

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

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11 TRANSCRIPT OF INITIAL APPEARANCE ON CRIMINAL INDICTMENT
12 HELD BY ZOOM VIDEOCONFERENCE
13 BEFORE THE HONORABLE LINDA T. WALKER
14 UNITED STATES MAGISTRATE COURT JUDGE
15 THURSDAY, JULY 9, 2020
16

17 Appearance of Counsel:

18 For the Plaintiff:

Michael John Brown, Esq.

Bernita Malloy, Esq.

Assistant United States Attorneys

19 For the Defendant:

Caitlyn Virginia Wade, Esq.

Federal Defender Program
20
21

22 Judith M. Wolff, CRR

Official Court Reporter

1914 United States Courthouse

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Atlanta, Georgia 30303

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1 (Court was called to order at 11:32 a.m.)

2 THE COURT: Good morning.

3 I came into the courtroom and there were two lawyers
4 sitting in here, so I said, wait a minute, this is a Zoom.

5 In any event --

6 COURTROOM DEPUTY: Ms. Malloy, if you would unmute
7 yourself.

8 Mr. Fayne, if you would unmute yourself, please.

9 Thank you.

10 THE COURT: Good morning.

11 MS. MALLOY: Good morning, Judge.

12 THE COURT: The Court calls the case of United States
13 of America vs. Maurice Fayne, also known as Arkansas Mo. This
14 is Criminal Indictment No. 1:20-cr-00228.

15 Appearing on behalf of the government, Bonita Malloy;
16 and appearing on behalf of the defendant we have Caitlyn Wade.

17 And the Court would note for the record that this is
18 a Zoom arraignment.

19 First I would like to start off by asking him,
20 Mr. Fayne, does he consent to proceeding in this case by Zoom?
21 He can appear in person if he wanted to do so.

22 So do you consent to proceed via Zoom?

23 THE DEFENDANT: I do consent for this initial
24 appearance via Zoom.

25 THE COURT: Okay. Thank you.

1 The reason we're here is the initial appearance on
2 the complaint; is that correct, Ms. Wade?

3 MS. WADE: That is correct. He was represented by a
4 different attorney at the time, but he did appear for an
5 initial appearance on the complaint.

6 THE COURT: Okay. And Ms. Malloy, are you there?

7 MS. MALLOY: I am, your Honor. Mr. Brown is going to
8 be the one proceeding on behalf of the government.

9 MR. BROWN: Good morning, your Honor.

10 THE COURT: Okay. Okay. I didn't see you there,
11 Mr. Brown. Okay. Good morning, Mr. Brown. I'm glad you said
12 that.

13 We're here this morning, Mr. Fayne, because a
14 criminal indictment has been filed against you. The purpose
15 of this hearing is to advise you of those charges.

16 The grand jury has determined there is probable cause
17 to believe you committed a number of offenses that are set
18 forth, and there is a -- this is an 18-count indictment, and
19 the indictment is 20 pages.

20 You are charged in Counts 1 and 3 with wire fraud.
21 This conduct occurred from in or about August of 2014 through
22 May of 2020 in the Northern District of Georgia, and
23 elsewhere, where it is alleged that you and a number of others
24 participated in a scheme to defraud investors in your trucking
25 business, and for obtaining money from those investors by

1 means of materially false and fraudulent pretenses,
2 representations, and promises, and by the omission of material
3 facts.

4 This comes out of you allegedly holding yourself out
5 as the owner of a profitable trucking business when, in fact,
6 the trucking business did not generate enough revenue to cover
7 your expenses and because your trucking business repeatedly
8 failed to pay your bills on time, it was hit with multiple tax
9 liens, civil lawsuits, and judgments.

10 Allegedly, you personally and through middlemen,
11 including others, caused approximately 20 individuals to
12 invest \$5 million in your trucking business.

13 Allegedly, you made false statements to investors,
14 concealed material facts to investors, and provided fraudulent
15 documents to investors.

16 You and your middlemen allegedly promised that your
17 trucking business would use investors' money to purchase
18 trucks and operate trucks. Instead, you used the investors'
19 money to pay your personal debts and expenses to fund a
20 lifestyle for which you otherwise could not have afforded.

21 For example, during the course of the wire fraud
22 scheme, you transferred more than \$5 million to the Choctaw
23 Casino and Resort to cover your personal gambling and
24 entertainment expenses.

25 Also, allegedly, you and your middlemen promised the

1 investors would be repaid from the profits generated by your
2 trucking business, but because allegedly you squandered
3 investors' money, the trucking business never generated enough
4 revenue to repay the investors.

