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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO. 8:21-cr-348-SCB-SPF
August 19, 2022
Tampa, Florida
1:58 - 2:55 p.m.

JEREMY BROWN

Defendant.

_____ /

TRANSCRIPT OF BOND HEARING
BEFORE THE HONORABLE SEAN P. FLYNN
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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(NONE ADMITTED INTO EVIDENCE)

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P R O C E E D I N G S

(Court called to order.)

THE COURT: Good afternoon, everyone.

Mr. Calderon, would you please call the case.

THE DEPUTY CLERK: The matter of United States of America vs. Jeremy Brown, Criminal Case No. 8:21-cr-348-SCB-SPF.

THE COURT: Counsel, please make appearances.

MR. MARCET: Good afternoon, Your Honor. Daniel Marcet and Cherie Krigsman on behalf of the United States. With us at counsel table is the case agent, FBI Task Force Officer Brett Lindsey (ph).

THE COURT: All right. Thank you.

MR. FUTERMAN: Good afternoon, Your Honor. Roger Futerman on behalf of Jeremy Brown, who for the record is seated to my right.

THE COURT: All right. Good afternoon, Mr. Futerman.

And good afternoon to you, Mr. Brown.

THE DEFENDANT: Good afternoon, Your Honor.

THE COURT: All right. We're here today on the defendant's motion to reconsider bond docketed -- it's docketed at Docket Entry 198 and the government filed a response in opposition at Docket 202.

Now, Mr. Futerman, it's my understanding that you

1 intend to call an elderly witness to testify via phone; is
2 that correct?

3 MR. FUTERMAN: Yes, Your Honor.

4 THE COURT: All right. Let's not keep them
5 waiting. Call your witness, please.

6 MR. FUTERMAN: Thank you, Your Honor. We call
7 Lisa Brown and she should be on hold. We were working -- I
8 told her at two o'clock to dial in.

9 THE COURT: All right.

10 THE WITNESS: Hello.

11 MR. FUTERMAN: Hello. Ms. --

12 THE WITNESS: Hello.

13 THE COURT: All right. We couldn't hear you. Can
14 you hear us?

15 THE WITNESS: I can hear you.

16 THE COURT: Mr. Futerman -- Mr. Calderon, you need
17 to swear in the witness, please.

18 (Witness sworn in by the Deputy Clerk.)

19 THE WITNESS: Yes.

20 THE DEPUTY CLERK: Can you please state your name
21 for the record?

22 THE WITNESS: Lisa, my middle initial is E, Brown.

23 THE DEPUTY CLERK: Thank you very much.

24 THE WITNESS: Okay.

25 THE COURT: All right. Good afternoon, Ms. Brown.

1 Thank you for testifying at this hearing. This is United
2 States Magistrate Judge Sean Flynn. Your son --

3 THE WITNESS: Okay.

4 THE COURT: Your son, Jeremy Brown, is present in
5 the courtroom and can hear you and his attorney,
6 Mr. Futerman, has called you as a witness at this hearing.
7 So at this time I'm going to turn it over to Mr. Futerman to
8 ask you some questions. When he's done I'm gonna give the
9 prosecution an opportunity to ask you some questions as
10 well.

11 Do you understand?

12 THE WITNESS: Okay.

13 THE COURT: All right. Thank you, Ms. Brown.
14 Mr. Futerman, whenever you're ready.

15 MR. FUTERMAN: Thank you, Your Honor.

16 **DIRECT EXAMINATION**

17 **BY MR. FUTERMAN:**

18 Q. Ms. Brown, can you hear me?

19 A. That's okay.

20 Q. Okay. At any point, if I ask you a question or the
21 government asks you a question that either you don't
22 understand or you cannot hear, can you let us know?

23 A. Okay.

24 Q. All right. Ms. Brown, how old are you?

25 A. I'll be 70 young next Monday.

1 Q. And where are you currently living?

2 A. In Tyner, North Carolina.

3 Q. And what are you living in, is it a house, is it an
4 apartment, what is it?

5 A. It's a doublewide out in the country.

6 Q. Mobile home, right?

7 A. Yes.

8 Q. Okay. And who do you live with?

9 A. (Inaudible). We've been together about 24 years.

10 Q. Okay.

11 A. (Inaudible).

12 Q. And since you've been with him 24 years, how many years
13 have you lived with him?

14 A. About that many.

15 Q. Okay. Anyone else that currently lives with you in the
16 home?

17 A. No.

18 Q. All right. Now, I'm going to ask you about your
19 medical conditions and I'll start with I believe you had a
20 stroke in December of 2021; is that correct?

21 A. I had a mild stroke in December, the week before
22 Christmas, which I lost sight in my right eye. And then in
23 January 2021 they had to do surgery on my right carotid
24 artery because it was blocked. And I guess that's where
25 that stuff broke off and landed in my eye. And so in I

1 think it was January of this year, I had an appointment with
2 Dr. Yamaguchi (ph) that, you know, they did some -- did a
3 sonogram or whatever of like your head and neck and he came
4 and told me that there was an issue with the blood vessel
5 going up to my brain. Well, that kind of threw me for loop,
6 because I'm not a medical person by any means, so it was
7 kind of like I was just dumbfounded and I didn't know what I
8 should ask or anything, so I kind of just went, okay. You
9 know, like somebody needs to explain this to me. And so --
10 but I told them that I needed to think about this.

11 And so when I had another appointment with
12 Dr. Yamaguchi -- but I didn't actually see him, I saw one of
13 his helpers, and they were saying that I needed surgery and
14 it was called carotid (inaudible) bypass. So I said, well,
15 let me get up with my youngins about this.

