

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

10
11 TRANSCRIPT OF STATUS CONFERENCE
12 BEFORE THE HONORABLE JOHN K. LARKINS, III
13 UNITED STATES MAGISTRATE COURT JUDGE
14 FRIDAY, AUGUST 14, 2020
15

16 Appearance of Counsel:

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

20 For the Defendant: Pro Se
21 Mark Jeffrey, Esq., stand-by counsel

22
23 Judith M. Wolff, CRR
24 Official Court Reporter
25 1914 United States Courthouse
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1 (Court was called to order at 9:01 a.m.)

2 THE COURT: Good morning, everybody. Please be
3 seated.

4 Good to see people in the courthouse.

5 We are here today on Case No. 1:20-cr-228, United
6 States of America vs. Maurice Fayne.

7 Representing the government today is Russell
8 Phillips, and Mike Brown is also in the courtroom.

9 Also in the courtroom is Mr. Fayne, I presume. This
10 is the first time we have met, sir. And seated next to him is
11 Mark Jeffrey.

12 This is a status conference, really, in this case.
13 Originally, this was set for a pretrial conference today but
14 Mr. Fayne was arraigned on the superseding indictment on
15 Wednesday.

16 Nonetheless, because of his decision to represent
17 himself, I wanted to have a hearing or conference early on to
18 be able to flesh out any issues that we need to discuss
19 relating to that.

20 And I would also like to talk about discovery.

21 Mr. Fayne, we had a -- found on the floor of my
22 chambers what looked to be some sort of motion that you had
23 filed or attempted to file. So I want to address that as
24 well. It relates to a demand for discovery.

25 So the first thing I do want to talk about, though,

1 is, Mr. Fayne, your decision to represent yourself. I have
2 Mr. Jeffrey here, I have asked him to come down here.

3 But before we get started, do you want to continue to
4 represent yourself, or would you like me to find a lawyer to
5 represent you?

6 THE DEFENDANT: I will continue pro se.

7 THE COURT: Okay. That is certainly your right. And
8 just so that we are all clear on this, especially since you
9 have been arraigned again on a superseding indictment, I need
10 to ask you some questions.

11 I think Judge Walker went through a lot of these with
12 you so they will sound pretty familiar, but just so we have
13 all of our bases covered, I'm going to go over these with you.

14 Let me first, are you suffering from any mental or
15 physical condition that would affect your ability to
16 understand what's going on today or to make important
17 decisions?

18 THE DEFENDANT: No.

19 THE COURT: All right. You understand that you have
20 been charged now by a superseding indictment, correct?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. And the maximum penalties for
23 each of those charges -- Mr. Phillips, are you in a position
24 to be able to advise us as to those?

25 MR. PHILLIPS: I am, your Honor.

1 THE COURT: Would you please --

2 MR. PHILLIPS: Would you like me to stand up?

3 THE COURT: You can stay seated right there.

4 MR. PHILLIPS: Your Honor, the defendant is charged
5 with wire fraud, among other things, and because that affects
6 financial institutions, the maximum penalty for that would be
7 30 years in prison.

8 He is also charged with bank fraud and making a false
9 statement to a federally-insured financial institution, and
10 the penalty for each of those counts is also 30 years.

11 And he is charged with money laundering under 1956
12 and 1957, and the maximum penalty under each of those statutes
13 is 20 years.

14 THE COURT: All right. Thank you, Mr. Phillips.

15 And Mr. Fayne, do you understand what the prosecutor
16 just said?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. I also need to ask you, do
19 you understand or are you familiar with the Federal Rules of
20 Evidence?

21 THE DEFENDANT: (Indiscernible audio.)

22 THE COURT: Okay. And you understand that those
23 rules are pretty technical and that they will apply to you
24 whether you are represented by a lawyer or not, right?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right. Same question with respect to
2 the Federal Rules of Criminal Procedure; are you familiar with
3 those rules?

4 THE DEFENDANT: Yes.

5 THE COURT: And you understand that if you proceed to
6 represent yourself, you are going to be subject to those rules
7 as if you were represented by a lawyer, right?

