

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 United States of America,

5 vs.

Docket No.
1:20-cr-00228-MHC

6 Maurice Fayne,

7 Defendant.

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11 TRANSCRIPT OF TELEPHONE CONFERENCE
12 MOTION TO WITHDRAW AS COUNSEL
13 BEFORE THE HONORABLE JUSTIN S. ANAND
14 UNITED STATES MAGISTRATE COURT JUDGE
15 THURSDAY, JUNE 25, 2020
16

17 Appearance of Counsel:

18 For the Plaintiff: Michael Brown, Esq.
Assistant United States Attorney

19 For the Defendant: Tanya Miller, Esq.
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21
22 Judith M. Wolff, CRR
23 Official Court Reporter
24 1914 United States Courthouse
25 75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303
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1 (Court was called to order at 12:02 p.m.)

2 THE COURT: Hi. Good morning. This is Judge Anand.
3 Do I have everybody on the line?

4 MS. MILLER: Yes. Good morning, your Honor. Tanya
5 Miller, for Mr. Fayne.

6 THE COURT: Hi. Good morning, Ms. Miller.

7 MR. BROWN: Yes. Mike Brown, for the government.

8 THE COURT: Morning, Mr. Brown.

9 MR. BROWN: Morning.

10 THE COURT: And is Mr. Fayne also on the line?

11 THE DEFENDANT: Yes, sir. Mr. Fayne here.

12 THE COURT: All right. Very good.

13 So I have received the motion from Ms. Miller to
14 withdraw and it wasn't clear whether Mr. Fayne was asking for
15 court-appointed counsel, but I did receive the financial
16 affidavit from Mr. Fayne.

17 So let me just confirm, Mr. Fayne, at this time, are
18 you wanting to apply for and receive court-appointed counsel
19 in this case?

20 THE DEFENDANT: Yes, sir. That is correct.

21 THE COURT: Okay. And you consent to Ms. Miller's
22 motion to withdraw as counsel?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Ms. Miller, have you received any
25 retainer or funds that you are still in possession of that you

1 have not yet returned to Mr. Fayne?

2 MS. MILLER: Your Honor, I did receive a -- I did
3 receive funds. They were not -- there was no retainer with a
4 flat fee for my services.

5 It was an agreement that we would settle on a
6 finalized fee once we adjourned the investigation, once
7 Mr. Fayne was formally indicted and we understood the scope of
8 his case.

9 And unfortunately, when that happened, and not to go
10 into too much detail with my discussion with Mr. Fayne, but he
11 is unable to pay any money at this time in part because he has
12 not been able to work.

13 But it is partly because much of what he had has been
14 seized by the government and he just does not have any money
15 at this time.

16 So there is no -- there was no retainer, billing
17 retainer situation.

18 THE COURT: Okay. And then all I was trying to get
19 at was whether or not you have any money that you've not yet
20 billed for that would be for returning to Mr. Fayne, but it
21 sounds like the answer to that is no, that whatever you were
22 paid is for services rendered already; is that correct?

23 MS. MILLER: That is correct, your Honor.

24 THE COURT: Okay. All right.

25 So I will grant the motion.

1 And I have also reviewed the financial affidavit that
2 Mr. Fayne has submitted and I find that the information
3 provided for in that affidavit, along with the statement here,
4 qualifies him for a court-appointed counsel.

5 Obviously, there is a large amount of historical
6 income afforded, but we also have a substantial amount of
7 seizures, so I find on the basis of that information that he
8 is eligible for court-appointed counsel. So I will grant that
9 application.

10 Mr. Brown, the Federal Defender Program is not
11 conflicted for this; is that correct?

12 MR. BROWN: That's correct.

13 THE COURT: All right. So we will appoint the
14 Federal Defender Program. I don't know which specific
15 attorney would receive that appointment, but we will reach out
16 to them, whoever is on duty, and they should receive that duty
17 and we will appoint them right away.

18 And that person will be in touch with you, Mr. Fayne,
19 as well as with Ms. Miller right away.

20 Anything else for today?

21 MS. MILLER: No. Not on behalf of Mr. Fayne, your
22 Honor.

23 Except we do anticipate, just so that everyone is
24 aware, and I'm sure he will discuss this with whoever his
25 counsel is, and request for him to be able to start working

1 again.

2 And he just wanted me to raise that, to let everyone
3 to know that, that he was planning to do that at some point in
4 the near future, formally request a modification of his bond.

5 THE COURT: We will take that up when it's presented
6 and new counsel has had a chance to get up to speed.

7 Anything else, from the government?

8 MR. BROWN: Nothing from the government.

9 THE COURT: All right. That will be that.

10 We will grant the motion, issue an order, and I
11 believe by the end of the day we should have the name of the
12 person. If not, by tomorrow, but it will probably be today.

13 And then again that person will get in touch with
14 you, Mr. Fayne, and then we'll go forward here.

15 Otherwise, we will be in adjournment.

16 MS. MILLER: Thank you, your Honor.

17 THE DEFENDANT: Thank you.

18 MR. BROWN: Thank you.

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20 (Proceedings were adjourned at 12:08 p.m.)

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TRANSCRIBER'S CERTIFICATION

I, Judith M. Wolff, a Certified Realtime Reporter,
with offices in Atlanta, Georgia, do hereby certify:

That I transcribed the proceedings digitally recorded
on June 25, 2020, in the matter of USA vs. Maurice Fayne, aka
Arkansas Mo, Case No. 1:20-cr-00228-MHC;

That said audio recording of the proceedings were
reduced to typewritten form by me;

And that the foregoing transcript is a true and
accurate record of the proceedings.

Date: October 16, 2021

s/ JUDITH M. WOLFF, CERTIFIED REALTIME REPORTER
Signature of Transcriber