

No. _____

In The Supreme Court of the United States

DEREK LEVERT HALL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eleventh Circuit**

APPENDIX

KEVIN L. BUTLER
Federal Public Defender
Northern District of Alabama

DEANNA LEE OSWALD
Assistant Federal Defender

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Appendix A

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-14012
Non-Argument Calendar

D.C. Docket No. 7:18-cr-00524-LSC-SGC-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DEREK LEVERT HALL,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Alabama

(April 8, 2021)

Before ROSENBAUM, NEWSOM and ANDERSON, Circuit Judges.

PER CURIAM:

Derek Levert Hall appeals the district court’s judgment against him, which includes his convictions for possession of crack cocaine, cocaine, and 3,4-Methylenedioxy Methamphetamine (“MDMA”) with intent to distribute, carrying a firearm in relation to a drug trafficking crime, and being a felon in possession of a firearm.¹ On appeal, he argues that he did not voluntarily and knowingly waive his right to counsel because he did not affirmatively state that he wanted to represent himself and thought that he would be able to be represented by a non-attorney advisor of his choice. After careful review, we affirm.

I

A

A grand jury indicted Hall with one count of possession of marijuana, crack cocaine, cocaine, and MDMA with intent to distribute, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) (Count One), one count of carrying a firearm in relation to and in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count Two), and one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (Count Three). The court appointed Hall counsel, Stuart Albea, who represented him at arraignment. During his

¹ Hall refers to himself as Derek Levert Hall-Bey because he claims to be a sovereign citizen of a different government. We’ll refer to Hall by his legal name, Derek Levert Hall.

arraignment hearing, Hall asserted that he was a Moorish American National Sovereign Citizen and pleaded not guilty.

A few weeks before his trial, Albea requested a status conference because he was having difficulty communicating with Hall due to Hall's insistence that he was a Moorish sovereign citizen and that he wanted a representative, Maurice Parham-Bey, from his own "government" to represent him. Specifically, Hall asserted that he was a "Moorish American National" and that he had asked Albea to "release himself off of this case because I talked to my government and they are going to represent me." The court asked if Parham-Bey was a lawyer or advisor, and Hall replied that he is "an advisor of the Moorish American National."

The court had a long exchange with Hall, in which the court told him the following: (1) that he has an absolute right to represent himself; (2) that someone who is not a lawyer cannot represent him; and (3) that if his advisor shows up to trial and isn't licensed to practice law, then "they are not going to be allowed to represent you and you are going to be stuck by yourself in a case." Hall replied:

It's the whole purpose of saying the right things to represent me. I mean, that's why I have him. I gave him full power of attorney of—all of me. I mean, this is my life that's going to be on stand. So with that being said, he going to represent me to the fullest of our knowledge of being a Moorish American National, part of the United States of America Republic.

Hall then argued that the court didn't have jurisdiction over him because he was a citizen of a different sovereign and that, under those laws, he could only be

charged with “treason, rape, and murder.” The court attempted to explain to Hall that he lives in the United States and asked him if he understood the charges brought against him. Hall then asserted that he wasn’t Derek Levert Hall but Derek Levert Hall-Bey, that he didn’t think Albea had his best interests at heart, and that he wanted a representative from his government to represent him at trial. After the court had the prosecutor read the charges against him, Hall refused to state that he understood what the charges were, instead replying to each charge that “I heard it” or something similar. The court concluded by telling Hall that the trial would be January 7, and Hall stated that he “would like Mr. Albea to leave today and not say anything else to me from this day forward.” The court replied that Albea would be available to him but wouldn’t sit next to him at trial.

At the end of the hearing, Albea asked the court to clarify his role, and the court replied that he would be “back-seat counsel.” The government then asked if there needed to be a *Farett*a colloquy “based on this defendant’s position about proceeding *pro se*.” The court replied: “Well, he is refusing to accept counsel. So I don’t know how I can go through it and determine whether or not he has competency to—he is obviously a smart individual.”

B

At the jury selection, Parham-Bey appeared to defend Hall. After determining that he was not a licensed attorney, the court told him to have a seat in

the audience. The court then addressed Hall, discussing the difficulties of jury trials and advising him to use Albea for help. Hall stated that he did not understand why Albea was there, that he still wanted Parham-Bey to represent him, and that the court had told him in the previous hearing that it would allow Parham-Bey to represent him. The court reiterated that it had told him that it would only allow a licensed attorney to represent him. The following exchange then took place:

THE COURT: Do you understand me?

HALL: No.

THE COURT: Okay. What do you not understand?

HALL: Nothing that you are saying.

THE COURT: All right. Mr. Hall, I know you understand what I am saying. And I also understand that you don't want to cooperate.

HALL: I am telling you. You can't tell me about me.

THE COURT: I'm sorry?

HALL: You are telling me what I understand after I tell you that I don't.

THE COURT: Okay. Do you have any questions about what I said?

HALL: I don't understand any of it.

THE COURT: What do you not understand?

HALL: Nothing.

THE COURT: Do you understand that we are bringing in a jury?

HALL: I don't understand why without—my representation is here with me.

THE COURT: All right. I have already explained that to you. Anything else? Now, for the record, you are a moorish national, is that what you said? Is that right?

HALL: (No response.)

THE COURT: Mr. Bey?

HALL: (No response.)

After a trial, the jury returned a verdict of guilty on all three counts.