8 THE DEFENDANT: Yes.

9 THE COURT: I also want to advise you that if you do
10 represent yourself, the Court is in no position to be able to
11 advise you about how to try your case or any defenses that you
12 might have. That's something that a lawyer would be in a
13 position to do.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. And do you understand that if
17 you are found guilty of any of these charges or even all of
18 the charges, that the Court could sentence you possibly up to
19 the maximum amount, and that those sentences could run
20 concurrently or consecutively?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. Let me also just advise you,
23 because I need to tell you that, in my opinion, in the Court's
24 opinion, you're making a grievous error by representing
25 yourself in this case. These are very serious charges.

1 A lawyer would be in a really good position to be
2 able to help you navigate these very complex laws. This is a
3 financial fraud case and those cases can be very difficult as
4 well. So having a lawyer by your side would be a very good
5 thing. And I think you are making an error by representing
6 yourself.

7 Nevertheless, it is your right to represent yourself
8 in a criminal case. So do you understand that I have tried to
9 inform you of the major problems you might have if you decide
10 to represent yourself?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. And has anybody threatened
13 you or caused you to give up your right to a lawyer in this
14 case?

15 THE DEFENDANT: No.

16 THE COURT: All right. And you are making that
17 decision voluntarily and freely?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. All right. Well, I will find that
20 you have knowingly and voluntarily waived your right to
21 counsel in this case, and I will permit you to represent
22 yourself going forward.

23 I am, though, going to appoint Mr. Jeffrey as what's
24 called stand-by counsel. Mr. Jeffrey will be there, should
25 you change your mind, he will be willing to step in.

1 I think, too, that having stand-by counsel will be
2 helpful for you and for the Court and for the government
3 because this case will have a lot of discovery, most likely.
4 A lot of financial cases do.

5 So having at least a trained lawyer who can be in a
6 position to help receive that information and coordinate with
7 you I think will be good at well. Okay?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: If at any time you change your mind and
10 you would like Mr. Jeffrey to step in, let him know, and he'll
11 let the Court know and then we will get you fully -- we will
12 get him appointed to represent you as counsel. Okay?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Now that that's taken care
15 of, I did want to talk about discovery.

16 And Mr. Fayne, am I right that you filed or slid a
17 motion of some sort under my door?

18 THE DEFENDANT: Yes, sir. (Indiscernible audio) to
19 the arraignment here on Wednesday, Mr. Brown, had
20 (indiscernible audio.)

21 THE COURT: Okay. Okay. So do you -- so that
22 motion, is that -- so is that now moot? In other words, has
23 that been taken care of, in your view?

24 THE DEFENDANT: I can't say because (indiscernible
25 audio) specific discovery. I'm not -- I haven't had time to

1 (indiscernible audio).

2 THE COURT: Um-h'm.

3 THE DEFENDANT: I spoke to some counsel prior to
4 (indiscernible audio) yesterday because I didn't have a
5 (indiscernible audio.)

6 At this time I would like to ask the Court to give me
7 a continuance to review motions that have already been raised
8 filed (indiscernible audio).

9 THE COURT: Yeah. Okay. So what I'm going to do is
10 I'm actually going to deny, without prejudice, meaning that
11 you can raise issues again relating to discovery.

12 I looked at your motion briefly before coming on the
13 bench, and a lot of the things that you have asked for in that
14 motion are things that I have already ordered the government
15 to produce.

16 So it probably either has already been provided in
17 hard copy or in an electronic format.

18 And the request for what is called Brady or Giglio
19 materials, the government is constitutionality required to
20 provide at different points in time. That's also covered by
21 my standard scheduling order.

22 So if there is anything in particular that you think
23 is not there and that should be, or that Mr. Jeffrey is able
24 to advise you about, then you can raise that as appropriate.

25 But I would also just point you to my scheduling

1 order in this case that requires that the parties talk to each
2 other about an issue. So if there's something you think is
3 missing or that you expect to be in the material and it's not
4 there, you need to talk to the prosecutor first, rather than
5 coming to the Court. Because that's a whole lot more
6 efficient in trying to figure something out like that. Okay?

7 THE DEFENDANT: Yes, sir. And I tried (indiscernible
8 audio).

9 THE COURT: All right. Well, now I think we're
10 clear. And it sounds like you now have received two discs; is
11 that correct?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. Mr. Phillips, what is the
14 status of discovery? Let me ask you the questions now.

