

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4

5 United States of America,

ZOOM VIDEOCONFERENCE

6 vs.

Docket No.

1:20-cr-00228-MHC-JKL

7 Maurice Fayne,

8 Defendant.
9

10
11 TRANSCRIPT OF HEARING ON DEFENDANT'S MOTION FOR RELEASE
12 HELD BY ZOOM VIDEOCONFERENCE
13 BEFORE THE HONORABLE JUSTIN S. ANAND
14 UNITED STATES MAGISTRATE COURT JUDGE
15 MONDAY, MAY 24, 2021
16

17 Appearance of Counsel:

18 For the Plaintiff: John Russell Phillips, Esq.
Assistant United States Attorney

19 For the Defendant: Saraliene Durrett, Esq.
20 Saraliene Smith Durrett, LLC
21

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1 (Court was called to order.)

2 THE COURT: Hi. Good morning. Can you all hear me
3 okay?

4 MR. PHILLIPS: Morning, your Honor.

5 MS. DURRETT: Yes.

6 THE COURT: Morning. All right. We're here in the
7 case of the United States of America vs. Maurice Fayne.
8 Mr. Phillips is here for the government; Ms. Durrett for the
9 defense, and Mr. Fayne is present as well.

10 Everyone -- I'm in court, open court here. Everyone
11 else is present by videoconference.

12 We're here for a motion from the defense for release
13 on bond. So I have reviewed the materials that you all have
14 filed, I think both sides have filed briefs. So I have read
15 all that, but I'll let you all have an opportunity to be heard
16 here as well.

17 But let's try to keep that short just because I have
18 read everything so you don't have to repeat in all that
19 detail. So roughly ten minutes a side, I'll let you be heard,
20 but to emphasize what's most important. Again, you can rest
21 assured I have read everything.

22 So, Ms. Durrett, I'll let you begin.

23 MS. DURRETT: Thank you, your Honor. And I may not
24 even take ten minutes.

25 But I know the Court has read what we filed, and I

1 know the Court knows the history of the case.

2 Mr. Fayne had represented himself for a while in the
3 case. He had been released on bond after his initial arrest,
4 he voluntarily reported at that time and was released on bond,
5 and then was later revoked based on an allegation that he had
6 contacted a witness.

7 So I know the Court knows all the history of that and
8 that he represented himself at a bond revocation and was taken
9 into custody.

10 Now he's represented by me. During the time that
11 he's been represented by me, we have been able to negotiate
12 the plea agreement with the government and he is awaiting
13 sentencing at this time.

14 We're asking that he be released pending sentencing
15 so that he can have -- he has a shoulder injury that he got in
16 2019. It has been looked at by the staff at RADD and it has
17 been looked at by a doctor there. The latest report that I
18 saw was that they said well, you just need to exercise it.
19 And it's his contention that he needs a second surgery.

20 He had a surgery in 2019 and he was supposed to have
21 another surgery in 2020. That got put on hold because of
22 COVID.

23 So his request is that he be permitted to see -- you
24 know, go out and see the same doctor. He thinks that his
25 surgery was at Northside Hospital, and I'm trying to get those

1 records.

2 His contention is that he should be able to go and
3 see the doctor at that same facility to confirm, you know,
4 that there is nothing that surgery can do for him or that he
5 doesn't need further treatment on that shoulder.

6 I know the government has a concern that he's going
7 to be released until sentencing. Mr. Fayne has told me that
8 he does not mind at all if his sentencing hearing is moved up.
9 We did not ask for that September date. If the Court
10 determines that there is a time to sentence him earlier than
11 that, he's fine with that.

12 If the Court determines that he should only be
13 released for a limited period of time, 60 days or 30 days, to
14 try to get that medical evaluation done, he's fine with that.

15 His concern is that he wants to make sure that if he
16 does need a second surgery, that that's done before he goes
17 into the B.O.P. system.

18 And I know the Court is very well aware of the
19 medical system at the B.O.P. and I understand courts often
20 tell me he can get fine care in the Bureau of Prisons, and I
21 believe that is true, but he would like to go back to the same
22 doctor that saw him initially, did the surgery, and just to
23 confirm that either he does need to get the surgery before he
24 goes in or he doesn't need the surgery.