At an initial sentencing hearing, Hall stated that he would be willing to accept alternative representation. The court appointed Glennon Threatt, Jr., from the Office of the Federal Public Defender for the Northern District of Alabama, as counsel for Hall. Through Threatt, Hall filed objections to the PSI, mainly based on his argument that he was not subject to the jurisdiction of the district court, which the court rejected. At a subsequent sentencing hearing, the court sentenced Hall to a total of 40 years in prison.²

II

On appeal, Hall argues that he never voluntarily and knowingly waived the right to counsel or elected to represent himself. He contends that he never said he wanted to represent himself and that the court didn't ask him if he wanted to proceed pro se. The government responds that Hall's waiver was entered into voluntarily, knowingly, and intelligently.³ We agree.

While an indigent defendant has the right to appointed counsel, he does not have the right to demand that a different lawyer be appointed except for good

² Whether a defendant's waiver of counsel was knowing and voluntary is a mixed question of law and fact that we review de novo. *United States v. Garey*, 540 F.3d 1253, 1268 (11th Cir. 2008) (en banc). The government bears the burden of proving that the waiver was valid. *Id.*

³ The government also argues that the validity of Hall's waiver of counsel warrants plain-error review because his new counsel at his sentencing hearing never made an objection to Hall's original waiver of counsel. This Court has never expressly decided whether failure to challenge the validity of waiver of counsel is subject to plain-error review, but most cases apply de novo review. *United States v. Stanley*, 739 F.3d 633, 644 (11th Cir. 2014). We need not address this question because Hall's argument fails under de novo review.

cause. *See United States v. Garey*, 540 F.3d 1254, 1263 (11th Cir. 2008) (en banc). When a defendant, expressly or implicitly, rejects both appointed counsel and self-representation, the district court may determine that he has waived his right to appointed counsel. *Id.* at 1263–65.

In *Faretta v. California*, 422 U.S. 806, 834 (1975), the Supreme Court recognized that a defendant may exercise a right to self-representation by making a knowing and voluntary waiver of the right to counsel. The “ideal method of assuring that a defendant understands the consequences of a waiver is for the trial court to conduct a pretrial hearing at which the district court should inform the defendant of the nature of the charges against him, possible punishments, basic trial procedure and the hazards of representing himself.” *Garey*, 540 F.3d at 1266 (quotation marks omitted). Failure to hold a *Faretta* hearing is not an error as a matter of law if the record demonstrates that the defendant knowingly and voluntarily elected to represent himself. *United States v. Stanley*, 739 F.3d 633, 645 (11th Cir. 2014).

We consider eight factors, known as the “*Fitzpatrick* factors,” to determine whether the waiver of counsel was knowing and voluntary. *United States v. Kimball*, 291 F.3d 726, 730 (11th Cir. 2002). Those factors are:

- 1) the defendant’s age, health, and education; 2) the defendant’s contact with lawyers prior to trial; 3) the defendant’s knowledge of the nature of the charges and possible defenses and penalties; 4) the defendant’s understanding of the rules of evidence, procedure and

courtroom decorum; 5) the defendant's experience in criminal trials; 6) whether standby counsel was appointed and, if so, the extent to which standby counsel aided in the trial; 7) any mistreatment or coercion of the defendant; and 8) whether the defendant was attempting to manipulate the trial.

Id. at 730–31.

In *Garey*, we addressed the waiver-of-counsel question in the context of an uncooperative defendant who prevented the court from “eliciting clear information regarding the defendant’s understanding of the dangers of proceeding pro se.” 540 F.3d at 1267. There, we held that:

[W]hen confronted with a defendant who has voluntarily waived counsel by his conduct and who refuses to provide clear answers to questions regarding his Sixth Amendment rights, it is enough for the court to inform the defendant unambiguously of the penalties he faces if convicted and to provide him with a general sense of the challenges he is likely to confront as a pro se litigant. So long as the trial court is assured the defendant (1) understands the choices before him, (2) knows the potential dangers of proceeding pro se, and (3) has rejected the lawyer to whom he is constitutionally entitled, the court may, in the exercise of its discretion, discharge counsel or (preferably, as occurred here) provide for counsel to remain in a standby capacity. In such cases, a *Fareta*-like monologue will suffice.

Id. at 1267–68 (footnote omitted).

Here, while the district court’s inquiry during the pre-trial hearing wasn’t a formal *Fareta* hearing and fell short of covering all the *Fitzpatrick* factors, the record shows that Hall knowingly and willingly waived his right to counsel. True, it would have been better had the district court advised Hall more on trial procedures and the hazards of proceeding without an attorney. Nevertheless, on

this record, we think the court did enough. Hall clearly rejected his appointed counsel, and the district court made it clear that his only remaining options were representing himself and finding another licensed attorney. The district court also attempted to explain to Hall the dangers of proceeding with his jurisdictional defense—*i.e.*, that the United States had no jurisdiction over him—and to advise him that he would likely be convicted at trial if he didn’t put on a different defense. The court further had the prosecutor read Hall the charges against him and explained the charges to Hall and that the charges carried a possible life sentence. Hall remained uncooperative throughout the pretrial hearing, asserting that he wasn’t subject to the jurisdiction of the United States because he was a sovereign citizen, claiming that he wasn’t Derek Levert Hall but Derek Levert Hall-Bey, and refusing to acknowledge that he understood the charges against him or anything that the court was telling him. The district court did all that it could to inform an uncooperative defendant of the dangers of proceeding without licensed counsel and assured itself that Hall understood the choices before him, knew the potential dangers of proceeding pro se, and rejected his appointed attorney. *See Garey*, 540 F.3d at 1267.