15 MR. PHILLIPS: Your Honor, we sent the discovery to
16 the defendant's home in Dacula, by Federal Express, and the
17 defendant refused to accept it and he sent it back to the
18 United States Attorney's office. And it was marked refused
19 and returned to sender.

20 And so when Mr. Brown came to the arraignment earlier
21 this week, he took that same discovery that we had previously
22 sent by FedEx, and he handed it to Mr. Fayne in open court on
23 the record with Judge Vineyard.

24 So that was the original discovery that we provided.

25 We have additional discovery, your Honor, that we are

1 willing to provide, but it would require a very large hard
2 drive for us to copy it.

3 So traditionally what we do in this situation when we
4 seize phones and computers is the defense provides the
5 government with a hard drive. It has to be brand new,
6 unopened, in the original manufacturer's sealed container.
7 And then we will get the FBI to copy the images of those
8 devices onto the hard drive for the defense, if they want.
9 They don't have to have them, but they are available.

10 But, for example, when Mr. Fayne, when his house was
11 searched pursuant to a search warrant, the FBI seized two
12 phones from him and also an iMac computer. All of those were
13 imaged and we have those images and we're willing to provide
14 them.

15 THE COURT: Okay. All right.

16 MR. PHILLIPS: I told the -- I'm sorry, your Honor.

17 THE COURT: Go ahead, Mr. Phillips.

18 MR. PHILLIPS: Kamal Ghali represents codefendant Dan
19 Jay. I explained the same thing to Mr. Ghali. He told me
20 he's providing a hard drive, and we're going to do that for
21 him as well.

22 THE COURT: Okay. Mr. Fayne, do you have a hard
23 drive that is sealed and ready to provide to the government to
24 receive that, assuming you want the information?

25 THE DEFENDANT: Well, I was just made aware of that

1 so (indiscernible audio).

2 THE COURT: So you will get one. Okay. All right.

3 MR. PHILLIPS: I'm not an expert, obviously, on these
4 things, but I think it's going to take at least a terabyte.
5 It might be safer to get one that's a little bit bigger. I
6 think they are fairly inexpensive these days.

7 THE COURT: Yes. I saw an 8 terabyte at Costco for,
8 like, \$100. It's incredible.

9 So Mr. Fayne, I think it's probably best to get a 2
10 terabyte hard drive. And if you have difficulty with that,
11 you can always talk to Mr. Jeffrey. Mr. Jeffrey has done
12 this numerous times with his other clients.

13 But, yes, you need to get a brand new one, and then
14 you are going to provide it to the government.

15 How long does it usually take for the government to
16 dump the electronic information onto a hard drive?

17 MR. PHILLIPS: Your Honor, I'm not sure about that,
18 but I will ask them to expedite it and do it as quickly as
19 they can.

20 I know the FBI has lots of matters like that, but I'm
21 sure they will do everything they can to do it as quickly as
22 possible. They understand it's important that the defendant
23 has that information available.

24 One other issue I would like to address about
25 discovery, your Honor, is that the defendant filed a change of

1 address form.

2 THE COURT: Yes. I was going to get to that in just
3 a moment. Yes.

4 MR. PHILLIPS: Would you like me to wait on that,
5 your Honor?

6 THE COURT: If you want to talk about it, I mean, I
7 do intend to talk about that.

8 MR. PHILLIPS: Well, I don't have --

9 THE COURT: Yes. Well --

10 MR. PHILLIPS: Whenever you're ready.

11 THE COURT: Let me just -- regarding the hard drive,
12 Mr. Fayne, do you think you can get a hard drive to the
13 government in a week?

14 THE DEFENDANT: Yes.

15 THE COURT: And let's get the ball rolling on that
16 because nobody knows how long it's going to be for the FBI to
17 do the things they need to do, but that's information that
18 you're entitled to receive and, really, you ought to have in
19 order to be able to assess your case.

20 Now in terms of your change of address, I noticed
21 that you did file that, changing your address for mailing of
22 court notices and things of that nature to, as best I can
23 tell, some sort of mailbox, you know, commercial mailbox-type
24 of place in Oklahoma City.

