 to even be and with all of the challenges he has had he's never
16 once complained about it.

17 I will say he's told me before when he has expressed
18 remorse on the situation the embarrassment even talking to me
19 about it and just getting through those things in life he is --
20 like, the one thing I just love so much is that he is committed
21 to just standing on it -- what am I doing next? And he talked
22 a lot about what he was going to do when he was in prison, but
23 the last seven months seeing him actually do it, it's
24 refreshing, and then this last Saturday we had about -- well,
25 we had about 80 kids or so sign up for his mentorship program

1 and about 60 or so showed up out of the 75 registered. Because
2 the other ones didn't have rides and things like that, Brandon
3 went and picked up some of those kids. He made double trips to
4 make sure that he showed up for them and his commitment to show
5 up in areas that they might have someone.

6 It was -- the way that they were excited to see like,
7 when are you doing it again, Coach Brandon? When are you doing
8 this? Like, he is so committed to show up. He wants to show
9 up for his daughter, for work, for these kids, for my daughter.
10 I can't even speak on her. I'll get emotional, but his
11 commitment to show up and he understands everything that he's
12 done wrong. As much research and the work he's putting in to
13 just become the best provider for his family, for myself -- I
14 mean, I am a hard working person, too, but his willingness of
15 wanting to just take care of the people around him, too, it is
16 refreshing, too, but I can't really speak too much more. Thank
17 you for listening.

18 THE COURT: Sure. Thank you for coming. That's very
19 helpful.

20 Anything else then?

21 MRS. WALKER: No, Your Honor.

22 THE COURT: All right. Ms. Stanley, what are your
23 thoughts on the sentence today?

24 MS. STANLEY: Thank you, Your Honor. First, if I may
25 address a few of the points that Mrs. Walker made in her

1 Sentencing Memorandum here today -- specifically, the actual
2 versus intended loss issue. First of all, I would request that
3 if the Court is inclined to rely on actual loss instead of
4 intended loss that we be allowed an opportunity to brief the
5 issue, but for now I'll say that this court as well as every
6 other court to address the issue in this district has decided
7 to use intended loss rather than actual loss in calculating the
8 loss.

9 It's currently being litigated across the country, but
10 the majority of courts nationwide determined that loss in the
11 guidelines does include intended loss. The Sentencing
12 Commission and the Eleventh Circuit have long interpreted loss
13 to include intended loss. Congress has provided that frauds
14 that are not completed -- so where no money goes out the
15 door -- should be punished the same as frauds that are
16 successful and that logically makes sense because a thief who
17 steals \$50 million from the bank may face a guidelines range of
18 10 years or more while another thief whose similar crime is
19 thwarted by a diligent cyber-security team would have committed
20 a zero dollar crime that would result in zero to six months in
21 prison.

22 So this is exactly the kind of logic that the Sixth
23 Circuit employed recently and decided that where the defendant
24 had been convicted of various crimes related to trade secrets
25 and economic espionage. The actual loss was zero while her

1 intended loss was 121 million. So when the court looks at the
2 term "loss" in context which it is required to do, it clearly
3 includes intended loss. The defendant cites to the Eleventh
4 Circuit decision in *Dupree*, but, in fact, in the *Dupree* case
5 the court looked to the context of a different term to find
6 that it was unambiguous and *Dupree* requires this court to
7 consider the relevant statutory guidelines and context and if
8 that context does not make clear that loss includes intended
9 loss, it at least shows that the term is ambiguous and this
10 court can then look to the commentary in interpreting the word.
11 It could mean many things. It could be deprivation of money.
12 It could mean interest. It could mean the loss of reputation
13 and so the court should defer to the commentary and use
14 intended loss in calculating Mr. Thurmond's guidelines.

15 The last note I'll make on that issue, Your Honor, is
16 that recently the Sentencing Commission promulgated final
17 proposed amendments to the guidelines and that includes a
18 proposed amendment to remove the definition of loss from the
19 commentary to the guideline itself and so to address the issue
20 delineated first by the Third Circuit in the *Banks* case and so
21 if Congress does nothing which is common that amendment will go
22 into effect November 1 of this year. So for all of those
23 reasons we think it is clear that the PSI correctly uses the
24 intended loss figure and that this court should as well.