Moreover, other *Fitzgerald* factors ultimately support the conclusion that Hall’s waiver of counsel was knowing and voluntary. Hall received his GED while in prison, and his PSI indicates that he held regular employment as a cook

prior to his arrest. Hall asked questions during the pretrial hearing about the police needing a search warrant and the penalties attached to his charges, which showed that he followed the conversation. The court also ensured that Hall was able to subpoena witnesses and made Albea standby counsel so that Hall would have an attorney as a resource both leading up to and during trial. Additionally, there is no evidence of coercion, but Hall's continued uncooperativeness is evidence that he was trying to manipulate the proceedings by insisting that the court allow Parham-Bey to represent him.

Because the record establishes that Hall knowingly and voluntarily waived his right to counsel and elected to represent himself, we affirm the district court's judgment.

AFFIRMED.

Appendix B

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-14012-JJ

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DEREK LEVERT HALL,

Defendant - Appellant.

Appeal from the United States District Court
for the Northern District of Alabama

BEFORE: ROSENBAUM, NEWSOM and ANDERSON, Circuit Judges.

PER CURIAM:

The Petition for Panel Rehearing filed by Derek Levert Hall is DENIED.

ORD-41

Appendix C

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE L. SCOTT COOGLER,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE UNITED STATES:

JOHN JOSEPH GEER, III, ESQ.

ASSISTANT UNITED STATES ATTORNEY

BIRMINGHAM, ALABAMA

FOR THE DEFENDANT.

STUART D. ALBEA, ESO.

ATTORNEY AT LAW

TUSCALOOSA, ALABAMA

COURT REPORTER.

HINDI M. FULLER, RMR, CRR, CRC

FEDERAL OFFICIAL CO

1 P R O C E E D I N G S

2 (IN OPEN COURT)

3 THE COURT: FOR THE PURPOSE OF THE
4 RECORD, THIS IS UNITED OF AMERICA V. DEREK HALL,
5 CASE NUMBER 18-524.6 DOES SOMEBODY WANT TO TELL ME WHAT WE
7 ARE DOING -- MR. HALL, ANYBODY?8 MR. ALBEA: JUDGE, I ASKED THIS TO BE
9 SET FOR A STATUS CONFERENCE, I THINK, SO THE
10 COURT CAN ADDRESS MAYBE SOME COMMUNICATION
11 PROBLEMS THAT MR. HALL AND I ARE HAVING RELATIVE
12 TO HIS BEING A MOORISH AMERICAN SOVEREIGN CITIZEN
13 AND JURISDICTION AND THINGS THAT HAVE PREVENTED
14 US FROM COMMUNICATING IN AN EFFECTIVE MANNER.
15 AND I THOUGHT MAYBE THE COURT COULD TAKE THIS UP
16 AND FIGURE OUT HOW WE NEED TO PROCEED.17 THE COURT: OKAY. WHEN IS THE DATE
18 THAT HE HAS TO TELL US IF HE WANTS TO PLEAD
19 GUILTY OR NOT?

20 THE CLERK: IT HAS ALREADY PASSED.

21 MR. ALBEA: I BELIEVE THAT DATE HAS
22 ALREADY PASSED.23 THE COURT: SO, WE ARE GOING STRAIGHT
24 TOWARDS TRIAL THEN; IS THAT RIGHT?

25 MR. ALBEA: BASED ON ANY INFORMATION

1 THAT HE WISHES TO PLEAD GUILTY, I SUPPOSE THAT
2 WOULD BE CORRECT.

3 THE COURT: ALL RIGHT. WHEN DO WE HAVE
4 IT SET FOR TRIAL?

5 THE CLERK: JANUARY 7TH.

6 THE COURT: JANUARY 7TH?

7 THE CLERK: YES, SIR.

8 THE COURT: ALL RIGHT. MR. HALL, YOUR
9 LAWYER APPEARS TO BE CONCERNED ABOUT YOU
10 COMMUNICATING WITH HIM OR HIM COMMUNICATING WITH
11 YOU, YOU ALL UNDERSTANDING EACH OTHER, AND HIS
12 ROLE, MAYBE. I DON'T KNOW WHAT ALL.

13 I HAVE HAD CASES BEFORE -- AND I KNOW
14 YOU ARE NOT A SOVEREIGN CITIZEN; ALL MY CASES
15 HAVE INVOLVED SOVEREIGN CITIZENS THAT I HAVE
16 TRIED BEFORE. AND I AM JUST GOING TO OPEN THE
17 FLOOR FOR YOU TO TELL ME ANYTHING YOU WANT TO
18 TELL ME THAT'S GOING ON, ANY COMPLAINTS YOU HAVE,
19 ANYTHING YOU WANT TO TELL ME ABOUT ANYTHING.

20 THE DEFENDANT: BASICALLY, THAT I'M
21 MOORISH AMERICAN NATIONAL AND THE GOVERNMENT THAT
22 I AM IN IS THE UNITED STATES OF AMERICA REPUBLIC.
23 SO EVERYTHING THAT HE IS SAYING, I AM NOT AWARE
24 OF ANY OF IT.

