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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,	)	
	)	
	)	
-VS-	)	DOCKET NO. 1:20-CR-00296-JPB
	)	VOLUME 9
CARLA JACKSON AND	)	
TELDRIN FOSTER,	)	
	)	
DEFENDANTS.	)	

TRANSCRIPT OF JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE J.P. BOULEE
UNITED STATES DISTRICT JUDGE
FEBRUARY 15, 2024

APPEARANCES:

ON BEHALF OF THE GOVERNMENT:
TAL C. CHAIKEN, ESQ.
SAMIR KAUSHAL, ESQ.
BABASIJIBOMI MOORE, ESQ.
ASSISTANT UNITED STATES ATTORNEYS

ON BEHALF OF THE DEFENDANT - TELDRIN FOSTER:
LEIGH ANN WEBSTER, ESQ.
SARALIENE DURRETT, ESQ.

ON BEHALF OF THE DEFENDANT - CARLA JACKSON:
DAVID D. MARSHALL, ESQ.

STENOGRAPHICALLY RECORDED BY:

PENNY PRITTY COUDRIET, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
ATLANTA, GEORGIA

(PROCEEDINGS HELD IN OPEN COURT AT 10:38 PM, ATLANTA, GEORGIA)

(Jurors not present in the courtroom.)

THE COURT: So I think I asked Ms. Lee to alert you of an issue. You may already be aware of it. The jury has requested an index of the exhibits, which seems to me to be a reasonable request given the number of documents involved in this case. I would like to give them an index.

Does anyone take issue with that?

MS. CHAIKEN: We would like for them to have an index, Judge.

MS. WEBSTER: We don't have any issue with that, Your Honor. Thank you.

MR. MARSHALL: No issue.

THE COURT: Do we have an index we can give them?

MS. CHAIKEN: We have ours.

MS. WEBSTER: And I just sent ours to Ms. Lee, which specifically also notes the ones that are on the USB drive.

THE COURT: Okay.

Mr. Marshall?

MR. MARSHALL: Ms. Hirani has already sent one. I think the clerk has it up there.

COURTROOM DEPUTY CLERK: You can send it and I'll print it.

THE COURT: Very well. It sounds like you either have a list for Ms. Lee to give to them or are sending them

one. And once she has those, she will give them all three lists at the same time.

In an abundance of caution, we'll also make a copy of those and mark them as Court's Exhibit whatever we're up to just for the record.

Okay?

COURTROOM DEPUTY CLERK: Okay.

THE COURT: Thanks, everyone.

(After a recess at 10:52 a.m., the proceedings continued at 1:09 p.m. as follows:)

THE COURT: I understand we have a verdict, so if you could please bring in the jury.

(The jury entered the courtroom at 1:19 p.m.)

THE COURT: You can be seated.

Ladies and gentlemen of the jury, who is your foreperson? All right.

Sir, I understand that you've reached a unanimous verdict, is that correct?

THE FOREPERSON: We have, your Honor.

THE COURT: If you can please hand your verdict to the court security officer.

Mr. Foreperson, I notice that one of the two -- he's going to need this pen, Officer.

One of the two verdict forms wasn't dated. If you could date that, please.

He can hold onto it. Thank you, Officer.

All right. I would ask the foreperson -- I've inspected the verdict form and they appear to be in good order.

I'm going to now ask the foreperson to publish the verdicts by reading your verdicts. And if, as I believe the case, it's a verdict as to all counts, you don't have to read each individual count, you can just state what your verdict is as to all counts as to each individual defendant.

All right. Go ahead.

THE FOREPERSON: As to all counts for the defendant Carla Jackson, we, the jury, unanimously find the defendant Carla Jackson guilty.

As to all counts against defendant Teldrin Foster, we, the jury, find unanimously the defendant Teldrin Foster guilty.

THE COURT: Thank you. And I would ask you one other question. For various counts there was a question as to whether or not if it was a guilty verdict, whether it was for bank fraud or wire fraud or both. If you can announce that as well. And if it's the same for all, you can announce that if it's the same for all such counts that ask that question.

THE FOREPERSON: Confirming that for all counts where there is both bank fraud and wire fraud listed, we found guilty on both counts.

THE COURT: All right. Thank you.

You can give the verdict form to the court security officer who will give it to the courtroom deputy, please, Officer, for filing.

Would anyone like the jury to be polled?

MS. WEBSTER: Yes, your Honor.

MR. MARSHALL: Yes, your Honor.

THE COURT: Ladies and gentlemen of the jury, I'm now going to ask each of you individually whether or not that was your verdict in all respects.

So, Mr. Foreperson, was that your verdict -- the verdicts that were just read, were those your verdicts in all respects?

THE FOREPERSON: They were.