25 I think this court can weigh the remainder of the

1 defendant's arguments regarding the 3553(a) factors, but I do
2 want to comment on one other argument made by the defense which
3 is this idea of this being a federal prosecution versus a state
4 prosecution and that in and of itself having a significant or a
5 substantial deterring effect or that in and of itself
6 accounting for the seriousness of this offense, and whether or
7 not it is a state or federal offense is not what the guidelines
8 or the statute contemplate in dealing with those factors.

9 Indeed, Mr. Thurmond will likely spend less time in
10 jail for this offense than he did in state prison for a drug
11 trafficking conviction. This kind of offense is so serious and
12 requires serious imprisonment because it's often viewed as a
13 victimless crime, and putting aside the fact that the taxpayers
14 and the government agencies who are defrauded are, of course,
15 victims, it is also important to remember that there were small
16 businesses who could not access loan money because the PPP
17 programs and the EIDL programs actually ran out of money.
18 There were also people who actually needed unemployment
19 insurance to feed their families and the defendant's conduct
20 took money away from those businesses and those individuals.

21 Accordingly, we would ask for a guideline sentence of
22 imprisonment to adequately account for those 3553(a) factors of
23 accounting for the seriousness of the offense and deterring
24 other potential offenders. As to the sentence generally, Your
25 Honor, I'd like to point out just how egregious it is that

1 Mr. Thurmond was using a contraband cellphone while in prison
2 to steal government funds. While he was in state prison
3 serving time on a different significant felony offense, there
4 were screenshots saved of his text conversations on this
5 contraband phone with his sister where you can see Mr. Thurmond
6 FaceTime'ing his sister and co-defendant from inside a prison.
7 Mr. Thurmond on the inside and Ms. Thurmond on the outside ran
8 their own criminal enterprise whose goal was to steal from the
9 taxpayers. They solicited their friends and their family
10 members to gather their personal information and took a cut of
11 the money that they got for these people.

12 These applications aren't close to being legitimate.
13 So this is not one of the situations you have where perhaps
14 someone did actually have a barbershop or nail salon business
15 but the numbers were inflated. These businesses are totally
16 made up. The unemployment applications are totally fabricated.
17 None of the Arizona unemployment applicants lived in Arizona.
18 They used actual Arizona addresses that were in some cases
19 linked to dozens of other fake applications for unemployment in
20 Arizona. Brandon Thurmond doesn't live the Arizona, Virginia,
21 West Virginia, or California and he certainly wasn't eligible
22 for unemployment in the state of Georgia and all six of the
23 Schedule C's that Mr. Thurmond created for the PPP loans were
24 exactly the same except for the names and types of businesses.
25 They just had the same gross revenue amount and cost and --

1 exactly the same and they were designed to maximize the amount
2 that each person could get for a sole proprietor.

3 Brandon Thurmond didn't just fill out the forms with
4 fake numbers. He actually created fake tax documents and
5 submitted them to a financial institution over and over again
6 and he was aware in real time of the potential consequences of
7 his actions. At one point he texted his sister that he was
8 going to get his loan reversed because he might lose his bank
9 account because of the fraudulent activity. His sister
10 responded, "I wouldn't. You're in jail. Someone stole your
11 info." His sister later texted him that he needed to be back
12 with his daughter and he responded, "Exactly. That's why I want
13 to send that back." Sadly, he made the choice otherwise to
14 steal that money and to keep it.

15 Your Honor, I would submit that even the intended loss
16 amount in this case doesn't fully capture the scope of the
17 intended fraud. You have three different kinds of fraudulent
18 applications. I have never -- personally have not prosecuted a
19 case involving Unemployment Insurance, PPP loans, and EIDL
20 applications. Not all of them were successful, but those
21 required three different tactics and strategies. Some were
22 just submitting a form. Others required the creation of
23 fraudulent tax documents. So I think had there been more
24 success or more time, the defendants would have succeeded in a
25 much larger dollar amount of loss.