25 THE COURT: OKAY. BUT --

1 THE DEFENDANT: AND I ASKED HIM TO
2 RELEASE HIMSELF OFF OF THIS CASE BECAUSE I TALKED
3 TO MY GOVERNMENT AND THEY ARE GOING TO REPRESENT
4 ME. IT AIN'T -- THEY GOING TO COME WITH THE LAWS
5 AND --

6 THE COURT: WHO IS GOING TO REPRESENT
7 YOU?

8 THE DEFENDANT: UNITED STATES OF
9 AMERICA REPUBLIC.

10 THE COURT: WHO HAVE YOU TALKED TO IN
11 PARTICULAR?

12 THE DEFENDANT: MY GOVERNMENT.
13 MAURICE PARHAM BEY.

14 THE COURT: WHERE DOES MAURICE LIVE, DO
15 YOU KNOW?

16 THE DEFENDANT: I DON'T KNOW.

17 THE COURT: I'M SORRY?

18 THE DEFENDANT: I CAN'T SAY.

19 THE COURT: CAN'T SAY OR WON'T SAY?
20 LIKE YOU DON'T KNOW OR DON'T --

21 THE DEFENDANT: MEANING THAT IF I SAID
22 A PLACE OR ANY MAY NOT BE EXACTLY WHERE HE LIVES.
23 I KNOW IT'S IN THE PROVINCE OF ALABAMA.

24 THE COURT: ALL RIGHT. THAT'S CLOSE
25 ENOUGH. IS MAURICE A LAWYER? OR IS HE AN

1 ADVISOR?

2 THE DEFENDANT: HE IS AN ADVISOR OF
3 THE MOORISH AMERICAN NATIONAL.

4 THE COURT: LET ME MAKE SURE YOU
5 UNDERSTAND WHAT THE PROBLEM IS, OKAY? AND YOU
6 HAVE AN ABSOLUTE RIGHT TO REPRESENT YOURSELF.
7 YOU CAN DO THAT. AND YOU ARE -- I CAN TELL
8 YOU'RE A SMART GUY. I DEAL WITH PEOPLE ALL THE
9 TIME, AND I CAN TELL YOU'RE A SMART GUY.

10 BUT HERE'S THE THING. IF YOU DECIDE
11 YOU WANT TO REPRESENT YOURSELF, YOU CAN DO THAT.
12 BUT IF SOMEBODY WANTS TO REPRESENT YOU THAT'S NOT
13 A LAWYER -- THEY'RE NOT PRACTICING LAW, THEY'RE
14 NOT LICENSED TO PRACTICE LAW -- THEN BY THE LAWS
15 OF THE UNITED STATES OF AMERICA YOU WILL NOT BE
16 ABLE TO USE THEM AS A LAWYER.

17 YOU OBVIOUSLY HAVE CERTAIN DISPUTES
18 ABOUT WHO HAS GOT JURISDICTION OR WHAT-NOT, AND I
19 UNDERSTAND THAT. BUT I NEED TO MAKE SURE THAT
20 YOU UNDERSTAND WHAT I HAVE JUST SAID TO YOU:
21 THAT IF YOUR ADVISOR SHOWS UP YOU AND YOUR
22 ADVISOR DOESN'T HAVE A BAR CARD, HE OR SHE IS NOT
23 LICENSED TO PRACTICE, THEN THEY ARE NOT GOING TO
24 BE ALLOWED TO REPRESENT YOU AND YOU ARE GOING TO
25 BE STUCK BY YOURSELF IN A CASE.

1 THE DEFENDANT: IT'S THE WHOLE PURPOSE
2 OF SAYING THE RIGHT THINGS TO REPRESENT ME. I
3 MEAN, THAT'S WHY I HAVE HIM. I GAVE HIM FULL
4 POWER OF ATTORNEY OF -- ALL OF ME. I MEAN, THIS
5 IS MY LIFE THAT'S GOING TO BE ON STAND. SO WITH
6 THAT BEING SAID, HE GOING TO REPRESENT ME TO THE
7 FULLEST OF OUR KNOWLEDGE OF BEING A MOORISH
8 AMERICAN NATIONAL, PART OF THE UNITED STATES OF
9 AMERICA REPUBLIC.

10 THE COURT: AND I DON'T MEAN THIS TO
11 SAY THAT I DON'T UNDERSTAND YOU, BUT I HAVE I
12 MADE A MISTAKE ONE TIME BEFORE. I HAD
13 SOMEBODY -- NOW, THEY WEREN'T MOORISH AMERICAN
14 NATIONAL, THEY WERE SOVEREIGN CITIZEN -- AND THEY
15 TOLD ME THE NAME OF SOMEBODY WHO WAS GOING TO
16 REPRESENT THEM AND I THOUGHT IT WAS A REAL LIVE
17 PERSON, AND IT WASN'T. THEY LATER EXPLAINED TO
18 ME THAT IT WAS SOME KIND OF SPIRITUAL BEING THAT
19 WOULD APPEAR THROUGH THEM OR SOMETHING, AND I
20 MISUNDERSTOOD IT.

