

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta
AUG 06 2020
JAMES N. HATTEN, Clerk
By:  Deputy Clerk

UNITED STATES OF AMERICA
Plaintiff,

CRIMINAL ACTION

v.

CASE NO. 1:20-CR-228 *MHC*

MAURICE FAYNE,
FICTITIOUS DEFENDANT
Defendant,

**CASE NOS. 1:20-MJ-370, 364,
361, 360, 355 and 1:20-MC-833,
1:20-CR-228-MHC-JKL,
1:20-CR-228-MHC-JKL**

MOTION TO SUPPRESS CRIMINAL AFFIDAVIT AND ALL EVIDENCE

COMES NOW, maurice johnson fayne el, a aniyunwan Moor American National, but not Citizen of the United States moves the court to suppress the criminal affidavit and exclusion of all evidence physical and testimonial, obtained and derived from or through or as a result of the Federal Bureau of Investigation agents, including but limited to any other law enforcement agency's unlawful entry, search, arrest and detention which occurred on May 11th 2020 and May 13th 2020. The unlawful entry, search, arrest and detention that occurred at 4029 Mountain Side Trail, Dacula Georgia 30019 violated the Federal Fourth and Fifth Amendments to THE CONSTITUTION OF THE UNITED STATES OF AMERICA where it written, The right of the people to be secure in their persons,

houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

1. Specifically, maurice johnson fayne el, a Moor America National moves the court to suppress the criminal complaint and the affidavit that accompanied it.
2. The search and seizure warrant and the affidavit that accompanied it.
3. The arrest warrant and the affidavit that accompanied the arrest warrant it.
4. Any statements made by the alleged defendant, signed or unsigned, or any oral statements or confessions made by the maurice johnson fayne el.
5. Any and all other property, papers, information, or testimony pertaining to maurice johnson fayne el, obtained or taken from him, on or about May 11, 2020 and at any time thereafter, by agents, employees of the Federal Bureau of Investigations, neighboring field officers of the Federal Bureau of Investigations, Attorney's, investigators or employees of the United States Attorneys Office or by any other person, law enforcement agencies including, but limited to Gwinnett County Sheriff officers, Gwinnett Police department officers acting in concert with them.

6. Any and all other property, papers, information or testimony pertaining to the Respondent obtained as the fruit of the illegal and unlawful search, seizure, detention, interrogation and arrest that occurred on or about May 11th, 2020.

7. The Criminal Indictment and Superseding Indictment. They are not signed under oath or affirmation. Without a sworn affidavit attached, they are nothing more than unsworn statements.

INTRODUCTION

maurice johnson fayne, el a Moor American National, but not a citizen of the United states moves the court and files this motion to suppress evidence gathered and filed by the Federal Bureau of Investigation agents and other law enforcement agencies using tactics prohibited by the Fourth Amendment and Fifth Amendment of The Constitution of the United States of America.

Agents of the Federal Bureau of Investigation, Gwinnet County Sheriff Officers, Gwinnett County Police Department Officers, any and all other law enforcement agencies, including investigators and any employees, affiliate, third party(s) of the aforementioned violated the Fourth Amendment in three main ways. First, Federal Bureau Investigation agents, officers from Gwinnett County Sheriff's Office and Gwinnett County Police Department barged into maurice johnson fayne el home without maurice johnson fayne el voluntary consent, and without a valid warrant.

Second, Federal Bureau Investigation agents, Gwinnett County Sheriff officers and Gwinnett Police Department officers deliberately used coercion and duress to conduct the search and seizure. Third, agents had no articulable reason to harbor suspicion that maurice johnson fayne el and any derivative of the name had violated the law. Suspicion is **not** a crime. The Federal Bureau of Investigation agents also violated the Fifth Amendment by coercing maurice johnson fayne el into making statements involuntarily and in a fundamentally unfair manner. The Federal Bureau of Investigation agents' blatant violations of the Fifth Amendment require this Court to suppress the evidence before it.

Agents also violated their Oaths of Office and the Fourth of Amendment, providing yet another reason for this Court to suppress the evidence before it. The Federal Bureau Investigations agents and other law enforcement agencies violated the Fourth Amendment protected rights of maurice johnson fayne el which requires them to obtain a valid warrant or his voluntary consent before the search, develop reasonable suspicion (*articulable facts*) before questioning and seizing him, refrain from placing maurice johnson fayne el under coercion and duress during the search, and adhere to certain procedures during arrests and the seizing of his private property.