25 Now, I know the government has argued that he is a

1 flight risk based on the potential sentence in the case. I
2 would argue that he -- because he's entered into this plea
3 agreement and he has this acceptance of responsibility hanging
4 over his head, he doesn't want to do anything that could
5 jeopardize that.

6 If he does anything inconsistent with accepting
7 responsibility in this case, he's going to lose the
8 government's recommendation for a sentence of 151 months in
9 this case. And he knows that.

10 So yes, there is a potential for a high sentence on
11 each count, but if he complies with his plea agreement, and he
12 complies with the acceptance of responsibility conditions,
13 then he's going to get a lower recommendation from the
14 government and maybe that will be enough to sway the district
15 court to give him a lower sentence.

16 But he certainly is aware that getting out on bond
17 and doing something to mess that up is going to be risking
18 more than just his bond at this point.

19 So he's done everything he can when I have been his
20 attorney to try to resolve this case and he's let me talk with
21 the government about trying to get a resolution, and we have
22 done that.

23 And I just think that he is ready to comply. He's
24 ready to meet the conditions of his plea agreement. And, like
25 I said, if the Court determines that an earlier sentencing --

1 I know this Court doesn't decide that, but he has no problem
2 with that. If he gets sentenced in July or August, there is
3 no problem with that.

4 I will note the Court, I'm sure knows, that when a
5 defendant is allowed to self-surrender to the B.O.P. facility,
6 he gets lower security points. So if a defendant is actually
7 taken from the marshal's custody to a B.O.P. facility, his
8 security score is higher than a defendant who gets to
9 self-surrender.

10 So it could effect his B.O.P. facility of
11 designation, it could effect the security of that designation.
12 So that is a big -- it is an important factor for Mr. Fayne
13 and he doesn't want to mess that up, either.

14 And I just think that based on all of these things,
15 Mr. Fayne wants to comply. He has an attorney now who can
16 advise him if he has any questions at all.

17 But I'll tell Court that he has explained me that he
18 wants to get out, do the things that we have asked, talk with
19 his daughter and help her plan as she's getting ready for
20 college. The most important factor for him right now is for
21 someone to look at that shoulder and get that taken care of.

22 So we do think there are conditions that could be
23 crafted that would ensure his appears in court and ensure the
24 safety of the community.

25 I think the conditions that were previously on were

1 successful, and I think that if the Court were inclined to say
2 he needed an ankle monitor or house arrest, he would abide by
3 those things just so that he could get out and go see the
4 doctor, if he needed to do that.

5 But otherwise I think it would be appropriate if the
6 Court determined that house arrest was something that should
7 be imposed in this case.

8 So that's the gist of our argument, your Honor.

9 THE COURT: All right. One thing I forgot to ask
10 initially, but let me just confirm. Does he consent to,
11 today, this being by video, the remote proceedings?

12 It's not the initial bond hearing, obviously. It's a
13 motion -- or a hearing that we're having on the motion to
14 consider, but does he consent to this being by remote?

15 MS. DURRETT: He does, your Honor. I asked him, and
16 he does.

17 THE COURT: Okay. All right.

18 Mr. Phillips, again, I have read your response, but
19 if you wanted to be heard as well in response to Ms. Durrett,
20 now is the time.

21 MR. PHILLIPS: Thank you, Judge.

22 I think the thing that I would like to just
23 emphasize, which I talked a lot about in my brief, is that the
24 only thing that has changed since December 22, 2020, when this
25 Court found that defendant Fayne had violated the conditions

1 of his pretrial release and ordered him detained, and stated
2 that the Court found by clear and convincing evidence that no
3 condition or combination of conditions would be sufficient to
4 ensure his appearance at trial or to protect other people and
5 the public from him, nothing has changed except that he has
6 pleaded guilty.

7 He is now assured of facing a lengthy prison
8 sentence. He is no longer able to claim that he's innocent.
9 So a significant motivation for him to show up has
10 disappeared. Judge Thrash talked about that in the Hill case,
11 that he now has an overwhelming motivation to flee.

12 So I think that is key. And I think most importantly
13 he has the burden, and that burden is by clear and convincing
14 evidence, which the Supreme Court has said means that he must
15 show that it's highly probable, highly probable.