21 THIS IS A LIVE, REAL HUMAN BEING THAT
22 YOU ARE TALKING ABOUT, RIGHT?

23 THE DEFENDANT: YES.

24 THE COURT: OKAY. HAVE YOU TOLD THAT
25 PERSON THAT YOU ARE SET FOR TRIAL ON JANUARY

1 THE -- IS IT THE 7TH, SHAWN?

2 THE CLERK: THAT'S CORRECT.

3 THE DEFENDANT: YES. I TOLD HIM. I DO
4 HAVE SOME DOCUMENTS SAYING WHO I AM AND THE
5 PAPERWORK THAT YOU ARE SAYING THAT I AM DEREK
6 LEVERT HALL, THAT IS ON MY -- THAT IS ON MY BIRTH
7 CERTIFICATE BUT THAT'S NOT ME. I AM DEREK LEVERT
8 HALL BEY, MEANING THAT I GOT NATIONALIZED AND I
9 TOOK AN OATH UNDER A DIFFERENT GOVERNMENT. SO
10 THAT'S WHERE I WOULD DISPUTE THAT JURISDICTION
11 COME IN --

12 THE COURT: I GOT YOU.

13 THE DEFENDANT: -- INTO PLAY.

14 THE COURT: I GOT YOU. THERE IS TWO
15 WAYS YOU CAN APPROACH THIS CASE. ONE WAY IS LIKE
16 YOU ARE DOING IT WHERE YOU ARE SAYING "THE UNITED
17 STATES GOVERNMENT HAS NO JURISDICTION OVER ME
18 BECAUSE I AM A CITIZEN OF A DIFFERENT SOVEREIGN."

19 THE OTHER WAY IS TO SAY "I AM NOT
20 GUILTY OF THE CRIMES THE GOVERNMENT HAS ME
21 CHARGED WITH. I DIDN'T VIOLATE THE LAWS OF THE
22 UNITED STATES." AND BY YOU GOING ALL OUT ON THIS
23 OTHER LIMB ABOUT THE UNITED STATES DOESN'T HAVE
24 JURISDICTION OVER YOU, IF YOU DON'T PAY ATTENTION
25 TO THE OTHER, THEN IT'S GOING TO BE A SLAM DUNK.

1 YOU WILL JUST BE IMMEDIATELY CONVICTED.

2 DO YOU UNDERSTAND WHAT I AM SAYING?

3 THE DEFENDANT: I DON'T UNDERSTAND
4 THAT.

5 THE COURT: YOU DON'T?

6 THE DEFENDANT: NO, SIR.

7 THE COURT: WELL, IT'S LIKE -- IF
8 SOMEBODY SAID THAT -- MR. BEY; BEY, RIGHT?

9 THE DEFENDANT: B-E-Y.

10 THE COURT: BUT IT'S PRONOUNCED "BAY,"
11 RIGHT?

12 THE DEFENDANT: YES.

13 THE COURT: THAT YOU, DEREK BEY, WHILE
14 YOU WERE IN THERE WITH OTHER INMATES, YOU HIT ONE
15 OF THEM, OKAY, AND HURT THEM, AND THEY CHARGED
16 YOU WITH THAT CRIME. NOW, ONE WAY CAN YOU DEFEND
17 YOURSELF IS TO SAY "I DIDN'T HIT THE PERSON." OR
18 THAT "I WAS DEFENDING MYSELF BECAUSE THAT PERSON
19 WAS HITTING ME," OR WHATEVER. THAT WOULD BE YOU
20 SAYING YOU'RE NOT GUILTY OF THE CRIME.

21 THE OTHER WAY THAT YOU APPEAR TO BE
22 ADDRESSING THIS SITUATION IS BY SAYING "I KNOW
23 YOU'VE GOT ME CHARGED WITH HITTING THIS PRISONER,
24 BUT YOU HAVE NO JURISDICTION TO EVEN CHARGE ME
25 WITH THAT. YOU DON'T HAVE ANY JURISDICTION OVER

1 ME. I AM A CITIZEN OF ANOTHER SOVEREIGN AND YOU
2 CAN'T EVEN CHARGE ME WITH YOUR LAWS."

3 THE DEFENDANT: I AM NOT SAYING THAT
4 TO THAT EXTENT. WITH BEING PART OF UNITED STATES
5 OF AMERICA REPUBLIC, THERE ARE THREE THINGS THAT
6 THEY WILL NOT TOLERATE, AND THOSE THREE THINGS
7 ARE TREASON, RAPE, AND MURDER. AND BY ME NOT
8 HAVING NEITHER ONE OF THOSE, THE LAWS STILL LINE
9 UP AS THE SAME AS --

10 THE COURT: RIGHT. SO, THE LAWS OF
11 YOUR -- WHAT YOU ARE SAYING IS YOUR NATION THAT
12 YOU BECAME A CITIZEN OF --

13 THE DEFENDANT: YES.

14 THE COURT: -- ONLY PROHIBIT OR MAKE
15 IT A CRIME TO COMMIT TREASON, MURDER, OR RAPE?

16 THE DEFENDANT: YES, SIR.

17 THE COURT: AND THAT THE REST OF THE
18 LAWS LIKE FELON IN POSSESSION OF A FIREARM, DRUG
19 POSSESSION, ANYTHING, THAT IS NOT A CRIME IN YOUR
20 NATION. IS WHAT YOU ARE SAYING?