16 And so -- and I went back and told them, I said, well,
17 I guess I need to get the surgery, because what was going
18 on, my blood flow was not correctly going up to my brain and
19 down my right arm. So I've lost like muscle in my right
20 arm. And like right now, after the surgery they did, I'm
21 still -- I'm numb like on the front part of my right chest,
22 my shoulder, my shoulder blade on the back. And just numb.
23 And then it was at my --

24 Q. Let me ask you this -- let me ask you this, Ms. Brown,
25 so I can just break it up a little bit. If I'm correct, you

1 had surgery in July of this year; is that correct?

2 A. Yes, on the 18th of July.

3 Q. Okay. And that revealed blockages in the vessels going
4 to your brain; is that right?

5 A. My brain and to my right arm.

6 Q. Okay. And did they put a stent in your renal kidney
7 artery?

8 A. Yes, that was a later surgery that was not planned,
9 because I had a -- how to explain it. They were taking me
10 down to get some pictures taken and the guy had told me I
11 had to have a mask on. So he laid a mask on my face and as
12 soon as he laid a mask on my face, I went into -- I couldn't
13 breathe. And so they rushed me back to the room and so they
14 had to put a strap on one of these oxygen things to force
15 air into the lungs. And so I thought I was gonna die.

16 You know, Tyleen (ph) was there at the time and she
17 called my daughter and told her that she needed to get up
18 there because something really bad's happening. And so I
19 thought I was gonna drown and that's what happened. And I
20 had a blockage in my kidney, which backed up the fluid into
21 my lungs. And so then they had to -- after they got me off
22 that mask, and I actually don't remember them taking me
23 down to --

24 Q. Let me ask you this, Ms. Brown: You stayed in the
25 hospital from July 18th to July 24th I believe through

1 complications through that surgery; is that right?

2 A. I was only supposed to be in there for like two nights,
3 but actually I was in there, it ended up being seven days
4 and six nights. And so -- because I was --

5 Q. Let me ask you some other questions.

6 A. Okay.

7 Q. So first, Ms. Brown, the gentleman you've been with for
8 I think you said 23 years or so, if I remember it correctly,
9 how old is he?

10 A. He's 74 and he had surgery --

11 Q. That was my next -- that was my next question. Is he
12 in poor condition, poor health condition, and can you
13 explain to the Court his health conditions?

14 A. Okay. He had surgery for -- he had blockages in
15 both -- on both sides of the main arteries that go into your
16 legs. So they had to cut him on both sides and redo, which
17 he had one side done already twice and --

18 Q. And Ms. -- sorry to interrupt you. Go ahead.

19 A. Okay. They -- so they did surgery on both sides and
20 put, you know, those stents or whatever in. So he has
21 issues, you know, with his legs and everything.

22 Q. Okay. And, Mrs. Brown -- Ms. Brown, is -- when you go
23 for your medical treatment, is that in Greenville, North
24 Carolina, and is that about a 90-minute drive? Is that
25 where you go for your treatment?

1 A. Yeah, that's my -- where all my heart doctors are,
2 because the Greenville hospital is a great big hospital and,
3 of course, that's a -- they have medical -- well, that's
4 the -- they have a school there to -- for people that are
5 becoming doctors.

6 Q. What's the -- Ms. Brown --

7 A. And so they --

8 Q. Mrs. Brown, what's the name of the hospital?

9 A. It used to be (inaudible) Memorial, but it's called --
10 I think it's called Vidant Hospital, you know, because all
11 these hospitals are grouping together.

12 Q. Ms. Brown --

13 A. But it's the only major hospital --

14 Q. I don't mean to -- I don't mean to interrupt you, I'm
15 not trying to be rude, but we're gonna -- I just want to
16 focus on the questions and the answers, because there's a
17 lot to take down. So let me ask you some questions to see
18 if you can answer them. And you're doing a great job, by
19 the way.

20 Is that hospital where you go for your treatments about
21 a 90-minute drive away, 90-minute drive away?

22 A. Yeah.

23 Q. And I'm presuming you cannot drive; is that right?

24 A. I'm not driving yet. I don't feel comfortable driving
25 yet.

1 Q. Okay. And do you have a home health aide that comes
2 out to your house two days a week?

3 A. Yes. They have the home health aide and then they have
4 like a nurse. Like she stopped by I think it was Thursday
5 or Wednesday and they had me another --

6 Q. Ms. Brown, let me ask you some more questions and we
7 can keep -- just see if I can ask these questions.

8 And when they come out, I'm presuming the aides and the
9 nurse, they check on you and they check -- they check your
10 vital signs; is that right?

11 A. Yes.

12 Q. But they do not assist you on the day-to-day stuff,
13 like dressing or anything like that, right?

14 A. They're only here usually about 30 minutes or less.

15 Q. Okay. How far away is your mobile home from a busy
16 city center, from, you know, a populated area?

17 A. About 15 miles.

18 Q. Okay.

19 A. It's the little town of Edenton and they -- that's
20 where my just regular doctor is.

21 Q. Okay. And if the Court grants our request to allow
22 your son to live in your mobile home and -- while your
23 health is as it is and looking after you, would you abide by
24 any conditions that the Judge asks you to abide with? You
25 would follow the Judge's --

1 A. Like --

2 Q. You would follow the Judge's rules; is that right?

3 A. Yeah. I haven't talked to the Judge, but if he tells
4 me I'm supposed to do something, I'm --

5 Q. Okay.

6 A. I'll do it.

7 Q. Now, I haven't asked you this question, so I -- it was
8 set in my mind, so I don't know the answer to this. But my
9 first question is: Do you have any guns or weapons in the
10 mobile home?

11 A. (Inaudible) and (inaudible) to lock his guns up.

12 Q. Well, that was my next question --

13 A. (Inaudible).

14 Q. That was my next --

15 A. I don't know. Yeah, he goes squirrel hunting, that's
16 it.

17 Q. Okay. He has some quail hunting guns. Did you say he
18 had two quail hunting -- how many guns did you say Bruce
19 has?