16 In the face of this Court having previously said that
17 there are no conditions or combinations of conditions that
18 would assure his appearance or protect the public, he
19 certainly hasn't done anything in the meantime to show that
20 things have become highly probable in the other direction.

21 That statute that I talked about, Section 3143
22 provides three things: It says that he has to show both that
23 he is not a risk of flight and not a danger to another person
24 or to the community. He has to show that by clear and
25 convincing evidence.

1 Not only has he not done that, but, respectfully, I
2 believe the opposite is true. I think that the government has
3 established by clear and convincing evidence that he is both a
4 flight risk and a danger to other people and to the community.

5 And as the Court knows and as I explained in the
6 brief, it's not just a danger of physical violence, it's a
7 danger of economic harm to the community.

8 And I can't go into all the evidence because it would
9 just take too long, but it is a staggering, overwhelming
10 amount of evidence that shows him just defrauding one person
11 after another.

12 This is not just a one-time opportunity where the
13 defendant and some other people made a bad choice or did
14 something. They repeatedly targeted innocent people and stole
15 their money. And he just spent it as quickly as he could get
16 it. \$5 million just going to a casino.

17 Also, the Court will recall from the phone calls that
18 were recorded while he was at RADD, it shows that he has
19 continued to violate the law even after this Court revoked his
20 bond. He has been engaging in schemes to defraud other people
21 while locked up on bond -- after his bond was revoked, while
22 locked up.

23 So nothing has changed for him. He has continued to
24 use this network of flunkies and coconspirators to do his
25 dirty work for him while he has been locked up.

1 If you read the transcripts of those phone calls,
2 it's just -- it's clear, he is a hardcore fraudster. And he
3 talks about, you know, getting other people to make calls to
4 the DOT and to make false representations to the DOT to get
5 trucking authority to create these fictitious companies and
6 continue to operate fraudulent schemes while he was locked up.

7 He is a menace. He is a danger to the public.

8 The last thing I want to say, Judge, is I think that
9 it is extremely important to keep in mind that he lied to this
10 Court at the revocation hearing.

11 And that may not be a gentlemanly thing to say, it's
12 not most genteel way to describe it. But someone once said --
13 a famous person once said that the beginning of wisdom is
14 calling a thing by its correct name.

15 And this was not a mistake. This was not a simple
16 difference of opinion. This was an outright lie to this
17 Court. It was material to this Court's decision on bond. He
18 did it to try to trick you into believing that this was no
19 connection between the civil lawsuit brought by Mrs. Cain and
20 this indictment.

21 And then he lied to you again and he told you that he
22 had never seen her summons and complaint, her lawsuit, as he
23 called it. And I have shown beyond a reasonable doubt that he
24 was personally served with that summons and complain. He lied
25 to you and told you that he had never seen it.

1 He lied to you and told you that it had nothing to do
2 with the allegations in this indictment. I counted, I went
3 through that civil complaint, and it says, a hundred times,
4 the words "truck" or "trucking."

5 It is beyond any dispute whatever that that civil
6 complaint, as this Court found at the revocation hearing,
7 mirrors the allegations in the indictment.

8 So it's clear that he lied to the Court for the
9 purpose of trying to get out or stay out on bond. And that
10 shows that he is a danger to the public, that he is a risk of
11 flight.

12 The reason he's willing to make all these promises
13 now and double down on all these things, he told you in the
14 past is because he is desperate to get out. And if he gets
15 out, we're going to have a hard time finding him again.

16 And I urge this Court, as strenuously as I can, to
17 keep this man detained. He is a danger to the public.

18 Thank you, Judge. Thank you for the time for
19 listening to me.

20 THE COURT: Ms. Durrett, as the movant, I'll give you
21 a couple of minutes, if you wanted to have a rebuttal.

22 MS. DURRETT: Your Honor, I'll just -- I know the
23 Court knows, this is a nonviolent case. There is no
24 allegation that he committed violence against anyone or that
25 he had firearms.

1 So I understand the government's argument that this
2 could be an economic crime or something like that when he gets
3 out. But I do think the conditions that the Court could craft
4 would ensure the safety of the community and persons in the
5 community.

6 And I will also note that he did comply with the
7 coming to court condition, your Honor. He came to court when
8 he was required. He voluntarily surrendered at the beginning
9 of the case.