The original search and seizure warrant submitted and filed with Clerk of The United States District Court, Northern District of Georgia by Special Agent

Paul Fike of Federal Bureau Investigations did not have the required court seal affixed, nor wasn't it signed by James H. Hatten. All writs and process issuing from a court of the United States shall be under seal of the court and signed by the clerk. The affidavit that Special Agent Paul Fike of Federal Bureau Investigations *was not signed under oath or affirmation as required by the Fourth Amendment.*

Specifically, he didn't signed the search warrant affidavit at all. The Affidavit that Special Agent Paul File prepared, filed and submitted to the United States District Court, Northern District of Georgia is not based on firsthand knowledge. All affidavits *must* be on the affiant's firsthand knowledge of the facts. Statements made by Special Agent Paul Fike of the Federal Bureau of Investigation are hearsay and unsworn statements. Accordingly, this Court must suppress evidence, the search warrant and affidavit collected through the Federal Bureau Investigations agents' egregious Constitutional protected rights of maurice Johnson fayne el or, in the alternative, hold an evidentiary hearing to determine whether suppression is warranted.

The original arrest warrant submitted and filed with Clerk of The United States District Court, Northern District of Georgia by Special Agent Paul Fike of Federal Bureau Investigations *did not have the required court seal affixed,* nor wasn't it signed by James H. Hatten. *All writs and process issuing from a court of the United States shall be under seal of the court and signed by the clerk.* The

affidavit that Special Agent Paul Fike of Federal Bureau Investigations was not signed under oath or affirmation as required by the Fourth Amendment. As required in the rule, the magistrate did not acknowledge in writing on the warrant that he or she actually placed Special Agent Paul Fike under oath prior to issuing the arrest warrant. Specifically Special Agent Paul Fike of the Federal Bureau of Investigation *did not sign the arrest affidavit* at all. The Affidavit that Special Agent Paul Fike prepared and filed in the United States District Court, Northern District of Georgia is not based on firsthand knowledge. All affidavits *must* be on the affiant's firsthand knowledge of the facts. Statements made by Special Agent Paul Fike of the Federal Bureau of Investigation are hearsay and unsworn statements. Accordingly, this Court must suppress evidence, the search warrant and affidavit collected through the Federal Bureau Investigations agents' egregious Constitutional protected rights of maurice johnson fayne el or, in the alternative, hold an evidentiary hearing to determine whether suppression is warranted.

The original Criminal Complaint submitted and filed with clerk of The United States District Court, Northern District of Georgia by Special Agent Paul Fike of Federal Bureau Investigations did not have the required court seal affixed, nor wasn't it signed by James H. Hatten. All writs and process issuing from a court of the United States shall be under seal of the court and signed by the clerk. The

affidavit that Special Agent Paul Fike of Federal Bureau Investigations **was not signed under oath or affirmation as required by the Fourth Amendment.**

Specifically, *he did not sign the complaint affidavit* at all. The Affidavit that Special Agent Paul File prepared, filed and submitted to the United States District Court, Northern District of Georgia is not based on firsthand knowledge. He is testifying to statements he has no firsthand knowledge of. He is recalling alleged allegations that he was not a witness to. All affidavits **must** be on the affiant's firsthand knowledge of the facts. Statements made by Special Agent Paul Fike of the Federal Bureau of Investigation are hearsay and unsworn statements.

Accordingly, this Court must suppress evidence, the search warrant and affidavit collected through the Federal Bureau Investigations agents' egregious Constitutional protected rights of maurice johnson fayne el or, in the alternative, hold an evidentiary hearing to determine whether suppression is warranted.

STATEMENTS OF FACTS

On May 11th, 2020 maurice johnson fayne el, heard a loud bang on the door of his private home. In a half-awake state, maurice johnson fayne el got out of his bed and looked outside of his bedroom window. He saw several men in uniforms, holding guns. He didn't know who they were or what they were at his private home for. He heard one of the men yell several times "open the door," "open the door."