1 The government submits here that the guidelines are
2 reasonable and that they adequately account for the 3553(a)
3 factors and so we ask that the court impose a sentence of
4 imprisonment within the guideline range. The government also
5 asks the court to order restitution as specified in the PSI and
6 order that Mr. Thurmond and his co-defendant be jointly and
7 severally liable for that amount. We also request that the
8 court apply to the restitution amount the seized funds from
9 Mr. Thurmond's Navy Federal Credit Union account which are
10 currently in the custody of the government.

11 The government does not oppose a self-reporting date,
12 Your Honor, but we do oppose an appeal bond. This is not a
13 case where we have a conditional plea and Mr. Thurmond has
14 waived his right to appeal except under very narrow
15 circumstances, none of which appear to apply here. Thank you,
16 Your Honor.

17 THE COURT: What were you saying about the Navy
18 Federal account?

19 MS. STANLEY: The PPP loan that went into
20 Mr. Thurmond's Navy Federal Credit Union account was seized
21 before it was disbursed. The government executed a seizure
22 warrant and it's noted in the PSI, Your Honor.

23 THE COURT: I noted that, but I didn't see anything in
24 here. You want me to order ---

25 MS. STANLEY: That it be applied to the restitution

1 amount. I was speaking with Special Agent Escobar. Our
2 understanding is that that money is currently held in some sort
3 of escrow account until there is an order directing the
4 government ---

5 THE COURT: To apply it.

6 MS. STANLEY: Yes, sir.

7 THE COURT: All right. Is that it?

8 MS. STANLEY: That's it, Your Honor. Thank you.

9 THE COURT: All right. I have now listened to the
10 defendant, Mr. Thurmond, and his counsel. I have reviewed the
11 Presentence Report. I have also reviewed the Sentencing
12 Memorandum filed on Mr. Thurmond's behalf. Pursuant to the
13 Sentencing Reform Act of 1984 it is the judgment of the court
14 that the defendant, Brandon Jamal Thurmond, is hereby committed
15 to the custody of the Bureau of Prisons to be imprisoned for a
16 term of 21 months. The court finds no reason to depart from
17 the sentence called for by application of the advisory
18 guidelines inasmuch as the facts as found are of the kind
19 contemplated by the Sentencing Commission.

20 Restitution in the total amount of \$140,228 is due in
21 the following amounts to the following victims: \$11,831 to the
22 Georgia Department of Labor; \$20,000 to the Small Business
23 Administration; \$25,065 to the Arizona Department of Economic
24 Security; and \$83,332 to Harvest Small Business Finance, LLC.
25 However, the economic circumstances of Mr. Thurmond do not

1 allow for payment of the full amount of restitution ordered
2 under any reasonable schedule of payments now or in the
3 foreseeable future. Pursuant to 18 U.S.C. § 3664(f)(3)(B)
4 nominal payments of either quarterly installments of a minimum
5 of \$25 if working non-UNICOR or a minimum of 50 percent of
6 monthly earnings if working UNICOR shall be made.

7 Upon release from imprisonment and while on supervised
8 release nominal payments of minimum of \$400 per month shall be
9 made. Payments are to be made payable to the Clerk, United
10 States District Court for disbursement to the victims. The
11 restitution shall be paid jointly and severally with
12 co-defendant La'Kyera Thurmond in an amount to be determined.
13 Any monies held in the defendant's Navy Federal account seized
14 in connection with this case shall also be -- I'll order they
15 be applied to the restitution balance.

16 After considering the factors set forth in Guideline
17 5E1.2(d) and the restitution obligation, I have determined that
18 Mr. Thurmond does not have the ability to pay a fine. I
19 further order that he shall pay to the United States a \$100
20 special assessment which shall be due immediately.

21 As previously mentioned about the account I will
22 address pursuant to the Plea Agreement he shall forfeit his
23 interest in any property that may have been seized in
24 connection with this case including the Navy Federal account
25 that I just mentioned.

1 While on supervised release he shall comply with
2 certain special conditions. The court has considered the
3 factors set forth in 18 U.S.C. § 3553 and 3583 and relevant
4 policy statements issued by the commission and has determined
5 that the following special conditions involve no greater
6 deprivation of liberty than is reasonably necessary to achieve
7 the purposes of sentencing.