5 Allegedly, to hide the fact from the investors and to
6 give the trucking business an aura of legitimacy, you used the
7 investors' own money to pay some of them make-believe profits.

8 When the investors became suspicious of you and your
9 middlemen that you were not being truthful, you and the
10 middlemen allegedly made excuses to lull investors into a
11 false sense of security and delayed their complaints to law
12 enforcement.

13 And then, specifically on or about a certain number
14 of dates in Counts 1, 2, and 3, it alleges when you caused
15 funds to be transferred:

16 Count 1, on April 23, 2020, you caused \$175,000 to be
17 wired transferred from United Community Bank, held in the name
18 of Flame Trucking, to Navy Credit Union in the name of T.V.;

19 Count 2, April 24, the next day, you caused \$30,000
20 to be wired from United Community Bank, held in the name of
21 Flame Trucking, to JPMorgan Chase in the name of another
22 individual;

23 Count 3, May 1, 2020, you caused 25,000 to be wire
24 transferred from United Community Bank, held in the name of
25 Flame Trucking, to a Bank of America account in the name of

1 another;

2 Said conduct in violation of Title 18 United States
3 Code, Section 1343 and Section 2.

4 In Count 4 you are charged with bank fraud.

5 In Count 5 you are charged with false statement,
6 providing a false statement to a federally-insured bank.

7 Counts 6 through 15 charges money laundering in
8 connection with knowingly using -- this is a PPP loan
9 application.

10 Do you have a copy of the indictment with you,
11 Mr. Fayne?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Okay. I'm on page 8 of 20. You see
14 that.

15 You applied for the Paycheck Protection Program, a
16 loan program created by the Small Business Administration to
17 help small businesses pay payroll costs during the pandemic.

18 Allegedly, on that loan application you indicated --
19 first, for the money laundering -- that the proceeds would be
20 used to retain workers and maintain payroll or make mortgage
21 interest payments, lease payments, and utility payments as
22 specified under the Paycheck Protection Program.

23 Allegedly, you knowingly used these funds, instead,
24 to make payments in furtherance of the wire fraud scheme, pay
25 restitution for other cases that you had, or purchase jewelry,

1 pay child support, and lease a Rolls-Royce.

2 On or about mid-March, you contacted the middlemen
3 involved in the wire fraud scheme, T.V., and you appeared on
4 television stating that you were in the process of obtaining a
5 PPP loan, and you stated that you planned to use some of the
6 loan to make payments related to the wire fraud scheme.

7 You did obtain loans. You wire transferred \$175,000
8 in PPP loans to T.V. -- I'm sorry. T.V., as in television.
9 That's somebody's initials. Sorry. T.V.

10 As described in Count 1, you instructed T.V. to use
11 that money to conduct certain financial transactions.

12 In Count 6 it says you caused \$50,000 in PPP loan
13 funds to be wire transferred from the Navy Credit Union, held
14 in the name of T.V., to Sterling National Bank, held in the
15 name of Lucky Star Licensing.

16 Counts 7 through 8 are other counts of wire transfers
17 that you caused to be made from various accounts. That's in
18 Counts 7 through 15.

19 Counts 16 through 18 also charges you with money
20 laundering from April 22 of 2000, where there are a certain
21 number of companies that were created. For example, on April
22 22, another individual created an Arkansas limited liability
23 company called C.R. Wilkins Trucking, LLC.

24 Also on April 23, on behalf of C.R. Wilkins, C.W.
25 signed a contract to purchase eight trucks from the TransAm

1 Trucking company for \$368,000.

2 You also signed a contract to purchase six
3 refrigerated trailers from Great Dane, LLC, for \$189,000.

4 Allegedly you, aided and abetted by others known and
5 unknown to the grand jury, engaged in, attempted to engage in,
6 and caused others to engage in a monetary transaction by and
7 through a financial institution that affected interstate
8 commerce, knowing that this transaction involved criminal
9 derived property of a value greater than \$10,000.

10 Counts 16 through 18 specifically lists the amount of
11 funds you caused to be transferred from the PPP loan,
12 \$368,000, to the TransAm Trucking to purchase the eight
13 trucks. That was Count 16.

14 April 23, the same date, you caused \$189,000 in
15 PPP loan funds to be transferred to JPMorgan Chase Bank for
16 refrigerated trucks.