10 When he was called into probation on the day he was
11 actually arrested, he came to probation and voluntarily came
12 in. I don't think there was any problem when he was arrested
13 at that time and then held for his revocation hearing.

14 So he does come to court. And this isn't a violent
15 case, so I understand the government's argument. But I do
16 think there has been no showing -- and I think we have shown
17 that he is not likely to flee. He's going to continue coming
18 to court as the Court has ordered.

19 And I think the Court could set conditions that would
20 ensure that there is no, you know, potential for criminal
21 activity. I don't think he's going to be involved in that.

22 And just as far as the Jimia Cain thing goes, your
23 Honor, I know that the Court has heard this and you have seen
24 the back and forth filing on this. She had a separate civil
25 lawsuit against him and she was not named as one of the people

1 that the probation office told him not to contact.

2 I understand the government's argument that her
3 complaint mirrors the allegations in the case. But I do think
4 there is ambiguity there, and I raised this in a prior motion
5 that I had filed before we entered our plea.

6 But I think there's ambiguity as far as that
7 condition goes. So the idea that he stood in court and lied
8 to this Court, I just could not think that's true, your Honor.
9 I think that he was trying to explain to the Court his
10 understanding of what the conditions were.

11 He should not have contacted her. That is absolutely
12 right. There should have been no contact with her. But I
13 don't think that him saying she has a separate civil lawsuit
14 against me and I didn't know it was involved in this case is a
15 lie to the Court.

16 And that's all I will say.

17 THE COURT: Okay. All right.

18 Give me one second.

19 All right. So I originally revoked the defendant's
20 bond back in December based primarily on the contact with the
21 potential witness, Ms. Cain, that was in violation of the
22 bond.

23 There had been a motion to reconsider which we had
24 originally scheduled for a hearing, and I think that ended up
25 not occurring. You all had in the meantime, I think, worked

1 things out.

2 I think I had indicated that I was open to hearing --
3 not foreclosed from hearing arguments about reconsideration in
4 part because I did recognize there was some -- I don't think I
5 would use the word ambiguity. I don't think it was ambiguous
6 that that was a violation of my order of the bond.

7 But there were some facts in the chronology that were
8 not as clear as they could have been. And I was disappointed
9 by the probation officer's initial text or emails to Mr. Fayne
10 that gave him a list of folks not to contact, without
11 reminding him that that was not an exclusive list. Because I
12 had been I think crystal clear in my original bond order in
13 the hearing that whatever list of names the government gives
14 would not be exclusive, that that would just be among the
15 names, but it would include anyone that the defendant had
16 reason to believe would be a witness in the case.

17 It also ended up being a little bit, chronologically
18 -- again, I don't think I would use the word ambiguous -- but
19 I recognize that at the time of the original indictment and
20 bond hearing and at the time he was given those names, if I
21 recall the chronology correctly -- because it's a little bit
22 confusing and it occurred over time -- the original indictment
23 dealt mainly with the PPP fraud, and subsequently was
24 superseded to add the investment, if I'm characterizing it
25 correctly, or the Ponzi scheme fraud. And it's the latter

1 that Ms. Cain was considered to be a witness in, not the
2 former, if I recall correctly.

3 And I think maybe at the time of the original bond
4 hearing he was given the list and all that, and maybe at the
5 time she even files her complaint in the civil case the case
6 had not been superseded with the new charges.

7 So there is a little bit of chronological -- I'm
8 struggling with the word because I don't want to say -- it's
9 not ambiguous, but it's not as clear as it could have been
10 that she at least originally would be a witness in the case.

11 So I was willing to hear this again on
12 reconsideration.

13 The problem now though, is, first of all, the
14 standard has changed legally. When we first were addressing
15 the question of revocation, the burden was on the government
16 and, of course, originally in talking about conditions of bond
17 and revocation, the burden is on the government.

18 The burden now lies on the defendant to show by clear
19 and convincing evidence -- which is among the highest
20 standards that the law assigns -- to show that he is neither a
21 risk of flight nor a danger to the community now that we are
22 postconviction.

23 That's a very difficult standard to meet that he has
24 the burden to meet. It's not just a presumption of detention,
25 the way the Bail Reform Act has presumption of detention in

1 drug trafficking in similar cases and in some other categories
2 of cases.