THE COURT: Ma'am, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes.

THE COURT: Sir, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes.

THE COURT: Ma'am, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes.

THE COURT: Ma'am, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes.

THE COURT: Ma'am, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes, sir.

THE COURT: Sir, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes, your Honor.

THE COURT: Sir, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes.

THE COURT: Sir, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes, sir.

THE COURT: Ma'am, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes.

THE COURT: Sir, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes, sir.

THE COURT: Sir, were the verdicts that were just read your verdicts in all respects?

A JUROR: Yes, sir.

THE COURT: And, Ms. Lee, if you could please file those verdicts.

Counsel, is anything else needed of this jury?

MR. KAUSHAL: Nothing from the government, your Honor. Thank you.

MS. WEBSTER: No, your Honor.

MR. MARSHALL: No, your Honor.

THE COURT: All right. Ladies and gentlemen of the jury, in just a moment I'm going to release you, but before I do I want to thank you again for your service to this court and your service to our country. I do firmly believe that jury service is one of the most important duties of citizenship. And as I said at the beginning of this trial, our justice system could not function without citizens like you that are willing to do this. So I thank you very much for your service.

You are hereby released.

And, Officer, if you could -- off the record for a moment.

(Off-the-record discussion.)

(Pause in the proceedings.)

THE COURT: All right. As far as the pretrial conditions, does anyone want to be heard on that issue?

MR. KAUSHAL: Yes, your Honor.

The government is invoking the presumption of detention for -- under Title 18 United States Code, Section 3143, for Mr. Foster, for Defendant Foster.

That same presumption would apply to Ms. Jackson as

well, but in our assessment we believe she could likely meet the standard there, which is that clear and convincing evidence standard.

For Mr. Foster, however, for Defendant Foster, there are significant --

THE COURT: Let me break in for a moment.

Mr. Marshall, unless you want to be further heard, then I believe we can release Ms. Jackson for the time being.

Does everyone concur?

MR. KAUSHAL: Yes, your Honor.

THE COURT: All right.

MR. MARSHALL: Thank you, your Honor.

THE COURT: Mr. Marshall, Ms. Jackson.

MR. MARSHALL: Thank you very much, Judge.

THE COURT: I agree with the government's assessment, so there's nothing for me to decide there. Very well.

(Mr. Marshall and Ms. Carla Jackson were excused from the courtroom at 1:31 p.m.)

THE COURT: Go ahead, Mr. Kaushal. Sorry to interrupt you.

MR. KAUSHAL: There is significant sentencing exposure here now for this defendant. He's been convicted of dozens of felony offenses, all of which carry 20 years or so of maximum possible penalties. Under the guidelines he would have significant sentencing exposure, which your Honor is

aware of having sentenced so many individuals in connection with this case.

Of particular concern is a lack of kind of a stable employment here. It's been said that the defendant is a barber. That's something that he could -- you know, as they've said, is a cash business and he could easily up and leave and go off into the wind, and we would have a hard time tracking him down.

And also of note, your Honor, is that we've already had one defendant flee in this case -- or not appear, I should say, at the beginning of the trial he did not appear for trial. And there is a concern that this defendant will choose the same path should he walk out now.

So for those reasons we ask that the defendant be detained.

THE COURT: Ms. Webster.

MS. WEBSTER: Your Honor, Mr. Foster has been aware of the number of counts that he's been charged with and the likely sentencing exposure that he would face for years at this point.

He received a target letter in 2021. He was indicted in 2021. He has been on bond since that time. I think it's inappropriate to rely on the fact that a separate defendant did not show up to the trial that Mr. Foster showed up to and came every day and has been here for and continues to be here

for it. So the idea that he is likely to flee at this point when he has come to trial knowing exactly what he is facing, we've had extensive conversations with him about that, I don't think is reflective or supported by the record.

He's shown up to every court date. He's shown up to every meeting with me. There have been no issues with him attempting to skip town or anything like that.

The fact that he works as a barber does not mean that he is more likely to flee. Yes, he can do that in other places, but he has a clientele and a customer base here. His whole life -- not his whole life but his life for a significant period of time has been here.

I don't hear the government invoking or making any arguments that he is -- poses a danger to the community, so I'm not addressing that unless the Court would like me to.

But I don't think that the Court -- that the reasons articulated by the government justify detention in this case when he has shown up every day. I think that we can meet our burden by clear and convincing evidence just based on his showing up to court every single day, and the fact that there's been no indication that he has been hard to get in touch with by the probation officer, hard to get in touch with with me. There's been nothing to suggest that he will not show up.

If the Court is concerned about that, then there are

conditions that the Court can impose that would justify -- that would resolve those concerns. So while we don't think that it is necessary or appropriate to put an ankle monitor on, that is something that if the Court is concerned, then we are -- then that is a condition that the Court could impose that would alleviate that concern.