17 Count 18, on April 27, you withdrew \$65,000 in cash
18 held in the name of Flame Trucking.

19 All in violation of Title 18, United States Code
20 Section 1957 and Section 2.

21 There is also a forfeiture provision of currency and
22 bank funds: There were \$79,000 seized on May 11th; \$300,000
23 seized from another bank; \$169,000 of funds seized from Wells
24 Fargo;

25 \$60,000 seized from Sterling National Bank; \$24,000

1 from United Community Bank; \$15,000 from Federal Navy Credit
2 Union; \$14,000 in another account in your name in Navy Credit
3 Union; and \$9,000 in the name of another person.

4 In addition, there were a number of trucks, a
5 Rolls-Royce, and a number of other vehicles that were seized.
6 As well as personal property: An 18-kt Rolex; a 10-kt custom
7 Cuban bracelet with 34 carats of diamonds; one 14-kt custom
8 ring with 5.7 carats of diamonds; and some other bank accounts
9 here.

10 Has the defendant received a copy of the indictment?

11 MS. WADE: Correct.

12 THE COURT: Do you understand the nature of the
13 charges pending against him?

14 MS. WADE: I believe so.

15 THE COURT: Okay. Mr. Brown will proceed with the
16 arraignment.

17 MR. BROWN: Your Honor, I sent a Plea with Counsel
18 form to Ms. Wade this morning and I have not seen it yet. Has
19 that document been executed?

20 MS. WADE: Judge, I'm going to explain to you, the
21 Court, just before we came live, that I was actually in a PSR
22 interview all morning, so I have not been able to get that
23 executed.

24 However, I'm going to have Mr. Fayne enter the plea
25 verbally, and then as soon as this hearing is over, we will

1 send over -- he will sign the document and get it to me, I
2 will sign my name, and then scan it to the Court so that we
3 will have it for the record.

4 However, it has not yet been executed.

5 THE COURT: Okay. At this time the Court, on behalf
6 of your client, you want the Court to enter a not guilty plea?

7 MS. WADE: Yes. Mr. Fayne -- I believe he's ready to
8 --

9 THE DEFENDANT: Your Honor, with all due respect, you
10 know, for the record and on the record, I would like -- my
11 name is --

12 MS. WADE: Your Honor, may I have one moment?

13 THE COURT: Sure.

14 MS. WADE: If there is something he needs to ask,
15 could I have a quick breakout for this part?

16 THE DEFENDANT: There is nothing that I need to ask.
17 I just need to make a statement in court.

18 MS. WADE: Well, I would advise that you discuss it
19 with me before any statements are made.

20 THE DEFENDANT: I would like to proceed and speak on
21 my behalf right now at the moment.

22 THE COURT: It sounds like you are saying your name
23 is wrong. You are only going to say something with regards to
24 the name, this is not the time to discuss any of the facts of
25 the case.

1 THE DEFENDANT: I'm not discussing anything, your
2 Honor.

3 THE COURT: Okay.

4 THE DEFENDANT: I just want the record to know -- the
5 record to reflect where my name is Maurice Johnson Fayne. And
6 the spelling of it is capital M, lower case A, lower case U,
7 lower case R, lower case I, lower case C, lower case E;

8 Capital J, lower case O, lower case H, lower case N,
9 lower case S, lower case O, lower case N;

10 Capital F, lower case A, lower case Y, lower case N,
11 lower case E.

12 I do not understand the nature and the cause of these
13 allegations against me.

14 THE COURT: Okay. So thank you for the correction of
15 your name. We'll make sure that any documents will include
16 the full and correct spelling of your name. I think we have
17 just Maurice Fayne, but we will include Maurice Johnson Fayne.

18 And your counsel can talk to you a little bit more
19 regarding the charges set forth in the indictment.

20 We will make sure that you have a copy of it, but it
21 is your intent at this time for the Court to go ahead and
22 enter a not guilty plea on your behalf?

23 THE DEFENDANT: Your Honor, at this point in time, I
24 don't think it's in my best interest to enter any plea at this
25 time, because essentially my family is going to try to help --

1 they were actually seeking to get me counsel.

2 We searched at this moment for different counsel
3 throughout this process. And I want it on the record and let
4 the record reflect, really with this whole plea I felt
5 rehearsed, rushed.

6 We really just talked yesterday and we didn't go over
7 the reason until this morning.

8 THE COURT: Okay. We'll do this, how about this, we
9 will continue the arraignment until tomorrow, or Monday --
10 Monday -- let me just -- let me say, the purpose of this
11 hearing really was just to inform you of the charges.

