

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO.: 21-cr-20011-MGC-1

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
DAVID TYLER HINES,)
)
Defendant.)
_____ /

September 9, 2020

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REPORT RE COUNSEL HEARING

(Via Zoom)

BEFORE THE HONORABLE LISETTE MARIE REID
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

On behalf of the Plaintiff:

U.S. DEPARTMENT OF JUSTICE
Criminal Division, Fraud Section
1400 New York Avenue N.W.
Washington, DC 20530
BY: EMILY SCRUGGS, AUSA

1 APPEARANCES CONTINUED:

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3 On behalf of the Defendant:

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BY: CHAD PIOTROWSKI, ESQ.

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11 BY: RAYMOND D'ARSEY HOULIHAN, III AFPD
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1 (Thereupon, the following proceeding was held:)

2 MR. PIOTROSKI: Good morning, Your Honor. Chad
3 Piotrowski for Mr. Hines.

4 THE COURT: Very good.

5 MS. SCRUGGS: Your Honor, Emily Scruggs, United States
6 Department of Justice.

7 THE COURT: Very good.

8 So this is Case Number 20-3237. So I have on the
9 calendar report re counsel.

10 MR. PIOTROWSKI: Yes, Your Honor.

11 There's a pretty bad echo. I don't know if it is
12 here. Does anyone else hear that?

13 THE COURT: Could everyone on this case mute their
14 telephones. Maybe that will help.

15 Okay. Let's try that again.

16 MR. PIOTROWSKI: I am not going to be filing a
17 permanent appearance on this case, Your Honor.

18 I spoke with my client. (Inaudible) forward. In any
19 event, I would ask the Court to appoint the office of the
20 federal public defender.

21 THE COURT: Okay. That will be fine.

22 So let me see if I can figure out the problem right
23 now of maybe muting the microphone.

24 I see Bradley Berenstein (phonetic).

25 MR. BERENSTEIN: Good morning, Judge, yes.

1 THE COURT: Are you on this case of Mr. Hines?

2 MR. BERENSTEIN: I'm not on this case. I'm on a case
3 and my client is Mr. Johnny Tillis sitting next to me.

4 THE COURT: So maybe if you muted your microphone.

5 MR. BERENSTEIN: I will.

6 THE COURT: Okay. Let's try this. I think that might
7 have been it.

8 MR. POITROWSKI: Much better.

9 THE COURT: Yes. Okay. So I'm sorry, Counsel.

10 You were explaining that you will not be entering a
11 permanent appearance on behalf of Mr. Hines and so we need to
12 colloquy Mr. Hines to see if he qualifies for appointment of
13 counsel.

14 MR. POITROWSKI: Yes, Your Honor, that's correct.

15 THE COURT: Okay. Is Mr. Hines available?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay.

18 THE COURTROOM DEPUTY: Sir, please raise your right
19 hand?

20 THE DEFENDANT: (Complied.)

21 THE COURTROOM DEPUTY: Thank you.

22 (Defendant sworn.)

23 THE COURT: So, first of all, Mr. Hines, I need you to
24 state your name and your age for the record.

25 THE DEFENDANT: David Hines; 29 years old.

1 THE COURT: Okay. And I know that you probably have
2 spoken with Mr. Piotrowski regarding the charges against you,
3 but I want to be sure that you know exactly what those charges
4 are.

5 It is false statements, bank fraud, engaging in
6 transactions in unlawful proceeds.

7 Are you aware and understand the charges against you?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. Very good.

10 So are you able to afford counsel? Would you like to
11 hire private counsel or would you like the Court to appoint
12 counsel for you?