20 A. A lot. I think two or three.

21 Q. Okay.

22 A. But they're not -- they're just used for quail.

23 Q. I understand. But if the Judge orders that those guns
24 be removed from the home before Mr. Brown is released, you
25 know, someone picks them up and brings them totally away

1 from the home, even if it's 15 miles away, whatever it is,
2 would -- when probation came by to check it or whatever is
3 required, you would follow that order and make sure that
4 those guns are removed; is that right?

5 A. If I was ordered -- I got (inaudible) here, I can do
6 that. I'm pretty sure that he would do that if I needed
7 Jeremy up here to help me.

8 Q. Okay. Is he close to you?

9 A. He's right here.

10 Q. All right. Let me --

11 MR. FUTERMAN: If the Court will allow, let me
12 just ask him that one question and it would (inaudible) just
13 to expedite things if the Court would allow. Okay. No.
14 Okay.

15 BY MR. FUTERMAN:

16 Q. So (inaudible)?

17 A. Yes, if you want to ask him whether Jeremy's hunting or
18 if (inaudible) guns at somewhere, you know.

19 Q. Okay.

20 THE WITNESS: Hello.

21 MR. FUTERMAN: Sir, we just have one question for
22 you. If the Court allowed Jeremy to live with you and his
23 mother while this case is pending in that mobile home, will
24 you agree to the Court's rule if you have to remove your --
25 I guess you have two or three quail hunting shotguns or any

1 guns you have, you'll remove them completely out of the
2 house, will you follow the Judge's rules?

3 THE WITNESS: Yeah, I can do that.

4 MR. FUTERMAN: Okay. Okay. Thank you, sir.

5 BY MR. FUTERMAN:

6 Q. So, Mrs. Brown, I don't have any other -- more
7 questions about your health or your -- where you live, but
8 now the government's gonna ask you some questions, so please
9 just answer them truthfully and if you don't understand,
10 just ask the government to repeat it.

11 MR. FUTERMAN: Thank you. I have no more
12 questions.

13 THE WITNESS: All right. Thank you.

14 THE COURT: Cross-examination?

15 **CROSS-EXAMINATION**

16 **BY MR. MARCET:**

17 Q. Good afternoon, Ms. Brown.

18 A. How are you?

19 Q. So, Ms. Brown, in addition to Jeremy, how many children
20 do you have?

21 A. I have -- I have a daughter, and I had a -- Jeremy had
22 a younger brother, he was killed in (inaudible) years ago.

23 Q. I'm very sorry for that. And your daughter lives in
24 Alaska; is that correct?

25 A. (Inaudible), you know, when I was in the hospital, but

1 she only had two weeks off and had to get back to work.

2 Q. So she lives in Tyner?

3 A. She lives in Alaska.

4 Q. Oh, I understand. So she came to help you and then she
5 had to return to Alaska?

6 A. Yeah.

7 Q. And you --

8 A. We had -- I believe (inaudible) she could be here. We
9 weren't planning on all this other stuff popping up when I
10 had the surgery, it was just all unexpected.

11 Q. Yes, ma'am. And you mentioned that Mr. Brown's
12 girlfriend, Tyleen Aldridge, she had traveled up to help you
13 as well?

14 A. Oh, yes, Tyleen was there. Only thing (inaudible) with
15 my breathing I could hear her calling Stephanie telling her
16 she needed to get up here because something bad was
17 happening and (inaudible). I don't know, that's when I just
18 couldn't breath. And so she got up there (inaudible) and I
19 could hear them in the background crying.

20 Q. Well, that was lucky that she was able to help there.
21 And besides Ms. Aldridge and your daughter and Mr. Waltek
22 (ph), Bruce, and obviously you son, Jeremy Brown, do you
23 have any other family members?

24 A. I have a grand -- well, I've got a grandson and he's
25 here and, you know, the rest of basically my grandkids are

1 somewhere else. Because I'm not originally from North
2 Carolina, I'm originally from Kentucky, so I don't have a
3 lot of family, you know, aunts and uncles or stuff like
4 that, around in this area.

5 Q. Yes, ma'am. And your grandson, how old is he?

6 A. He's like --

7 Q. Is he an adult or is he a child?

8 A. No, he's an adult. But he's -- you know, he works for
9 U.S. (inaudible).

10 Q. And how close does he live to you?

11 A. About 20 miles away or better. Might be 25 miles.

12 Q. Yes, ma'am. Now, you mentioned the closest city to you
13 is Edenton. Is that where you would go for groceries
14 about -- about 15 miles away?

15 A. Well, I usually either Edenton, and that's spelled
16 E-d-e-n-t-o-n, and I got to Edenton or Hertford, North
17 Carolina, which is probably about 12 miles away. So I kind
18 of -- we live out in the country, so you go to one road you
19 get to Edenton, go down the other road and get to Hertford.
20 Now, we're a -- Edenton is a real small town. And Hertford
21 is even smaller than Edenton.

22 Q. Yes, ma'am. And how often -- how often do you estimate
23 that you'll be needing to go to the doctor for follow-up
24 appointments?

25 A. I've got a doctor's appointment coming up Monday, you

1 know, because of the back pain I had when I got out of the
2 hospital is -- I didn't have COVID when I went in, but I had
3 COVID when I came out of the hospital. And so that was all
4 I -- I was coughing up so bad that I was coughing lung
5 stuff, I guess when that stuff (inaudible) my lungs, you
6 know, put an infection into my lungs. And then I, you know,
7 having to have brain surgery, I guess them putting that
8 thing down your throat has messed my voice up, because I
9 don't normally talk this way, but, you know, that's the best
10 I can do right now.