3 That's something that's a burden of production only.
4 The burden of persuasion would remain on the government. This
5 is a burden of persuasion by clear and convincing evidence
6 that the defendant bears.

7 Also, I am concerned that the -- while I'm open to
8 considering that there was some chronological sort of lack of
9 simplicity in that the probation officer could have given
10 clearer or better instructions, there's also a lot more that I
11 have been supplied with by way of the original briefing and
12 motion materials, including the jail calls which I have
13 reviewed all of those materials supplied by the government in
14 the original motion papers.

15 And there remains some of the facts that have always
16 been there, but that just never were originally grounds for
17 revocation or detention but were always issues of concern in
18 the case, including that this was a case where the defendant
19 was Googling extradition-free options. Countries that he
20 could flee to that wouldn't have extradition to the U.S.
21 before he was ever even arrested, knowing that there was the
22 possibility of arrest.

23 That was not, ultimately, a ground for detention.
24 The ghost didn't move for it in part because he did
25 voluntarily surrender and was cooperative, ultimately.

1 But it has not gone away in terms of a fact that was
2 proffered and never been disputed and something that is of
3 obvious concern.

4 The issue with Ms. Cain, even if the defendant were
5 not -- there could be some argument that well, Mr. Tudor
6 didn't tell me not to speak to her. It remains that that -- I
7 couldn't have said clearer in my original bond order that
8 that, the names given would not be exclusive, it would be
9 anyone -- you can't just rely on the absence of being told.

10 I have to be able to trust that you're not going to
11 contact even others that you have reason to believe would be a
12 witness.

13 And that gives great concern. It gave me concern in
14 December and it still does, that what I say won't be what's
15 focused on or remembered.

16 Even if it wasn't at the time an intentional
17 violation because he had the text from Mr. Tudor that didn't
18 list her name, it's still a situation where I can't trust that
19 my orders are going to be faithfully and carefully even
20 remembered, let alone complied with.

21 And when we're approaching sentencing, things are not
22 lessened. The concern about witness contact and intimidation
23 is not lessened. This is a time in the case that is, in a lot
24 of ways, the victim's time.

25 I mean, the victims are going to all be receiving,

1 including presumably Ms. Cain, and others, contacts whether
2 from the U.S. Attorney's Office or from the probation office,
3 inviting them to make statements and to write in their -- how
4 this has impacted them or to even appear for court if they
5 want to.

6 And it's a time when they may be particularly
7 vulnerable to being influenced, contacted or intimidated.
8 Given -- even in looking at things in the light most favorable
9 to Mr. Fayne, even assuming that maybe it was unintentional,
10 the issues with Ms. Cain before in terms of how it related to
11 my bond, I really have no way of concluding that that sort of
12 thing wouldn't happen again.

13 But looking back at the contacts with her, there was
14 one thing that really sticks in my mind now as being of
15 particular concern as it relates to the potential flight. One
16 of the things that he said in the text to Ms. Cain was -- and
17 I don't know that I'm quoting this verbatim, but it's close --
18 that "I'm not going to spend a day in jail."

19 She said something like I can't wait to put you in
20 jail, and his response was "Ha-ha. I'm not going to spend a
21 day in jail."

22 And I don't know if that reflected a view of optimism
23 as to his ability to talk his way out of the case in front of
24 a jury or the Court, in other words, that it was simply a view
25 on the merits that he was going to win. If so, that's now

1 gone by the wayside.

2 Or if it was a reflection of no matter what it takes,
3 I'm not spending a day in jail, which can't help but in my
4 mind trigger the memory that this was a defendant who was
5 Googling how to escape to non-extradition countries prior to
6 arrest.

7 I mean, of course it also could be braggadocio,
8 right, bragging, and just not reflecting an intention to flee
9 but just sort of making a statement about bragging.

10 But again, this is the defendant's burden to show by
11 clear and convincing evidence, he has to convince me by clear
12 and convincing evidence that that didn't mean that he was
13 harboring a temptation to flee. I have to be concerned that
14 that's what that meant.

15 If it simply meant a view that I'm going to win on
16 the merits, I'm optimistic, they're never going to be able to
17 prove this and I am legitimately going to defend at trial and
18 win, then again, that's -- I mean, that's less of a concerning
19 statement in terms of flight, except that it's now a view that
20 he is no longer able to hold.

