

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

5 United States of America,

6 vs.

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

7 Maurice Fayne,

8 Defendant.
9

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11 TRANSCRIPT OF ARRAIGNMENT ON FIRST SUPERSEDING INDICTMENT
12 BEFORE THE HONORABLE RUSSELL G. VINEYARD
13 UNITED STATES MAGISTRATE COURT JUDGE
14 WEDNESDAY, AUGUST 12, 2020
15

16 Appearance of Counsel:

17 For the Plaintiff: Michael John Brown, Esq.
18 Assistant United States Attorneys

19 For the Defendant: Pro Se
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22 Judith M. Wolff, CRR
23 Official Court Reporter
24 1914 United States Courthouse
25 75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303
judith_wolff@gand.uscourts.gov

1 (Court was called to order at 10:28 a.m.)

2 THE COURT: Please be seated.

3 This is the case of the United States of America vs.
4 Maurice Fayne, Case No. 1:20-cr-228.

5 Mr. Fayne, you're in court today because a grand jury
6 here in the Northern District of Georgia has returned a first
7 superseding indictment against you and a codefendant.

8 Have you received a copy of this first superseding
9 indictment?

10 THE DEFENDANT: There was just one just placed in
11 front of me.

12 THE COURT: All right. Have you had a chance to
13 review it?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. I'm going to give you a
16 chance to look it over, then, Mr. Fayne, before we proceed.

17 I'll take a brief recess. Let me know when you're
18 ready. Okay.

19 (There was a recess at 10:29 a.m., and proceedings
20 continued at 10:32 a.m.)

21 THE COURT: Please be seated.

22 All right. Mr. Fayne, have you had an opportunity to
23 read these charges against you in the superseding indictment?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand the nature of the

1 charges against you in the superseding indictment?

2 THE DEFENDANT: I don't.

3 THE COURT: All right. Would you like to have the
4 indictment read to you in open court?

5 THE DEFENDANT: No, sir.

6 THE COURT: All right. The indictment, as I
7 understand it -- Mr. Brown, please correct me -- adds a
8 codefendant to Count 4, but otherwise appears to be the same
9 charges against Mr. Fayne that are in the original indictment;
10 is that correct?

11 MR. BROWN: That's correct.

12 THE COURT: All right. Mr. Fayne, so it's the same
13 indictment with the exception of a codefendant has been added
14 in Count 4.

15 Mr. Fayne, do you want to enter a not guilty plea to
16 this indictment?

17 THE DEFENDANT: Now, before I enter, can I ask you a
18 question, your Honor?

19 THE COURT: Yes, sir.

20 THE DEFENDANT: In Georgia, how many days after
21 indictment should you be arraigned?

22 I'm not asking for legal advice, just so it's clear.

23 THE COURT: Well, the state of Georgia rules don't
24 apply; it would be the federal court rules.

25 THE DEFENDANT: Well, federal rules.

1 THE COURT: So the indictment was returned on July
2 28, so you are within the time frame for arraignment.

3 THE DEFENDANT: Okay. If I may present to you, if
4 this is the request for arraignment, it says date of
5 indictment, June 28.

6 This is a certified copy from the circuit court -- I
7 mean, from the courthouse here.

8 THE COURT: The copy I have is file stamped July 28,
9 2020.

10 Mr. Brown, do you have any information about that?

11 MR. BROWN: My guess -- I haven't seen that. My
12 guess is that may have been from the original indictment. He
13 was originally arrested on a criminal complaint and then
14 indicted. And then the superseding indictment.

15 THE COURT: Okay.

16 MR. BROWN: And I don't know the dates off the top of
17 my head of when the original indictment came out.

18 THE DEFENDANT: The original indictment was June 24,
19 not June 28.

20 THE COURT: Does that say "superseding indictment" on
21 there?

22 THE DEFENDANT: Yes, sir. Yes, sir.

23 THE COURT: Where did you obtain that document,
24 Mr. Fayne?

25 THE DEFENDANT: From the clerk, upstairs.

1 THE COURT: All right. Why don't you tender it to
2 the podium there. Let Mr. Brown see it.

3 Just put it on the podium and Mr. Brown can take a
4 look at it.

5 You can have a seat, Mr. Fayne.

6 We're going to try to maintain our social distancing
7 in the courtroom.

8 MR. BROWN: It does say date of indictment, on the
9 box underneath the case number, it does say June 28, filed in
10 open court on July 28.

11 And it says July 28 up at the top, date submitted by
12 the clerk of court.

13 I don't know who put that date in there, whether that
14 was a typographical from my office, or what. But the date of
15 the superseding indictment was July 28.

16 THE COURT: All right. And that's what's reflected
17 on the document in front of me, Mr. Fayne.

18 If there is some issue that you want to take up, you
19 will be able to as the case proceeds. But for purposes of
20 today, you're simply being arraigned and called upon to either
21 plead guilty or not guilty to the charges in the indictment.

22 Have you executed a written plea of not guilty?

23 THE DEFENDANT: No, sir. I haven't.

24 THE COURT: Do you have a form for him?

25 MR. BROWN: I have provided him with the Plea with

1 Counsel form. It's on the table.

2 THE COURT: All right. But Mr. Fayne is entitled to
3 have representation, but I understand you want to represent
4 yourself, and that determination has been made that you're
5 going to be representing yourself in this case?

6 THE DEFENDANT: That's correct.

7 THE COURT: All right. Do you want to sign the not
8 guilty plea?

9 THE DEFENDANT: At this time, I don't want to enter a
10 plea. If the Court enters one on its own, then --

11 THE COURT: All right. I will enter a plea of not
12 guilty on behalf of defendant Fayne in connection with the
13 superseding indictment in this matter.

14 Is there any supplemental discovery to be provided to
15 Mr. Fayne, Mr. Brown?

16 MR. BROWN: Yes, your Honor. We do have an issue
17 with discovery.

18 Russell Phillips, AUSA Russell Phillips sent it to
19 Mr. Fayne by FedEx and he refused to accept it and returned it
20 to the government. So I am going to be giving him the
21 original discovery right now that we sent him. And there will
22 be supplemental discovery, I believe.

23 I know that his laptop and his phone were searched.
24 My understanding is it's voluminous. We would likely need a
25 hard drive, like a one terabyte hard drive. And I realize

1 he's per se, so we'll have to work that out. But there will
2 be supplemental discovery.

3 And the government is also requesting reciprocle
4 discovery.

5 THE COURT: All right. Let the record reflect
6 Mr. Brown has tendered discovery to Mr. Fayne on the counsel
7 table in front of him.

8 All right. Mr. Brown, is there anything else to take
9 up this morning on Mr. Fayne's case?

10 MR. BROWN: Not from the government.

11 THE COURT: Very good. We are in recess in
12 Mr. Fayne's case.

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14 (Proceedings were adjourned at 10:36 a.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 August 12, 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 27, 2021

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

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