11 Q. Well, thank you, you're doing very well. We can
12 understand you completely. You mentioned that --

13 A. Okay.

14 Q. You mentioned that Bruce, your partner, likes quail
15 hunting. When was the last time he went quail hunting?

16 A. They have a small season. I think it starts in -- it
17 either starts in October or November and then it's over like
18 February. I mean, you know, it's only during the
19 wintertime.

20 Q. And did he go this past year?

21 A. I'm trying to think. I'm not sure if he went this past
22 year, because that one place that they used to go, there
23 used to be a place in Edenton, but that gentleman retired
24 from doing that. And so there's another place in like
25 (inaudible), North Carolina. It's like a hunting preserve

1 and they go over there every now and then. I don't think he
2 went a whole lot last year, because -- but was probably gone
3 five times. And he went fishing this year. So I don't
4 know.

5 Q. Thank you so much, Ms. Brown. It's been a pleasure
6 talking to you. I don't have any other questions.

7 A. Okay.

8 THE COURT: Redirect?

9 MR. FUTERMAN: (Inaudible).

10 THE COURT: All right. Ms. Brown, this is Judge
11 Flynn. I want to thank you for taking the time to testify
12 here today. We do appreciate your testimony and on behalf
13 of the Court I do want to wish you a speedy recovery, ma'am.

14 THE WITNESS: Okay. Let my son know I love him.

15 THE COURT: Yeah. He heard you say that.

16 THE WITNESS: Okay.

17 THE COURT: Mr. Brown, do you want to say anything
18 to your mom before I let her go?

19 THE DEFENDANT: I love you too, mamma.

20 THE WITNESS: I love you, honey. I miss you.

21 THE COURT: All right. Thank you, Ms. Brown.

22 We're gonna hang up now, okay?

23 THE WITNESS: Okay. Thank you. Bye-bye.

24 THE COURT: Bye.

25 MR. FUTERMAN: And then, Your Honor, I do have

1 some brief testimony from Mr. Brown if I may. Do you want
2 him to stay here to do it or do you want him --

3 THE COURT: He's welcome to stay there unless he
4 would like to be in the witness box.

5 MR. FUTERMAN: Whatever the Court wishes.

6 THE COURT: I don't have a preference.

7 MR. FUTERMAN: Okay.

8 THE COURT: Mr. Calderon, would you please
9 administer the oath to Mr. Brown.

10 (Defendant sworn by the Deputy Clerk.)

11 THE DEFENDANT: I do.

12 THE DEPUTY CLERK: Please state your name for the
13 record.

14 THE DEFENDANT: Jeremy Michael Brown.

15 THE DEPUTY CLERK: Thank you, sir. You may be
16 seated.

17 THE COURT: You may proceed.

18 MR. FUTERMAN: Thank you, Your Honor.

19 **DIRECT EXAMINATION**

20 **BY MR. FUTERMAN:**

21 Q. Mr. Brown, just for the record, roughly how long have
22 you been in custody?

23 A. Today is the 324th day.

24 Q. Okay. So August 30th it will be about 11 months; is
25 that right?

1 A. That's correct.

2 Q. Okay. You do -- I'm looking at Pretrial Services'
3 report and they are recommending your release. One of the
4 conditions they're recommending is that you surrender your
5 passport to Pretrial Services.

6 So that would be my first question. Do you have any
7 problem surrendering your passport to Pretrial Services?

8 A. No.

9 Q. One of their other recommendations is you do not apply
10 for any passports or any travel documents. Would you abide
11 by those conditions?

12 A. Yes.

13 Q. I'm asking the Court that you be released directly to
14 your mother's mobile home in this rural county and that you
15 go directly to that jurisdiction. Would you go directly to
16 that jurisdiction in the quickest and most expedient
17 fashion?

18 A. Yes.

19 Q. Obviously, where you're going is not the Ritz Hotel,
20 it's not a very large place that you'd be living in. You
21 would agree to hold detention in that facility pending your
22 case until trial; is that correct?

23 A. Yes.

24 Q. And you would agree to a GPS monitor so --

25 A. Yes.

1 Q. -- probation services could monitor you, correct?

2 A. Yes.

3 Q. And that you would only be allowed to leave the house
4 or the mobile home to take your mother to the doctor or for
5 medical emergencies unless Pretrial Services approved any
6 other type of emergency type of leaving; is that correct?

7 A. Yes.

8 Q. Okay. You also agree to waive any search and seizure,
9 is that correct --

10 A. Yes.

11 Q. -- and allow Pretrial Services to go into the home?

12 And you agree to random testing for drugs and alcohol;
13 is that correct?

14 A. Yes.

15 Q. Now, the Court had previously asked you certain
16 specific questions and I'm referring to Document 92,
17 page 78, of the record. And this was back in it looks like
18 December 15th of 2021 when this Honorable Court was deciding
19 whether to release you with conditions or not. And one of
20 the questions that the Court asked you at that time, and
21 I'll repeat it, is that at that time the Court asked you:
22 Will you comply with any conditions of release with respect
23 to owning or possessing firearms or destructive devices.

24 And now if I ask you that same question and the Court
25 was gracious enough to release you under these strict,

1 stringent conditions of release, would you now comply with
2 the conditions of release with respect to owning or
3 possessing a firearm or a destructive device, that you would
4 not possess or own a firearm or destructive device?

5 A. Yes.

6 Q. The Court also asked you that it was important that --
7 at that time the Court asked about that you were going to
8 reject any conditions of release that had actual
9 restrictions to the location of the home. And I'm referring
10 to page 86 of that same document. And at that time you were
11 not prepared to abide by the Court's request that you be
12 restricted to the mobile home.

13 Now if the same questions are asked by the Court, you
14 would be -- agree to be restricted to that mobile home as a
15 condition of being released; is that correct?