21 He has now been dispossessed, I would assume, of that
22 optimism because he has pled guilty and been convicted.

23 And I don't know how that's going to impact his
24 compliance with conditions. He was compliant while on bond
25 except for the issues that -- I mean, in terms of appearance

1 for court. And I acknowledge that.

2 He appeared every time we had something. He
3 responsibly was in touch with pretrial. Every time he made a
4 request to travel -- he made several requests to travel and we
5 had several hearings. I granted some of his requests and
6 denied others. But he, very responsibly, raised them very
7 frequently, through probation and through the Court directly.

8 We let him travel, if I recall correctly, at least
9 once to Arkansas. We let him extend that trip. And I think
10 there were other requests.

11 The fact that he came to Court asking was
12 commendable. That was what his responsibility was. And he
13 knew that he needed to ask the Court and only engage in travel
14 or other things if we gave him permission. And I gave him
15 some permission and denied others.

16 And I acknowledge that and, far from thinking poorly
17 of him because he was asking for lots of things, I think
18 better of him in his candidacy for being on bond that he was
19 asking.

20 But I have to be concerned that all of that was under
21 the time period when he may have convinced himself that he was
22 not going to spend a day in jail because either he was going
23 to win ultimately or, if it came to it, there would always be
24 the option to flee.

25 Even if it was never the former, always the I'm going

1 to win here, now he knows he's not going to win.

2 And a lot of that prior compliance that I have
3 acknowledged, I have to place less reliance on that now
4 because I don't know that that's what will be the case now
5 that we're in a very different world of postconviction.

6 That's one of the reasons why the rules are crafted
7 the way they are with the different burdens of proof. That
8 postconviction, the burdens change very dramatically.

9 And this is one of the reasons, that now there is no
10 longer a hope of avoiding the guilty finding, and probably a
11 hope of avoiding substantial jail time.

12 It may not be what the government recommends. That
13 will be for the district judge, and I know it will be
14 disputed, the amount of punishment. But it really can't be
15 realistically assumed any more that there wouldn't be
16 substantial punishment.

17 So all that is to say I acknowledge and remember his
18 compliance on bond, but I have to put that -- when I say
19 compliance on bond, I mean expect for the stuff that led to
20 revocation. The compliance of reporting, appearing and only
21 traveling when under permission and request, I acknowledge all
22 that and I remember all that.

23 But it's of limited weight now because of the
24 different circumstances that we find ourselves in here. And
25 because of some of the things that have occurred, including

1 the statement, "I'm not going to spend a day in all."

2 So you can see where I'm going here. I'm going to
3 have to deny the motion.

4 I can't find by clear and convincing evidence that
5 the defendant wouldn't flee, and that he wouldn't be a risk of
6 witness contact and intimidation, and that he wouldn't
7 continue to be a potential economic danger.

8 It was of concern that there continued to be calls
9 from the jail about the operation of the trucking company in
10 ways that did appear to potentially be -- I don't know, but
11 again, I'm under the -- it's his burden to show otherwise by
12 clear and convincing evidence -- had some potential for fraud.

13 So I'm going to have to deny the motion.

14 I am sympathetic for the medical situation, but
15 that's not really something that I can use as an exception, a
16 ground for release in the face of everything else.

17 The marshals and, ultimately, the B.O.P. do have the
18 responsibility to give adequate care. Whether or not there is
19 -- he will get everything that he -- and of course, we don't
20 even know whether there is a surgery needed or not. I'm
21 hearing no from the medical evaluations in custody.

22 But his hope or desire or belief that another doctor
23 might give him a second opinion, really, in light of the
24 entire record that I have discussed here now, I really can't
25 -- is not a ground for release at this time.

1 So I'm going to have to deny the motion.

2 MS. DURRETT: Thank you, your Honor.

3 THE COURT: All right.

4 Thank you all. We will be adjourned.

5

6 (Proceedings were adjourned.)

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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
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Arkansas Mo, Case No. 1:20-cr-00228-MHC;

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

That "indiscernible audio" designations are the
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And that the foregoing transcript is a true and
accurate record of the proceedings.

Date: October 28, 2021

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