25 So, what's going on with that?

1 THE DEFENDANT: Well, the first thing is I had
2 changed (indiscernible audio) mailing address. (Indiscernible
3 audio) the trust property, out of Oklahoma (indiscernible
4 audio.)

5 The thing with them is (indiscernible audio) from all
6 the attention that was put out on this case (indiscernible
7 audio) and paparazzi (indiscernible audio). Stuff like that.

8 So all mail, not just court mail, all mail
9 (indiscernible audio) goes to a third-party so they can scan
10 every document and reference (indiscernible audio) and scan it
11 through these (indiscernible audio) and I get to see exactly
12 what it is.

13 (Indiscernible audio) the property that's in Dacula
14 (indiscernible audio) the post master informed me to
15 (indiscernible audio).

16 THE COURT: So if I'm understanding you correctly, if
17 the Court were to send you mail to the address in Dacula, it
18 would not get delivered to Dacula as it is, it would be
19 forwarded automatically to this place in Oklahoma City?

20 THE DEFENDANT: That's correct.

21 THE COURT: All right. Well, Mr. Phillips can chime
22 in here.

23 There are two things here. I mean, I understand your
24 concern about receiving a bunch of mail and potentially
25 disturbing things.

1 But if you're representing yourself, you've got to
2 make sure that you're getting court notices in a timely
3 fashion, and things getting forwarded are even sent
4 cross-country, especially these days, can take a little bit
5 longer. So that's a concern.

6 And do you -- let me ask you, because I don't know,
7 how long does it usually take after something has been
8 delivered at this address in Oklahoma City for it to get
9 scanned and then sent to you? Is it usually same day?

10 THE DEFENDANT: (Indiscernible audio.)

11 THE COURT: Okay.

12 THE DEFENDANT: And then also, any mail, like I said,
13 most of the time it goes to the post office. It don't even
14 come to the mailbox. It goes -- the post master has it on
15 file (indiscernible audio). I haven't had an issue about
16 anything.

17 (Indiscernible audio) I sent them to him
18 (indiscernible audio).

19 THE COURT: Um-h'm.

20 THE DEFENDANT: (Indiscernible audio.)

21 THE COURT: Gotcha. Okay.

22 Mr. Phillips, is there anything you want to --

23 MR. PHILLIPS: Well, your Honor --

24 THE COURT: -- address.

25 MR. PHILLIPS: If the defendant wants to forward his

1 private mail to Oklahoma City, the government has no concerns
2 with that.

3 But in terms of us being able to communicate
4 effectively and efficiently with him in this case, we would
5 request that the Court would require the defendant to have an
6 address that's in this district that we can send things to.

7 And if the Court would like us to send it directly to
8 Mr. Jeffrey and have him provide it to the defendant, we are
9 willing to do that. Whatever is appropriate.

10 But as the Court noted, I believe there is going to
11 be some delay in sending things to Oklahoma, and then having
12 somebody there examine it, copy it, scan it, whatever it may
13 be, and then somehow get it back to the defendant. It just
14 makes sense that there is some delay.

15 And so I worry that at some point down the road,
16 especially as we get closer to trial, that that could become
17 an issue and wind up being a basis for a request for
18 postponement. And I'm trying to avoid that up front, if
19 possible.

20 I don't think it's going to be necessary for us to
21 communicate frequently with the defendant until we get closer
22 to trial and maybe on trial matters.

23 But certainly after we provide the discovery and the
24 supplemental discovery, I don't think there is going to be a
25 lot of back and forth. There usually isn't in these kinds of

1 cases.

2 But I do need to be able to provide the hard drive,
3 for example, to the defendant. I would normally do that by
4 Federal Express, but if the defendant is not going to accept
5 the Federal Express package, then that's futile for me to do
6 that.

7 I can't send that to the P.O. box in Oklahoma and
8 have them scan that. It's a massive amount of material and it
9 would take special software to be able to view that.

10 THE COURT: Okay.

11 MR. JEFFREY: I didn't want to interject in the
12 record but overall I'm happy to serve as the -- standing up;
13 is it okay, your Honor?