16 A. Yes.

17 Q. And any other constitutional issues that you have
18 raised at the time of this motion, you now understand that
19 you are -- you will be on release and whatever conditions
20 the Court imposes you would agree to comply with; is that
21 correct?

22 A. That's correct.

23 Q. Now, probation also recommends that you submit to a
24 mental health evaluation and complete any treatment as
25 directed by Pretrial Services with costs borne to the

1 defendant if they deem that necessary, whether that be by
2 Zoom or by anything else.

3 Would you comply with that condition?

4 A. Yes.

5 Q. I want to talk to you very briefly about the 11 months
6 or so you stayed in the jail. And I received all your
7 disciplining records and it's my understanding that you've
8 had no what we call DRs, disciplinary reports, to be founded
9 during that 11 months; is that correct?

10 A. That's correct.

11 Q. And I noticed there was something said, possession of
12 contraband as a potential violation, but the contraband was
13 excessive number of blankets; is that right?

14 A. That's correct, I had more than one blanket. I use the
15 blankets to add additional padding to my matrice because of
16 my disabilities.

17 Q. Okay. So there was no contraband as what we might
18 ordinarily think contraband as drugs or anything else?

19 A. No.

20 Q. All right. Also on August 2nd there was an indication
21 on the report that you had said, I want to kill myself, or
22 words to that effect. I want to ask you about that
23 statement and what led to that statement. Were you being
24 threatened at the time in the jail?

25 A. That's correct. There was an incident on August -- it

1 begin approximately 22:45 hours on August 1st. An inmate
2 began to accuse me of being an undercover federal agent --

3 Q. Let me ask the questions --

4 A. Okay. Sorry.

5 Q. -- just so we can go through these issues. It's not
6 necessary we need to go into what the cause and effect were,
7 but you were -- were you being threatened by certain people
8 in the jail?

9 A. That's correct. I attempted to turn myself in to the
10 deputy. I was given two choices, to either --

11 Q. Let me ask a question about it. It's easier that way.

12 A. Okay.

13 Q. So when you were being threatened, did you go to the
14 deputies and ask to be moved?

15 A. That's correct.

16 Q. And did they give you two choices as how you could be
17 moved, and let's talk about choice one. Was choice one to
18 cooperate with the deputies and tell them who was
19 threatening you; is that right?

20 A. That is correct.

21 Q. And you did not want to do that?

22 A. That is correct.

23 Q. And was the second choice that you were suicidal; is
24 that correct?

25 A. That's correct.

1 Q. And did you then make a kind of sarcastic or flippant
2 comment in order to get moved and say words to the effect,
3 I'm gonna kill myself, I might kill myself?

4 A. It wasn't flippant, but I did let them know that they
5 were putting me in an awkward situation, so I basically only
6 had one choice and that was to make the statement that I was
7 going to harm myself.

8 Q. Okay. And where were you currently housed at that
9 time, what was the part of the jail called?

10 A. 4F5.

11 Q. And did you then, because of that statement, go to the
12 hospital wing?

13 A. That's correct.

14 Q. And how many hours did they put you in the hospital
15 waiting to determine that you were not a threat to yourself?

16 A. I don't know exactly what time. It was approximately
17 four, because once I got there they served me with
18 breakfast. But by noon it was obvious, because after
19 talking to a deputy that had experience with me and my
20 situation, he was the first one to actually listen to the
21 full story, at which time he brought the essential worker
22 for a second time and that's when the process of contacting
23 my two attorneys and my girlfriend started. So I was in my
24 new location by 20:00 hours that evening, so literally less
25 than 12 hours of actual as they call it the butt naked cell.

1 Q. Okay. And were you then housed -- what part of the
2 jail were you then housed in?

3 A. I then moved to the section of the jail known as
4 Upper G --

5 Q. Okay.

6 A. -- and it's (inaudible).

7 Q. All right. And in your close to 11 months, have you
8 had any issues with any of the deputies or any argument, any
9 fights with the deputies, any pushing and shoving with any
10 of the police officers in there or any of the jail
11 personnel?

12 A. Not at all.

13 Q. And have -- for the most part, all the deputies and
14 jail personnel have been very accommodating to you and been
15 very agreeable to you; is that correct?

16 A. That's correct, I have very good rapport with most of
17 the staff.

18 Q. And in fact they've often brought you out for the video
19 visitation and special arrangements because you've been
20 cooperative with them; is that correct?

21 A. That's correct.

22 Q. And if you're released on these strict contingents and
23 these confinements, would you continue to respect law in
24 that fashion; is that correct?

25 A. I've never stopped.

1 Q. Okay.

2 MR. FUTERMAN: Your Honor, I have no more
3 questions of Mr. Brown.

4 THE COURT: Thank you.

5 Cross-examination.

6 **CROSS-EXAMINATION**

7 **BY MR. MARCET:**

8 Q. Good afternoon, Mr. Brown.

9 A. Good afternoon, sir.

10 Q. So I just want to make sure I understand. So you were
11 being threatened by someone in the jail as an alleged FBI
12 informant?

13 A. They didn't say FBI, they believed I was an undercover
14 narcotics informant.

15 Q. You're not that, correct?

16 A. No, I'm not.

17 Q. And so can you just walk us through in some detail your
18 interaction with -- what did you do once you received these
19 threats?

20 A. Do you want me to just refer to the threats themselves
21 or would you like me to walk you through the entire
22 situation?

23 Q. Walk me through the situation if there's more to it,
24 certainly.

25 A. Okay. Yeah. So earlier that day I had received

1 approximately three to four attorney visits back to back.
2 Obviously, I have a very complicated case. In one of those
3 visits, the particular inmate was put into the same booth as
4 me and, of course, I made comments about how that was a
5 violation of client -- attorney-client privilege. He was
6 also talking to his attorney.