Exhausted and confused, maurice johnson fayne el, open the door to see what they wanted. Several Federal Bureau Investigations agents, Gwinnett County Sheriff offices and Gwinnett County Police Officers, several displaying guns walked through the door into his house “yelling get down on the floor, “get down on the floor.” None of the agents asked maurice johnson fayne el permission to enter. With guns pointed in his face, maurice johnson fayne and afraid for his life complied and got down on the floor. One of the agents quickly placed handcuffs on maurice johnson fayne el. The agent did not read maurice johnson fayne el his miranda rights. An agent picked him up from the floor to a standing position and began to search his person. While still standing the agent stated, “We are here for three pieces of custom jewelry.” The agent did not present maurice johnson fayne el with a lawful search and seizure warrant. maurice johnson fayne el immediately led the agent to the bedroom with the three pieces of jewelry, which were on a night stand along with other pieces of jewelry. At this point they did not take the three pieces of jewelry that maurice johnson fayne el escorted them to. The agent then escorted maurice johnson fayne el out of the couch back into the living room and placed on the couch in a sitting position. Other agents began to enter his house and began to search his home unlawfully. As the other officers search his house he could hear some yelling, “clear”, “clear”, “clear” As maurice johnson fayne el was sitting on the couch, he then asked the agent, “Am I under arrest?” The agent

replied, "no, you don't have to talk to us." maurice johnson fayne el replied, "I feel like I am. I'm sitting here in handcuffs. At a point the officer pulled out a tape recorder. maurice johnson fayne el stated to the agent, "what do you want to know?" The agent asked a few questions. The officer then showed Arvest Bank Statements for Flame Trucking, not Fayne Trucking. maurice johnson fayne el, stated, "those are not mine." Without being able to inspect a lot of documents and verify that the documents were certified from a bank was the reason maurice johnson fayne el, stated, "those are not mine." Agent Paul Fike asked maurice johnson fayne el, "did he by the Rolls Royce from the proceed from the PPP loan?" maurice johnson fayne el replied, Kind of sort of, but I don't want to talk about it until I have an attorney.

Special Agent Paul Fike then stopped the recording and made a phone call to see if maurice johnson fayne el invoked his fifth amendment right. He then restarted the tape record proceeded to ask maurice johnson fayne el another question. He asked him, "Do you know Sharon Thompson?" maurice johnson fayne el, replied, Yes. At United Community Bank. The officer replied, "You don't know a Sharon Thompson in Arkansas, the one \$40,000 was sent to. maurice johnson fayne el replied, "No I don't anything about 40,000 being sent to Sharon Thompson. The only Sharon Thompson I know works at United Community Bank. Shortly after that they started talking about football, because at this moment they

were on the balcony because maurice johnson fayne el was smoking a cigarette. Shortly the officers left. When maurice johnson fayne el walked back into his room he noticed the Federal Bureau Investigation Agents took more than the three pieces of custom jewelry they stated that they originally came for. maurice johnson fayne el immediately call Special Agent Paul Fike and told him that they took more than three pieces of jewelry. Special Agent Paul Fike, then stated, "It went to another location, but he was going to get my phone back to me, but he would ask for it. About 3 or 4 hours later, they returned with my phone, but not all the other jewelry and items they unlawfully took from maurice johnson fayne el home. The next day he called and asked, "are you home? We are going to bring you your jewelry. maurice johnson fayne el gave him his attorney name and told him to contact her. On Wednesday May 13th 2020 maurice johnson fayne el received a call from his then attorney and she informed him that there was an arrest warrant for. He later turned himself in that same day along with his attorney at that time. He no longer has an attorney.

Any reasonable Federal Bureau Agent, Sheriff officer or any law enforcement agent who has received internal training "*should be aware of the 4th amendment to the Constitution*" Furthermore any Agent of the Federal Bureau Investigation, supervisor, any agent in a senior superior position over field agents should know they were required under the 4th amendment to have a valid, lawful

search and seizure warrant, as well as a valid, lawful arrest warrant. Paul Fike of Federal Bureau Investigation, Officers from the Gwinnett County Sheriff Office and Officers of the Gwinnett County Police Office and any other law enforcement agency did not have a lawful search and seizure warrant, nor arrest warrant, as required by THE CONSTITUTION of THE UNITED STATES OF AMERICA. The unlawful search and seizure warrant as well as the arrest warrant are void and can't be enforced.

WHEREFORE, I pray that this court grants the suppress the Criminal Affidavit and all other evidence, physical and testimonial obtained and seized by the Agents of Federal Bureau Investigation and return all private property to maurice johnson fayne el because of the unlawful search and seizure warrant, along with the arrest warrant used to violate his constitutionally protected due process rights.

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct

Respectfully submitted this 6th day of August, 2020, by:

Maurice Johnson Fayne el
maurice johnson fayne el



CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Suppress Criminal Affidavit and all other Evidence has been formatted in Times New Roman 14 pt., in accordance with Local Rule 5.1B, and was electronically filed this day with the Clerk of Court using CM/ECF system which will automatically send email notification of such filing to the following counsel of record:

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