21 THE DEFENDANT: YES, SIR.

22 THE COURT: WELL, BUT SEE, YOU ALSO --
23 YOU LIVE IN THE UNITED STATES.

24 THE DEFENDANT: I LIVE IN THE
25 PROVINCE -- I LIVE IN THE PROVINCE OF NORTHPOR

1 AND I AM A CITIZEN OF THE PROVINCE. I HAVE A
2 DRIVER'S LICENSE, I HAVE GOT A P.O. BOX, I HAVE
3 GOT EVERYTHING THAT I HAD WHEN I WAS PART OF THE
4 UNITED STATES OF AMERICA. I GOT DUPLICATES OF
5 THE SAME THING OVER THERE. SO THAT'S WHY THIS
6 GUY THAT YOU'RE HAVING TO REPRESENT ME DIDN'T
7 WANT TO LISTEN TO ANY OF IT. SO I WAS LIKE, HEY,
8 THIS IS MY LIFE THAT I AM GOING TO HAVE TO LIVE
9 WITH IT, SO I MIGHT AS WELL HAVE THE PEOPLE THAT
10 WILLINGLY HELP ME LIVE THAN THE ONES THAT GOING
11 TO KILL ME.

12 THE COURT: LET ME ASK YOU THIS
13 QUESTION. HAVE YOU EVER BEEN TO ANOTHER COUNTRY
14 BEFORE, LIKE MEXICO, FRANCE, CANADA, ANYWHERE?

15 THE DEFENDANT: YES, SIR.

16 THE COURT: WHERE DID YOU GO?

17 THE DEFENDANT: I HAVE BEEN TO MEXICO.

18 THE COURT: WHEN YOU WERE IN MEXICO,
19 WERE YOU A CITIZEN OF THE UNITED STATES OR WERE
20 YOU A MOORISH AMERICAN?

21 THE DEFENDANT: I WAS A MOORISH
22 NATIONAL. LIKE I GOT MY VISA, I GOT EVERYTHING
23 THAT I DIDN'T HAVE FOR THE UNITED STATES, ONCE I
24 CAME BACK TO THEM -- ONCE I PROCLAIMED MY
25 NATIONALITY, I HAD ALL RIGHTS TO BE ABLE TO DO

1 THIS. BUT WHEN I WAS WITH THE UNITED STATES I
2 COULDN'T DO ANY OF IT.

3 THE COURT: OKAY. WELL, WHEN YOU WERE
4 IN MEXICO, IF YOU HAD ROBBED SOMEBODY DOWN THERE
5 OR SOLD DRUGS OR DID SOMETHING THAT WAS IN
6 VIOLATION OF THEIR LAWS IN MEXICO, COULD THEY
7 HAVE CHARGED YOU OR NOT?

8 THE DEFENDANT: I MEAN, I WOULDN'T EVEN
9 KNOW. I DON'T THINK FURTHER THAN WHAT I DO.

10 THE COURT: ALL RIGHT. I AM NOT REALLY
11 SURE I UNDERSTAND YOUR RESPONSE.

12 THE DEFENDANT: MEANING THAT I
13 WOULDN'T THINK ABOUT ROBBERY -- IF YOU LOOK AT MY
14 RECORD --

15 THE COURT: RIGHT.

16 THE DEFENDANT: -- I AM NOT A ROBBING
17 PERSON, SO I WOULDN'T EVEN THINK LIKE THAT.

18 THE COURT: LET'S SUPPOSE IT WAS
19 ILLEGAL FOR ANYBODY EXCEPT MEXICAN CITIZENS TO
20 HAVE GUNS. AND YOU HAD A GUN -- LET'S SAY YOU
21 HAD A GUN DOWN THERE. I AM NOT SAYING YOU DID,
22 BUT LET'S SAY YOU DID. COULD THEY CHARGE YOU
23 WITH THE CRIME OF BEING NOT A MEXICAN AND HAVING
24 A GUN?

25 THE DEFENDANT: IF I TOOK AN OATH UNDER

1 THEY JURISDICTION, I FEEL THAT THEY COULD.

2 THE COURT: NO; NO. YOU DIDN'T TAKE AN
3 OATH. YOU JUST TRAVELED. YOU GOT PERMISSION TO
4 GO DOWN THERE.

5 THE DEFENDANT: I AM SAYING I TOOK AN
6 OATH WITH THE UNITED STATES OF AMERICA SO I CAN'T
7 SAY SOMETHING PERTAINING THAT, THAT I DON'T HAVE
8 NO KNOWLEDGE OF.

9 THE COURT: OKAY. WELL, COME JANUARY
10 7TH, WE ARE GOING TO HAVE A TRIAL.

11 THE DEFENDANT: YES, SIR.

12 THE COURT: OKAY. AND DO YOU
13 UNDERSTAND WHAT THE GOVERNMENT HAS YOU CHARGED
14 WITH?

15 THE DEFENDANT: I MEAN, I READ OVER THE
16 PAPERS.

17 THE COURT: WHAT DO THEY HAVE YOU
18 CHARGED WITH?

19 THE DEFENDANT: 924 (C) --

20 THE COURT: LET'S JUST ASK THE
21 GOVERNMENT TO TELL US WHAT THEY HAVE YOU CHARGED
22 WITH BECAUSE I WANT TO MAKE SURE IT'S ON THE
23 RECORD.