7 Later, once we were back, we were talking back and
8 forth about -- in fact, I actually had good rapport with
9 this inmate prior to this. Later in the evening, apparently
10 he had received some type of phone call and it was after
11 that phone call where his behavior changed. And it was
12 right about lockdown, which lockdown is 23:00 hours.

13 So he started the threats. At that time my cellmates
14 were like, ah, don't worry about it, he'll just calm down.
15 Of course, it's lockdown, so there was no danger, he's
16 locked in his cell, I'm locked in my cell. But throughout
17 the night there were different people that rolled out,
18 either they bonded out or were being transported to prison
19 or whatever. This individual would come out and make the
20 accusations and continue to -- as we attempted to deescalate
21 the situation, he continued to escalate the situation.

22 So right before an inmate in our cell was about to be
23 bonded out, the threats were made that he's coming in and my
24 cellmates suggested that I have to check in, which is the
25 terminology used within the jail. And so not ever having

1 been in jail before, I didn't know what that process was,
2 but they helped me pack up all my stuff and once that
3 inmate -- they rolled the gates in order for him to go to
4 the vestibule, I proceeded to the vestibule as well with my
5 stuff. The deputy looked at me kind of odd, because again,
6 like I said, I have good rapport with all the deputies and
7 he didn't understand why I was standing there. And I told
8 him that I needed to check in, because I was in fear for
9 myself, as well as my family based on the threats. He kind
10 of looked at me odd and he said, I'll be right back.

11 And that's when Corporal Myer (ph) came back. And of
12 course, me and Corporal Myer do not have a good relationship
13 because of disciplinary actions I've taken against him
14 through the grievance system. But he basically said, so you
15 want to -- you want to kill yourself? And I said, well,
16 Corporal, I mean, there's threats against me. He said,
17 well, you either give up the names or you're gonna hurt
18 yourself. I said, well, obviously, you're giving me a very
19 difficult decision here, but if what I have to do is say
20 that I'm gonna harm myself, well, then I will say that I
21 have to harm myself.

22 And so at that point, you know, a couple more -- I
23 believe they had a nurse come up, we went through the same
24 thing. I basically said, if this is the only way you're
25 going to move me without me having to basically be, you

1 know, the informant like they will suspect me of being, then
2 that's what I'll do with the anticipation that I would be
3 able to explain everything, which is what happened.

4 Once I got down to the health care cell I let the
5 observation deputy know, but of course, he's in the psych
6 ward, so of course, he assumed immediately that I wasn't
7 serious. But a few hours later, a deputy that did know me
8 basically said, what the hell are you doing down here? And
9 I reiterated the situation to him and at that time he took
10 action to get a sergeant, some additional personnel,
11 involved, at which that process moved fairly quickly.

12 Q. Okay. Now, if released on bond, would you be willing
13 to undergo mental health treatment and -- if recommended
14 after an evaluation?

15 A. Yes.

16 Q. Now, you would be residing in -- or your hope is you
17 would be residing in North Carolina with your mother,
18 correct?

19 A. That's correct.

20 Q. How would you get there? How would you get to North
21 Carolina?

22 A. Well, obviously, I would drive there.

23 Q. In what vehicle?

24 A. Whichever vehicle is still running. Since I've been in
25 jail for 11 months, I'd have to do an assessment of the

1 drivability of our three vehicles, but --

2 Q. Okay. Would you take the RV?

3 A. Well, one of the courses -- actions that we've
4 discussed, based on, you know, the conditions of my mom, was
5 to be prepared to have to position either the RV on her
6 property or the RV park that's nearby. But again, these are
7 discussions, of courses, of actions without all the
8 information, without assessing my mom's -- you know, I
9 haven't been in my mom's mobile home for probably two or
10 three years. So she's kind of a hoarder and so I would have
11 to definitely make an assessment. But I mean, if I have to
12 sleep on the couch, which is what I'll do, it'll be softer
13 than what I'm sleeping on now.

14 Q. Now, the reason you had refused to abide by the prior
15 conditions that were being discussed, the firearms and
16 the -- and the -- what was it, the location monitoring or
17 the home confinement was because you believe those were
18 unconstitutional conditions, correct?

19 A. That's correct. I was making a principle stand on the
20 legal issues to the case -- which welcome to the case by the
21 way -- but obviously, at this time my mom's health takes
22 precedence over any principle stand.

23 Q. So you still do believe, though, those are
24 unconstitutional conditions?

25 A. Yes, I still believe in the Constitution. Yes, I do.

1 Q. And so what's changed is your mother's health?

2 A. What's changed is I don't want to see my mom die while
3 I'm incarcerated.

4 MR. MARCET: I have no further questions. Thank
5 you, Judge.

6 THE COURT: Redirect?

7 MR. FUTERMAN: No, Your Honor. Thank you.

8 THE COURT: Any other witnesses?

9 MR. FUTERMAN: No other witnesses, Your Honor.

10 THE COURT: Evidence?

11 MR. FUTERMAN: No other evidence, just very brief
12 argument.

13 THE COURT: I'll turn it over to the government,
14 then.

15 Does the government have any evidence or witnesses
16 they'd like to present?

17 MR. MARCET: No, Your Honor.

18 THE COURT: All right. I'll hear argument.

19 Mr. Futerman.

20 MR. FUTERMAN: Just briefly. First of all, Your
21 Honor, on behalf of Mr. Brown, thank you for agreeing to
22 this hearing and thank you for the threshold issue that I
23 think is a matter of law. As the Court stated in its court
24 order, we have to -- to get to the reconsideration there has
25 to be three things and one of them was the availability of

1 new evidence. And the government, I think as a matter of
2 law, agrees that the mother's testimony is the evidence, her
3 declining health, her surgery, what has happened has then
4 made a domino effect to his position changing from when the
5 Court inquired of Mr. Brown prior. He's got no prior
6 criminal history, he's (inaudible) 20 years, so I'm the
7 Court is contemplating release given those conditions.