13 THE DEFENDANT: No, I don't have any money. So I will
14 take him.

15 THE COURT: Okay. Prior to your arrest in this case
16 were you employed?

17 THE DEFENDANT: I was self-employed.

18 THE COURT: Okay. And what was your income?

19 THE DEFENDANT: I was doing business with many
20 companies.

21 You mean how much?

22 THE COURT: How much?

23 THE DEFENDANT: About \$50,000 a month.

24 THE COURT: Okay. And what is your source of income
25 now?

1 THE DEFENDANT: Nonexistent.

2 THE COURT: Okay. So you have no income at this
3 period?

4 THE DEFENDANT: None.

5 THE COURT: When did you stop making \$50,000 a month?

6 THE DEFENDANT: Around February.

7 THE COURT: Okay. Do you have any money in the bank?

8 THE DEFENDANT: No, I don't have any bank accounts.
9 They're all frozen.

10 THE COURT: I see, but you have funds in those frozen
11 accounts?

12 THE DEFENDANT: Supposedly. I mean, I don't know;
13 yeah, \$3.9 million.

14 THE COURT: Okay. And do you own any real property?

15 THE DEFENDANT: No.

16 THE COURT: Do you own any stocks or bonds?

17 THE DEFENDANT: No.

18 THE COURT: Do you own a car, truck, or a boat?

19 THE DEFENDANT: They took the car. Nothing.

20 THE COURT: All right. And do you have any assets
21 anywhere in the world, not just in this country, that has a
22 value of \$5,000 or greater?

23 THE DEFENDANT: No, I don't know.

24 THE COURT: Okay. All right. So I will find at this
25 time that you do qualify for the appointment of a Public

1 Defender. And I will have the Public Defender, if you could
2 verify the information regarding the assets and the income, to
3 assure the Court that the Defendant does qualify for
4 appointment with counsel.

5 Is there a Public Defender available?

6 MR. HOULIHAN: Yes, Your Honor.

7 D'Arsey Houlihan with the Public Defender's Office.
8 That puts us in sort of an awkward position having to confirm
9 whether a client has sufficient assets to qualify.

10 THE COURT: I understand. Let me put it this way.

11 If, in fact, the bank accounts are frozen, I just
12 don't know whether your client would have enough legal
13 information to know whether that is actually the case or
14 whether the funds that he has in the bank account are
15 inaccessible to him, let me put it that way.

16 MS. SCRUGGS: Your Honor, if I might?

17 THE COURT: Go ahead.

18 MS. SCRUGGS: Just for the record, those accounts were
19 seized. Warrants were executed and those funds were seized and
20 were in four bank accounts that I think Mr. Hines is referring
21 to.

22 THE COURT: Okay.

23 THE DEFENDANT: Yes, I don't have access. It never
24 entered my mind again.

25 THE COURT: Okay. I understand. Thank you,

1 Government, for that.

2 Okay. I'm comfortable, then, that the assets that
3 have been discussed are not available to Mr. Hines.

4 Mr. Houlihan, have you had an opportunity to speak
5 with Mr. Hines at all regarding his case?

6 MR. HOULIHAN: No, Your Honor.

7 THE COURT: Okay. So I have on the calendar a
8 competency hearing for September 30th and an arraignment for
9 January 4th just to make sure that you are aware.

10 MR. HOULIHAN: The competency hearing for
11 September 30th.

12 THE COURT: At 1:00 p.m.

13 MR. HOULIHAN: And I am sorry, Your Honor. You broke
14 up. What was the other hearing?

15 THE COURT: An arraignment on January 4th of 2021.

16 Government, are those the same dates that you know of
17 on this case?

18 MS. SCRUGGS: Yes, Your Honor.

19 THE COURT: Is there anything from the Government
20 today?

21 MS. SCRUGGS: No, Your Honor.

22 THE COURT: Okay. That's all I have on this case at
23 this time, then, correct Mr. Houlihan?

24 MR. HOULIHAN: I believe so.

25 I will reach out to Mr. Hines or his attorney and get

1 back to the Court if I feel that something needs to be
2 scheduled.

3 THE COURT: Prior to that.

4 Okay. Thank you very much.

5 MS. SCRUGGS: Thank you, Your Honor.

6 MR. HOULIHAN: Thank you, Your Honor.

7 MR. PIOTROWSKI: Thank you, Your Honor.

8 THE COURT: Okay.

9 (Thereupon, the proceedings concluded.)
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CERTIFICATE

I hereby certify that the foregoing transcript is an accurate transcript of the audiotape recorded proceedings in the above-entitled matter.

02/12/21

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