And, again, it is not fair to hold another defendant's actions against him when he showed up to the very trial that that other defendant did not show up to. So the fact that the other defendant did not show up and he showed up I think strongly weighs in our favor by saying he should be allowed to stay out on bond.

I think that's what we have on that, your Honor. Thank you.

THE COURT: Anything else from the government?

MR. KAUSHAL: Your Honor, I would just say that the circumstances have changed substantially due to the fact that he has now been found guilty, and that is a completely different world than all these days leading up to this moment and the sentencing exposure is significant, and we would ask that he be detained.

THE COURT: All right.

I'm going to grant the government's motion. I want to be clear, though, that my reasoning has nothing to do with the fact that Mr. Baptiste failed to show up for trial. I'm

not going to attribute Mr. Baptiste's actions to Mr. Foster.

However, in this case it is the defense's burden to show by clear and convincing evidence that Mr. Foster is not likely to flee and I just don't think the defense has been able to show that.

As Mr. Kaushal noted, he now stands convicted of numerous serious federal crimes involving significant sums of money and faces a potentially very, very long prison sentence.

Also, there were significant -- as I noted, there's significant moneys involved in this case. That's concerning to me. And also the underlying facts of this case involving so many frauds and made up names and incomes and everything else, it seems like that would be in line with some of the things that someone would do if they needed to be on the lam, whether that's a fake ID or get ahold of funds, et cetera.

I'm not persuaded that a condition like an ankle monitor would cause someone not to flee. You know, anybody who has an ankle monitor and the ability to go into a Home Depot and get some cutters can cut an ankle monitor. Ankle monitors might be an effective way of telling us when someone has absconded but it doesn't really prevent anyone from absconding.

Therefore, I don't think the defense has met its burden and Mr. Foster will go into custody awaiting

sentencing.

Is there anything else from either side?

DEFENDANT FOSTER: Can I speak?

THE COURT: Yes, Mr. Foster.

MS. WEBSTER: May we have one second?

THE COURT: Of course.

MS. WEBSTER: Your Honor, the issue that Mr. Foster is raising is that as a result of the agreed bond modification several years ago at this point, Mr. Foster has not been -- felt like he was able to contact his son Aiden because Aiden's mother is Gena Pyfrom-Foster. So there were issues about that, and he was concerned that that would have an impact on his bond status. So he has not been able to see him for several years at this point.

So he is asking for the chance to see him one time and to turn himself in tomorrow and just to have the night so that he can see him before he goes into custody because he does understand the significance sentence -- or the potential sentence that he will receive in this case.

THE COURT: All right. So -- and, Mr. Foster, I'm sympathetic to that request. I'm sorry that the conditions have been such that -- and I don't know if this is something that, you know, might have warranted clarification before now, but I understand that -- the desire to see your son before you go into custody. And I would like somehow to be magically

able to accommodate that, you know, I genuinely would.

I'm imaging you have some anger towards the justice system, towards me and the prosecutors and everyone involved in this at the moment, and I get that. And I, frankly -- I would like to give you that small thing and let you see your son today.

I don't think the law allows me to do that. You know what I have to look at is that statute that Mr. Kaushal just cited as to whether or not you go into custody awaiting your sentencing, and that's what I have to apply. And there's, unfortunately, under the law no exception for me to say, hey, but we'll do it one day from now.

So I can't accommodate that request, but I want you to know that I think it's a fair request. And if I had some magical way of guaranteeing that there wouldn't be an issue in the next 24 hours and some exception to that statute for good reasons like this, I would do it, but I just don't think the law allows me to do that, and I apologize that I can't accommodate that.

I hope that perhaps there's a way that -- although you might not want to see him in custody, I hope there's a way to have some contact with him otherwise, and I genuinely mean that.

You know, you've been convicted of some serious crimes, but that doesn't mean you can't be a good father to

your son. And I'll tell you, I don't know how long you're going to be in prison or if the government's going to ask for prison, I imagine that they will, but I would hope that you're able to maintain a relationship with him even during that period.

Anything else from anyone?

MR. KAUSHAL: Nothing from the government, your Honor.

MS. WEBSTER: Nothing else, your Honor.

THE COURT: All right. We're adjourned.

(PROCEEDINGS REPORTED WERE CONCLUDED AT 1:41 P.M.)

_____

C E R T I F I C A T E

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA

I do hereby certify that the foregoing pages are a true and correct transcript of the proceedings taken down by me in the case aforesaid.

This the 15th Day of February, 2024.

PENNY PRITTY COUDRIET, RMR, CRR
OFFICIAL COURT REPORTER

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