14 THE COURT: If you would remain seated there.

15 MR. JEFFREY: I'm happy to do it. I'm honored. I
16 appreciate the Court's confidence, as always.

17 I do want to let the Court know, I spoke with
18 Mr. Fayne. We had a very cordial meeting. He was very
19 courteous. I would work with him.

20 I had indicated (indiscernible audio) that I believe
21 that having a lawyer (indiscernible audio) a couple hours last
22 night would be beneficial. But having said that, my position,
23 your Honor, has always been who am I to judge? If someone
24 feels that this is what they need to do or want to do, I'm not
25 one to judge them, but I want him to be aware -- Mr. Fayne to

1 be aware that if he is the counsel, that he is the one who
2 calls the shots and he is the one who is responsible for what
3 happens. And it has to be that way.

4 And I told him I would be -- if he comes to me -- and
5 I think he may consider this and say hey, look, I would like
6 you to take over. And I told him that, you know, as a
7 straight shooter, as I am, that I would have to call it as I
8 see it and assume the full responsibility to the defense.

9 Of course with his right as he has under our system,
10 you make the fundamental decisions as to going to trial,
11 putting on witnesses, et cetera.

12 And I also told him that in my opinion that what I
13 have seen in terms of some of the points, if you will, of his
14 motions and so forth, it would be my (indiscernible audio)
15 it's not something (indiscernible audio) because I can't
16 (indiscernible audio).

17 Having said that, I just want -- I wanted to go ahead
18 and put on the record I understand that at least at this point
19 he's firm, because I spoke with him. Of course our first
20 meeting was in congenial terms, if you will, and I don't see
21 any reason it would be otherwise.

22 But my recommendation, Mr. Fayne does have that
23 right, as the Court is aware. I do need -- if I can, your
24 Honor, very briefly say that with that right to be his
25 counsel, that's fine, but he must assume the responsibility

1 for what happens.

2 And then if I may be in position (indiscernible
3 audio) look, final motions, obviously (indiscernible audio)
4 the Court might have an issue with that. So the earlier the
5 better.

6 I'm happy to proceed and honored, as I indicated, and
7 grateful to the Court. He does seem to be a congenial man,
8 he's principled. (Indiscernible audio.)

9 But as far as discovery goes, like what Mr. Phillips
10 said, all I can do is take a look at it. If I think it
11 appropriate (indiscernible audio) he is the one directing it
12 and give him my thoughts, but with the understanding that he
13 would be responsible for the filing. It can't be
14 (indiscernible audio).

15 In other words, if I simply advise him (indiscernible
16 audio). For that reason, I would be uncomfortable, if I'm the
17 designee, if you will, to be receiving discovery for various
18 points. Then the onus is on me, if you will, for trying to
19 make sure it gets to him. (Indiscernible audio.)

20 Which I don't have a problem. I intend to do that.
21 But again, to the extent he feels comfortable (indiscernible
22 audio). So I hope that kind of explains my position.

23 THE COURT: Yes.

24 MR. JEFFREY: And Mr. Fayne's position as well.

25 Also, I'm glad to be here and I will assist him, not judge

1 him, but according to that protocol, if you will.

2 THE COURT: All right. And Mr. Fayne, you wanted to
3 add something?

4 THE DEFENDANT: Yes, sir. (Indiscernible audio) but
5 also, I do have an MRA that's (indiscernible audio).

6 And I would go on record right now (indiscernible
7 audio) they call me Hey, you have a package here, pick it up,
8 but, you know, same as was in Oklahoma, but if the Court is
9 worried about timing or delays (indiscernible audio).

10 THE COURT: Here is what I'm going to do.

11 Mr. Jeffrey is right. I mean, his role as stand-by
12 counsel is not really as your lawyer in the traditional sense.
13 He is not required to review the discovery, he's not required
14 to advise you concerning potential motions, he's not required
15 to coordinate the receipt of discovery or to notify the
16 government if there's anything missing, that kind of stuff.
17 That's all going to fall on you.

18 And along with that comes the responsibility to make
19 sure that you are getting court notices and letters from the
20 government, and packages, especially discovery packages.