8 The following special conditions are imposed:
9 Mr. Thurmond must submit to substance abuse testing to
10 determine if he has used a prohibited substance. He must not
11 attempt to obstruct or tamper with the testing methods. He
12 must provide the probation officer with access to any requested
13 financial information and authorize the release of any
14 financial information. The probation office may share
15 financial information with U.S. Attorney's office. He must pay
16 the financial penalty in accordance with the Schedule of
17 Payment sheet of the Judgment. He must notify the court of any
18 changes in economic circumstances that might affect his ability
19 to pay the financial penalty.

20 He must inform any employer or perspective employer of
21 his current conviction and supervision status. He must not be
22 employed in any fiduciary capacity or any position allowing
23 access to credit or personal information of others unless the
24 probation officer approves such employment.

25 He must submit his person, property, house, residence,

1 office, vehicle, papers, computers, other
2 electronic-communications or data-storage devices or media to a
3 search conducted by a U.S. Probation Officer. Failure to
4 submit to a search may be grounds for revocation of release.
5 He must warn any other occupants that the premises may be
6 subject to searches pursuant to this condition. The probation
7 officer may conduct a search under this condition only when
8 reasonable suspicion exists that he has violated a condition of
9 supervision and that the areas to be searched contain evidence
10 of the violation. Any search must be conducted at a reasonable
11 time and a reasonable manner.

12 The court finds that a curfew is necessary to provide
13 just punishment for the defendant's offense and to protect the
14 public from crimes that he might commit during curfew hours.
15 Therefore, a curfew is imposed. He must comply with the
16 conditions of a curfew from 10 p.m. 'til 6 a.m. during the
17 period of supervision. That's daily. During this time he must
18 remain at his place of residence at all times and shall not
19 leave except when the leave is approved in advance by the
20 probation officer.

21 The probation officer is directed to provide
22 Mr. Thurmond with a written statement setting forth all of the
23 conditions to which his term of supervised release is subject.

24 I have accepted the Plea Agreement because I am
25 satisfied the agreement adequately reflects the seriousness of

1 the actual offense behavior and that accepting the Plea
2 Agreement will not undermine the statutory purposes of
3 sentencing.

4 Reporting date, Officer Brown?

5 THE PROBATION OFFICER: Your Honor, 60 days from now
6 is a Saturday. That's June 29. So we would recommend Monday,
7 July 1.

8 THE COURT: Monday, July 1. I order that Mr. Thurmond
9 shall voluntarily surrender to the institution designated by
10 the Bureau of Prisons by 2 p.m. on Monday, July 1, 2024. I
11 will recommend his assignment to the FCI Atlanta.

12 Pursuant to the Plea Agreement, with limited
13 exceptions, Mr. Thurmond has waived all rights conferred by
14 18 U.S.C. § 3742 to appeal the sentence. He has also waived
15 the right to appeal the sentence on any other ground and has
16 waived the right to attack the sentence in a post-conviction
17 proceeding.

18 Sentence has now been pronounced. Other than any
19 objections which may have previously been stated for the
20 record, does anyone now have any objections to the court's
21 findings of fact, conclusions of law or to the manner in which
22 the sentence was pronounced by the Court?

23 Ms. Stanley?

24 MS. STANLEY: No, Your Honor.

25 THE COURT: And Mrs. Walker?

1 MRS. WALKER: No, Your Honor.

2 THE COURT: All right. We are concluded then. Thank
3 you all.

4 (The hearing is concluded.)

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1 CERTIFICATE OF REPORTER
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5 I, Lisa H. Davenport, Federal Official Reporter, in and
6 for the United States District Court for the Southern District
7 of Georgia, do hereby certify that pursuant to Section 753,
8 Title 28, United States Code that the foregoing is a true and
9 correct transcript of the stenographically-reported proceedings
10 held and that the transcript page format is in conformance with
11 the regulations of the Judicial Conference of the United
12 States.

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15 Lisa H Davenport, RPR, FCRR
16 Federal Official Reporter
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