24 THE DEFENDANT: I KEEP TRYING TO TELL
25 YOU THAT YOU KEEP SAYING WHAT THEY HAVE ME

1 CHARGED WITH. THAT'S NOT ME. I AM DEREK LEVERT
2 HALL BEY. IT SEEMS LIKE EVERY TIME THAT YOU ARE
3 SPEAKING TOWARDS THIS PAPERWORK, YOU ARE SAYING
4 IT'S ME, TRYING TO GET ME TO SAY THAT IT IS ME
5 WHO YOU SAYING. BUT IT'S NOT. I DON'T KNOW WHAT
6 DO I NEED TO SAY --

7 THE COURT: I CAN ANSWER THAT QUESTION.
8 IF I CHANGED -- LISTEN TO ME CAREFULLY, OKAY? IF
9 I CHANGE MY NAME -- I AM SCOTT COOGLER; JUDGE
10 COOGLER. IF I CHANGE MY NAME TO SMITH, I CAN DO
11 THAT LEGALLY. I CAN GO TO THE COURTHOUSE AND
12 CHANGE MY NAME TO SMITH.

13 WAIT A MINUTE. I AM TRYING TO MAKE A
14 POINT.

15 IF I COMMIT A CRIME WHEN I AM COOGLER,
16 IF I COMMIT A CRIME OR EVEN IF I AM SMITH AND I
17 COMMIT A CRIME, THE NAME THAT I HAVE IS NOT AS
18 IMPORTANT AS THE IDENTITY.

19 SO, SEE, YOU SAY YOUR NAME IS BEY,
20 WHICH IS FINE, AND WE'LL PUT IT ON THE RECORDS
21 THAT YOU NOW IDENTIFY AS BEY. THE GOVERNMENT
22 SAYS YOU'RE HALL. IT REALLY DOESN'T MAKE ANY
23 DIFFERENCE BECAUSE THE POLICE, WHEN THEY COME IN
24 HERE AND THEY POINT YOU OUT AND THEY SAY THAT IS
25 THE GUY RIGHT THERE THAT COMMITTED THE CRIME,

1 THEN IT DOESN'T MATTER WHETHER THE JUDGMENT
2 ENTERED AGAINST YOU IS IN THE NAME OF HALL OR
3 BEY; IT WILL BE IN ALL OF THEM BECAUSE IT WILL BE
4 YOU, THE PERSON, WHATEVER NAME YOU GO BY.

5 NOW, SO I WANT THE GOVERNMENT TO SAY
6 WHAT YOU, THE PERSON, IS CHARGED WITH AND WILL BE
7 TRIED FOR ON JANUARY THE 7TH, OKAY? BECAUSE I
8 NEED TO MAKE SURE IF YOU ARE MISSING ANY KIND OF
9 DISCOVERY OR ANYTHING YOU NEED, THAT WE COVER
10 THAT, OKAY?

11 GO AHEAD AND TELL HIM WHAT HE IS
12 CHARGED WITH.

13 MR. GEER: YOUR HONOR, THE INDICTMENT
14 CHARGES IN COUNT ONE A VIOLATION OF UNITED STATES
15 CODE TITLE 21, SECTIONS 841(A) (1) AND (B) (1) (C) .
16 THAT ON OR ABOUT THE 27TH DAY OF JULY, 2018, IN
17 TUSCALOOSA COUNTY, WITHIN THE NORTHERN DISTRICT
18 OF ALABAMA, THE DEFENDANT DID KNOWINGLY AND
19 INTENTIONALLY POSSESS WITH INTENT TO DISTRIBUTE A
20 CONTROLLED SUBSTANCE; THAT IS, A MIXTURE AND
21 SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF
22 MARIJUANA; A MIXTURE AND SUBSTANCE CONTAINING A
23 DETECTABLE AMOUNT OF COCAINE BASE; AND A MIXTURE
24 AND SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF
25 COCAINE HYDROCHLORIDE; AND A MIXTURE AND

1 SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF 3,
2 4-METHYLENEDIOXYMETHAMPHETAMINE, OR MDMA.

3 COUNT TWO CHARGES YOU ON OR ABOUT --

4 THE COURT: HANG ON A SECOND.

5 MR. GEER: YES, SIR.

6 THE COURT: ALL RIGHT. SO, THE FIRST
7 COUNT CHARGES YOU WITH POSSESSION WITH INTENT TO
8 DISTRIBUTE THOSE CONTROLLED SUBSTANCES THAT THE
9 UNITED STATES MAKES IT ILLEGAL FOR YOU TO HAVE
10 WHEN YOU INTEND TO DISTRIBUTE THEM. DO YOU
11 UNDERSTAND THAT? THAT'S WHAT YOU ARE CHARGED
12 WITH IN THAT FIRST COUNT.

13 THE DEFENDANT: I UNDERSTAND WHAT THEY
14 ARE SAYING THAT I AM CHARGED WITH. BUT HOW DOES
15 I GET CHARGED WITH THAT WITHOUT HAVING A SEARCH
16 WARRANT OR ANY OF THAT OR EVEN GO INTO THE HOUSE
17 WHERE THEY GOT THAT FROM?

18 THE COURT: OKAY. THAT COULD BE
19 SOMETHING YOU COULD RAISE THROUGH YOUR LAWYER,
20 OKAY, AND SAY THEY DIDN'T HAVE A SEARCH WARRANT.
21 ALL OF THAT STUFF YOU CAN RAISE AT TRIAL.

22 THE DEFENDANT: THIS IS MY THING ALSO,
23 JUDGE.

24 THE COURT: I AM LISTENING.

25 THE DEFENDANT: I REALLY DON'T FEEL

1 LIKE THIS GUY ON THE LEFT OF ME EVEN GOT MY BEST
2 INTEREST. SO I -- IF TRIAL IS JANUARY THE 7TH --
3 THE COURT: IT IS.