21 As it goes to your receipt of U.S. mail and
22 forwarding, given that you have managed to forward your
23 address to someplace in Oklahoma City anyway, I'm not going to
24 require that you reset that address to an address in this
25 district at this time.

1 But I'm going to be absolutely clear with you. You
2 are bearing that risk, so if something gets lost in the mail
3 or something gets lost in transit and you miss a court
4 appearance and the marshals have to go out there and arrest
5 you, that's going to be your fault. Not anybody else's.
6 Okay? Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: As to receiving FedEx packages and stuff
9 like that there, I do believe that it's appropriate that those
10 materials go straight to the residence that you have listed
11 with Pretrial Services and not any other place. Because those
12 things can be bulky, they can be sensitive, especially things
13 like hard drives. That needs to go to the place where you're
14 residing.

15 So Mr. Phillips, to the extent you need to FedEx
16 something, that needs to go to his residence. But court
17 notices on the docket, they are going to get mailed so this
18 Oklahoma City address. And again, you bear the risk if
19 something gets screwed up.

20 And Mr. Jeffrey will get notice of it, too. But it's
21 not his job to ping you every single time you get something.
22 Because he's not -- he's not your lawyer, he's stand-by
23 counsel.

24 And again, I strongly urge you to reconsider, because
25 Mr. Jeffrey knows this. He has handled these types of cases.

1 The Court is familiar with him and his work. I think you
2 would be in very good hands with a trusted adviser like that.

3 But again, that's a decision that you just need to
4 mull over in your head.

5 Let's see. We also have several motions that you
6 filed, Mr. Fayne. One is a motion to suppress, which I think
7 we'll be reconvening on a pretrial conference at some point,
8 so I'm going to defer addressing that -- unless you all want
9 to talk about it now, I think we can defer addressing that to
10 a later time.

11 Especially after Mr. Fayne has had an opportunity to
12 receive the additional discovery.

13 And then you've also filed a couple of motions to
14 dismiss that, best I can tell, is this sovereign citizen
15 stuff.

16 All these names in trust and all that stuff is not
17 going to get you very far in this case. I've seen defendants
18 in your position to try to move forward with those kind of
19 theories, it doesn't really work out very well. I just want
20 to warn you about that. Okay.

21 It's not a novel legal theory and it's not something
22 that's going to fly with this Court or the Court of Appeals or
23 anywhere else. So I just want to warn you about that.

24 THE DEFENDANT: What is a sovereign citizen?

25 THE COURT: If I need to tell you what it is, then I

1 think you need to look it up. Because it looks an awful lot
2 like what you put in all this stuff being a moorish citizen
3 and all -- not being a United States citizen, fictitious names
4 and all that stuff, it's just not going to work.

5 So I just want to warn you because that really
6 distracts, because you may have some good defenses in this
7 case, you really might. You might have some good issues to
8 raise regarding suppression of evidence.

9 That's where you need to be focusing your attention
10 and that's where a lawyer can help you.

11 Trying to get on cute technicalities about invoking,
12 you know, fictitious legal theories isn't going to get you
13 very far.

14 So again, I'm not saying that to be critical of you,
15 but you have got a lot on the line. This is your life at
16 stake. And if I were you, I would put my trust in a lawyer.

17 I think that covers it for now. We will, when we
18 reconvene, we will talk about pending motions. We will set a
19 rescheduled hearing for the pretrial conference. And to the
20 extent there are additional motions you want to file,
21 Mr. Fayne, you can do that.

22 And if there was something you wanted to say,
23 Mr. Fayne? I see you raising your hand.

24 THE DEFENDANT: Yes, sir. There was one other motion
25 about bond conditions. I know you didn't set that, but I have

1 an emergency situation.

2 I spoke to my Pretrial Services about it yesterday.

3 My grandmother has a blood clot in her leg. Right
4 now she is (indiscernible audio) stage 3. She is going to
5 stage 4. They may amputate her leg. She went to the hospital
6 yesterday. She is in Arkansas.

7 Part of my motion for bond conditions is to travel to
8 Arkansas.

9 I talked to Pretrial Services. He said because of
10 the bond conditions, they contact Pretrial Services about any
11 travel outside of the district or anything. And he told me to
12 just bring it, make the Court aware.