12 And if you don't feel comfortable with proceeding at
13 this time, we can continue that and let you speak to -- I
14 understand you do want to obtain counsel. That is not a
15 problem for the Court. But I will let you talk to Ms. Wade
16 before you discuss anything else at this juncture.

17 If you want the Court to give you several more days,
18 probably until next week to go ahead and to obtain an
19 attorney, that is fine. But I want to make sure that you are
20 still being represented by somebody while you are seeking to
21 have the funds to retain an attorney because, based on this
22 indictment, if this is you and if these are your accounts,
23 then most of those funds may have been seized.

24 So to make sure that there is no lapse in your
25 representation, the Court will -- we're going to recess at

1 this time, we'll close these proceedings, allow you just to
2 talk to Ms. Wade regarding this indictment, let you looked
3 through the indictment.

4 And then, if you want to proceed and enter a not
5 guilty plea on this, we can do so tomorrow or Monday.

6 If you want until Tuesday to inform the Court of
7 whatever attorney may be representing you, we can do that as
8 well.

9 But I don't want you -- because anything you say can
10 and will be used against you. So I don't want you to waive
11 any rights and to talk about whether or not you believe these
12 charges are adequate or this is you, other than the correction
13 of your name.

14 So all I need to hear from you at this juncture is,
15 one, to tell me whether or not -- we're going to continue this
16 process. You want a couple of days or a day or so to talk to
17 Ms. Wade, or you want me to give you until Tuesday to retain
18 an attorney?

19 THE DEFENDANT: And with all due respect, your Honor,
20 I would like to move the Court to dismiss Ms. Caitlyn Wade as
21 my counsel.

22 I am also asking for a motion to dismiss her, and I
23 would actually do a moving on that, if you don't mind.

24 My family is starting to try to search for me a
25 different counsel. We feel like that's what's in the best

1 interest for me.

2 And I just -- like I said, I just want my due process
3 protected. I mean, the main thing is the due process and I
4 just feel that at this point that's what's in my best
5 interest.

6 THE COURT: Okay. So what I'm going to do is I'm
7 going to take that under advisement.

8 I'm going to give you until Tuesday to inform the
9 Court if you have retained another attorney.

10 So we will continue this arraignment until Tuesday.

11 I'm not sure if my courtroom deputy can hear us or
12 not.

13 COURTROOM DEPUTY: Yes, your Honor.

14 THE COURT: Okay. Will you -- I have -- you have
15 until 2:00, on Tuesday, to inform the Court if you have
16 retained the services of another attorney.

17 So we will continue the arraignment until -- what do
18 we have on Tuesday or Wednesday?

19 COURTROOM DEPUTY: We can do Tuesday at 10:30, your
20 Honor.

21 THE COURT: But I'm giving him until 2:00 Tuesday,
22 give him a couple days to get the attorney.

23 So how about Wednesday morning?

24 Or we can do it later on that Tuesday, if we're not
25 already booked Tuesday. We can do it later on Tuesday. Maybe

1 3:00, or 4:00 on Tuesday.

2 COURTROOM DEPUTY: Probably Wednesday is better, at
3 10:30.

4 THE COURT: Okay. So we're going to give you until
5 Tuesday. I'm not going to release Ms. Wade yet because you
6 may have a change of opinion if you're not able to retain an
7 attorney. We can explore that a little bit more later.

8 So I will take your motion to dismiss her under
9 advisement and give you until Tuesday at 2:00.

10 And then we will continue -- what's the time on
11 Thursday, the arraignment until -- I'm sorry. Wednesday
12 morning. What time is first available for this arraignment?

13 COURTROOM DEPUTY: 10:30.

14 THE COURT: 10:30. Okay.

15 Any questions regarding the process that we're going
16 to go through at this juncture, Mr. Fayne?

17 Do you understand that you have -- I'm sorry.

18 THE DEFENDANT: I said I just -- I just really would
19 like her to be dismissed. And I would move the Court to
20 dismiss.

21 THE COURT: Okay. We just want to make sure that
22 you're cover at all times, so I understand that.

23 So we're going to continue the arraignment until
24 Wednesday at 10:30.

25 And you have until Tuesday at 2:00 to inform the

1 Court or have your attorney file an entry of appearance that
2 they are representing you. Okay.

3 THE DEFENDANT: Yes, ma'am. Thank you.

4 THE COURT: Okay. If there is nothing else in front
5 of the Court, we're in recess.

6 Thank you.

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8 (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 recorded by Zoom
videoconference on July 9, 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 25, 2021

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