8 But his answers put the Court in an impossible
9 position. Impossible. And I read the transcripts. You
10 asked it multiple times. An impossible position. The Court
11 had no choice.

12 Because of the new evidence of the mother, you
13 have had the benefit of seeing Mr. Brown twice now. I have
14 not at the hearing, but I'm sure not only have his answers
15 changed, but his demeanor has changed. I saw him get quite
16 emotional in his mother's testimony. I believe that was
17 genuine. I believe that this is a brave person. Clearly,
18 this is someone that is not afraid to (inaudible), he is
19 simply going to go home to look after his mother for however
20 long that will be.

21 And I did mention to him if, God forbid, his
22 mother passes, would he return to the Middle District again
23 to address living conditions, and of course, he would come
24 right home. We hope that doesn't happen.

25 But he's not going anywhere. He's gonna surrender

1 his passport. Pretrial Services has recommended his
2 release. The answers that gave the concern, justifiable
3 concern, and made the potential release impossible you have
4 now heard under oath are alleviated. He's not gonna have
5 any guns. The boyfriend's gonna take the quail shotguns out
6 of the house. They're miles away from any one, I think 15
7 miles. He's not gonna do any harm to himself or others more
8 importantly. He's not gonna have any interaction with
9 others. And we're going to a place that is not luxurious,
10 it's a mobile home. As he said to the Court, he'll sleep on
11 the couch if instructed. He just wants to be there for her.

12 And so living with home detention, with a GPS
13 monitor, with the restrictions you imply I think is a very
14 reasonable request and so I think as a matter of law you
15 have the legal right to reconsider under these unusual
16 circumstances. And given the testimony from the mother and
17 Mr. Brown, I respectfully ask the Court to grant our
18 reconsideration request with those very strict conditions.

19 THE COURT: Mr. Futerman, when you refer to the
20 recommendations by Pretrial Services, are you referring to
21 the initial recommendations approximately 11 months ago?

22 MR. FUTERMAN: Well, I was a little confused,
23 because I look at this report and it's dated -- I was given
24 it today, but it's dated October 1, 2021. So, yes, I don't
25 think -- I mean, that's the only report I have. But I think

1 that that was probably something the Court would have ruled
2 on but for the answers and the steadfast unwavering position
3 of Mr. Brown when you asked him those questions and that has
4 now changed. So -- but I don't think Pretrial Services
5 position probably has changed from what they initially said.
6 I think that's the purpose of me bringing it up.

7 THE COURT: All right. Thank you, Mr. Futerman.
8 Government?

9 MR. MARCET: Judge, as Mr. Brown noted, I'm new to
10 the case, but I've reviewed all the prior transcripts. I
11 just want to highlight a few things.

12 So first, the offense in this case alone I think
13 creates a strong presumption, if not legally, at least
14 common sense in favor of detention here. We have someone
15 who is alleged to have attended a rally in Washington, D.C.,
16 that became violent. It's alleged by a cooperating
17 defendant that he brought firearms and explosives in his RV
18 to Virginia in connection with that rally. And --

19 THE COURT: He's not charged with the rally in
20 this court, though, is he?

21 MR. MARCET: No, Your Honor.

22 THE COURT: He's not charged with January 6th
23 activities in this court.

24 MR. MARCET: No, Your Honor, but it goes to then
25 the fact that we then do have in fact firearms and

1 explosives in the same RV that is alleged to have traveled
2 there. And so what I'm going at is this is not a mere, you
3 know, storage locker with explosives and firearms, which
4 would be serious in its own right, this is firearms and
5 explosives that were alleged to have been brought somewhere
6 in connection with some sort of violence. And it turned out
7 that the search corroborated that, that that RV did have
8 grenades and it did have firearms.

9 We then talk about the defendant's conduct after
10 January 6th. As Your Honor discussed at length, there was
11 the sign about a tactical package, which I think Your Honor
12 reasonably construed as a threat to law enforcement.

13 And then, of particular concern to me, is the jail
14 calls in which the personal information of a law enforcement
15 agent and her family member were discussed. And, Judge,
16 I'll tell you I have prosecuted murders, I have prosecuted
17 violent gangs, I've prosecuted drug cartels, I have never
18 seen that in my career, to have a defendant discussing a law
19 enforcement's family and their address and discussing making
20 that information public in connection with a case. So I
21 take that extremely seriously. And I think that weighs in
22 favor of your prior finding that the defendant's a danger.

23 And then, finally, you know, I think we just see
24 and see more evidence of it today, this just pattern of
25 disregard of the law.

1 You have first the charges in this case relating
2 to the classified information, the defendant signed multiple
3 agreements with the U.S. military in his career and
4 disregarded it in deciding to keep classified information.
5 He then in this case is ordered to comply with the DNA
6 warrant and it takes a long time to do it and only does it
7 in Court in front of Your Honor essentially.

8 He then has his -- what he calls his principled
9 stand against bond conditions that I have seen in every case
10 I've ever been a part of and that, as far as I'm aware,
11 every Court to consider has ruled constitutional and
12 reasonable.

13 And then we learn today that he essentially in
14 prison is claiming to be suicidal instead of being truthful
15 with the prison deputies about what's going on because he
16 deems it expedient.

17 So I think it's a patter of activity here where
18 the defendant will do and say what is expedient to get what
19 he wants and I think here he's telling us he'll comply with
20 these conditions to get what he wants, which is to get out
21 on bond.

22 And so for those reasons, Judge, this is a serious
23 offense. The context in which those grenades and firearms
24 are found is concerning and then we have a pattern that does
25 not give me any confidence that the defendant's gonna comply

1 with Court orders in this case. And so for those reasons, I
2 would reaffirm your prior -- your prior ruling.