13 He said I might not have to file a motion -- which I
14 had already filed a motion for bond conditions, but he said
15 since it's an emergency situation, make sure you bring it up
16 into the open court.

17 Because my grandmother, she raised me since I was one
18 month old. And this whole situation with her heart condition
19 and stuff, it could be fatal (indiscernible audio) and I would
20 like the chance to at least go see her, speak with her. You
21 know, be by her side throughout this process.

22 Pretrial Services, I told him if there is anything I
23 need, where I would be staying or anything, I would give it to
24 him. Him and I have a very open dialogue. My curfew ends at
25 8:00 a.m. every morning.

1 As far as (indiscernible audio) I called him
2 yesterday and the day before, you know, I need to leave before
3 8:00 a.m. tomorrow to make court by 9:00. Traffic could be
4 anything.

5 I mean, we have a very open communication and
6 dialogue about everything. So I tried to (indiscernible
7 audio).

8 THE COURT: Well, I'm very sorry to hear about your
9 grandmother.

10 So, the PSO is right. The decision as to whether to
11 modify conditions of release go to the judge who sets your
12 bond. That was Judge Anand, if I recall correctly.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And so when I get off the bench, I will
15 send -- I'll make sure that he's aware of your motion. I
16 don't know if the government has had an opportunity to look at
17 it or to voice an objection, if there is one.

18 Again, that's not the decision that I am going to
19 make. That would be up to Judge Anand.

20 But let me just -- I would be remiss if I didn't
21 point out, if you had a lawyer, this is the kind of thing that
22 they are very adept at being able to help you with. Okay?

23 Taking it off your shoulders and knowing who to
24 contact and making sure that things get where they need to go.
25 Okay?

1 So like I said, I'll make sure Judge Anand is aware
2 of the motion, but that's in his court. Okay. And again, I
3 am sorry to hear about your grandmother.

4 All right. Is there anything further?

5 MR. PHILLIPS: Your Honor, one final thing about the
6 hard drive. If the defendant intends to provide one, he would
7 just have that delivered to the United States attorney's
8 office. There is a receptionist on the sixth floor and she
9 can take custody of it and she will notify me that it's been
10 delivered and I will make arrangements to get it to the FBI as
11 soon as possible.

12 THE COURT: All right. So that involves Mr. Fayne
13 coming down here with it, or like ordering it online and
14 having it delivered?

15 MR. PHILLIPS: That's fine. He can have it delivered
16 directly from Amazon, or something like that. Or he can
17 purchase it locally and then have it FedExed to us, if he
18 wants to do that.

19 Or he could have a courier bring it or he could bring
20 it himself and drop it off at the U.S. attorney's office. The
21 sixth floor of this building.

22 THE COURT: If you get it delivered through Amazon,
23 how do you know that it came from him?

24 MR. PHILLIPS: Well, I have never done that before.
25 I suppose he would have to put my name on it or he could have

1 it delivered to my attention at that address, at the U.S.
2 attorney's office. And then that's the only one that I would
3 be receiving so I would know where it came from.

4 THE COURT: Mr. Fayne, it sounds to me like the
5 easiest thing to do would be to go and buy one of these things
6 and bring it to the sixth floor at the U.S. Attorney's Office
7 so they know that it's from you and that it's in the right
8 hands.

9 If you want to try to orchestrate some sort of
10 delivery, making sure that it goes to Mr. Phillips's attention
11 as he has instructed, that's up to you. This is your
12 responsibility to make sure this gets done.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Anything further, from the government?

15 MR. PHILLIPS: No, your Honor.

16 THE COURT: Okay. All right. Mr. Fayne, anything
17 further from you?

18 THE DEFENDANT: No, sir.

19 THE COURT: Mr. Jeffrey?

20 MR. JEFFREY: No, your Honor. Thank you very much.

21 THE COURT: All right. We will be in recess.

22 Have a good weekend.

23

24 (Proceedings were adjourned at 9:35 a.m.)

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I, Judith M. Wolff, a Certified Realtime Reporter,
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Date: October 27, 2021

s/ JUDITH M. WOLFF, CERTIFIED REALTIME REPORTER
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