3 THE COURT: Thank you.

4 Anything else, Mr. Futerman?

5 MR. FUTERMAN: Just very briefly, Your Honor. The
6 law allows for reconsideration -- those arguments were about
7 11 months ago. We don't have a -- we have no DRs in 11
8 months and we have a completely different person 11 months
9 later with different answers with new evidence and that's
10 why the law allows you to reconsider given the new
11 testimony. I'm not asking the Court just to release him,
12 I'm asking in very strict conditions, and so that's I think
13 a reconsideration at this point in the case, 11 months
14 later, with the new evidence is appropriate, Your Honor.

15 THE COURT: Thank you, Mr. Futerman.

16 Just to correct the record briefly, this is not
17 the first time the Court's reopened the bond hearing, this
18 is in fact the third time. The Court initially --

19 MR. FUTERMAN: Correct.

20 THE COURT: -- took up the issue of bond at his
21 initial appearance and then reconsidered it and we had a
22 hearing, a several-day hearing, in December of 2021. And
23 following that hearing, and you referenced some of the
24 testimony from Mr. Brown during that hearing regarding
25 whether he would comply with certain proposed conditions of

1 release. There are certain conditions of release the Court
2 would at least consider when determining whether there are
3 conditions of release that would reasonably assure the
4 safety of the community and reasonably assure Mr. Brown's
5 appearance at all future court proceedings.

6 But following that hearing the Court issued a
7 19-page order documenting his findings as to why there were
8 no conditions of release that the Court could impose that
9 would reasonably assure the defendant's appearance at all
10 future court proceedings and reasonably assure the safety of
11 any other person in the community.

12 Now, today we've addressed really just one of
13 those concerns at the very end of the order on page 16, in
14 which I discuss Mr. Brown's testimony regarding whether he
15 would comply with the conditions that he would not own or
16 possess firearms and whether he would agree to a location
17 restriction program such as home detention and curfew.

18 Now, I understand the situation has changed and,
19 unfortunately, the health of Mr. Brown's mother is to the
20 extent where Mr. Brown has reconsidered his position. Not
21 his fundamental position on these issues, but reconsidered
22 whether he would comply with those conditions should the
23 Court impose them. I understand that, I appreciate that,
24 but the Court is not convinced that Mr. Brown would not go
25 back on that, change his mind again, once the Court puts him

1 out on conditions of release. He wants to see his mother,
2 he's a good son, he wants to see her and he wants to make
3 sure, one, that he sees her in the unfortunate event if she
4 passed and, two he wants to see her because he wants to take
5 care of his mother. And I respect that, I appreciate that,
6 but I'm not convinced that should the Court release him that
7 he won't decide that, no, he wants to go back on his
8 representations here today that he would comply with
9 conditions of release and that he would follow my orders.

10 We do have a history here of Mr. Brown not
11 following my orders. We -- as I have very sensibly I
12 believe documented in order -- Docket Entry No. 98, which is
13 the order reaffirming his detention, all the various reasons
14 why the Court cannot order his release under the
15 circumstances. And changing his mind as to two conditions
16 that he's now willing to agree to is not enough to change my
17 mind as to whether there are conditions of release that
18 would reasonably assure Mr. Brown's appearance and
19 reasonably assure his appearance at all future court
20 proceedings.

21 And that's not even getting into whether the
22 proposed conditions of allowing him to leave the Middle
23 District of Florida and go to rural North Carolina, where
24 it's been represented by the government he would be away
25 from probation, United States probation officers who would

1 be charged with supervising him while on release.

2 Even putting that aside and just taking the issue
3 as to whether there are any conditions that the Court could
4 impose, the Court once again finds there are no conditions
5 and must order his detention.

6 Now, I am very, very sorry, and I mean this
7 sincerely, I am very sorry to hear about Mr. Brown's mother.
8 I greatly appreciate, especially given her medical
9 condition, that she was willing to testify here today and I
10 do wish her a speedy recovery. I wish there was a way to
11 allow Mr. Brown to be there to take care of his mother, but
12 given what's before the Court and everything that's
13 transpired, the Court cannot allow that to happen.

14 Now, if Mrs. Brown's health improves and she's
15 able to travel, I'd be more than willing to accommodate
16 Mr. Brown and set this case for a status conference so
17 Mrs. Brown could see her son in the courtroom instead of
18 visiting him at a jail, but I cannot release him under
19 conditions -- any conditions of release and reasonably
20 assure that he's going to appear at future court
21 proceedings, including his trial, which is set to commence
22 in about seven weeks, and reasonably assure the safety of
23 any other person in the community for the reasons I docketed
24 or set forth in Docket Entry 98.

25 Is there anything further for the Court to take up

1 at this time, Mr. Marcet?

2 MR. MARCET: Nothing on behalf of the United
3 States.

4 THE COURT: Mr. Futerma?

5 MR. FUTERMAN: No, Your Honor. Thank you.

6 THE COURT: All right. Thank you. We're
7 adjourned.

8 (Proceedings adjourned.)

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1 UNITED STATES DISTRICT COURT)
2 MIDDLE DISTRICT OF FLORIDA)

3
4 REPORTER TRANSCRIPT CERTIFICATE

5 I, Bill Jones, Official Court Reporter for the United
6 States District Court, Middle District of Florida, certify,
7 pursuant to Section 753, Title 28, United States Code, that
8 the foregoing is a true and correct transcription of the
9 stenographic notes taken by the undersigned in the
10 above-entitled matter (Pages 1 through 42 inclusive) and
11 that the transcript page format is in conformance with the
12 regulations of the Judicial Conference of the United States
13 of America.

14 /s **Bill Jones**

15
16 Bill Jones, RDR, RMR, FCRR
17 Official Court Reporter
18 United States District Court
19 Middle District of Florida
20 Tampa Division
21 Date: 01-12-23
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23
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