4 THE DEFENDANT: I WOULD RATHER HAVE MY
5 PEOPLE TO REPRESENT ME THAN ANY, YOU KNOW. THIS
6 IS MY LIFE THAT I AM FIGHTING, SO --

7 THE COURT: OKAY. WELL, IF THEY SHOW
8 UP HERE, I WILL LOOK AT THEIR CREDENTIALS, WHO
9 THEY ARE, AND SEE. AND IF THEY SHOW UP -- AND I
10 AM TELLING YOU, I HAVE HAD THEM BEFORE THAT HAVE
11 NOT SHOWN UP. IF THEY SHOW UP, I WILL TALK TO
12 THEM AND I WILL ASK THEM THE QUESTIONS ABOUT THEM
13 BEING LEGALLY QUALIFIED TO REPRESENT YOU. AND
14 YOU WILL BE HERE.

15 THE DEFENDANT: THE ONLY WAY THAT THEY
16 WILL NOT SHOW UP IS THAT YOU DON'T HAVE ME HERE
17 OR YOU CHANGE THE DATE THAT I --

18 THE COURT: I AM GOING TO HAVE YOU
19 HERE.

20 THE DEFENDANT: ALL RIGHT.

21 THE COURT: ALL RIGHT. SO, THE FIRST
22 CHARGE, YOU UNDERSTAND THE FIRST THING THEY HAVE
23 YOU CHARGED WITH, RIGHT?

24 THE DEFENDANT: I HEARD IT.

25 THE COURT: ALL RIGHT. THE SECOND

1 COUNT IS WHAT?

2 MR. GEER: YOUR HONOR, COUNT TWO
3 CHARGES A VIOLATION OF 18 USC SECTION
4 924(C) (1) (A) (I), THAT ON OR ABOUT THE 27TH DAY OF
5 JULY 2018, IN TUSCALOOSA COUNTY, WITHIN THE
6 NORTHERN DISTRICT OF ALABAMA, THIS DEFENDANT
7 KNOWINGLY USED AND CARRIED A FIREARM DURING AND
8 IN RELATION TO AND POSSESSED A FIREARM IN
9 FURTHERANCE OF A DRUG TRAFFICKING CRIME FOR WHICH
10 HE MAY BE PROSECUTED IN A COURT OF THE UNITED
11 STATES; THAT IS, POSSESSION WITH INTENT TO
12 DISTRIBUTE MARIJUANA --

13 THE COURT: HANG ON. SO, WHAT THEY ARE
14 SAYING IS IN COUNT TWO THAT YOU POSSESSED A GUN
15 OF SOME TYPE, A FIREARM OR SOME FIREARMS, I'M NOT
16 SURE WHICH, THAT YOU POSSESSED THAT IN
17 FURTHERANCE OF THE DRUG TRAFFICKING CRIME, COUNT
18 ONE, THAT FIRST CHARGE THAT YOU ARE CHARGED WITH
19 POSSESSION WITH INTENT TO DISTRIBUTE. THAT YOU
20 HAD A GUN, POSSESSED IT IN FURTHERANCE OF THAT
21 DRUG TRAFFICKING CRIME. THAT'S COUNT TWO.

22 IS THAT RIGHT, GOVERNMENT?

23 MR. GEER: YES, YOUR HONOR.

24 THE COURT: DO YOU UNDERSTAND WHAT THEY
25 ARE SAYING?

1 THE DEFENDANT: I HEARD WHAT THEY WERE
2 SAYING.

3 THE COURT: AND COUNT THREE?

4 MR. GEER: COUNT THREE CHARGES A
5 VIOLATION OF 18 USC 922(G) (1). ON OR ABOUT THE
6 27TH DAY OF JULY, 2018, IN TUSCALOOSA COUNTY,
7 WITHIN THE NORTHERN DISTRICT OF ALABAMA, THIS
8 DEFENDANT, DEREK LEVERT HALL, AFTER HAVING BEEN
9 CONVICTED ON JUNE 13TH, 2003 IN THE CIRCUIT COURT
10 OF TUSCALOOSA COUNTY, ALABAMA, OF THE OFFENSE OF
11 UNLAWFUL DISTRIBUTION OF A CONTROLLED SUBSTANCE
12 IN CASE NUMBER CC-2002-1368, AND AFTER HAVING
13 BEEN CONVICTED ON MARCH 3RD, 2009 IN THE CIRCUIT
14 COURT OF TUSCALOOSA COUNTY, ALABAMA, OF THE
15 OFFENSE OF UNLAWFUL DISTRIBUTION OF CONTROLLED
16 SUBSTANCE IN CASE NUMBER CC-2007-1081, EACH OF
17 THOSE OFFENSES BEING A CRIME PUNISHABLE BY
18 IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR, DID
19 KNOWINGLY POSSESS IN AND AFFECTING COMMERCE A
20 FIREARM; THAT IS, A CHARTER ARMS .38 CALIBER
21 REVOLVER.

22 THE COURT: ALL RIGHT. SO WHAT THEY
23 ARE SAYING IN COUNT THREE IS THAT YOU WERE A
24 FELON, A PERSON WHO HAD BEEN CONVICTED OF A
25 FELONY OFFENSE, A CRIME PUNISHABLE BY YEAR AND

1 DAY OR MORE, PRIOR TO THE DATE YOU ARE CHARGED
2 WITH POSSESSING A FIREARM OR FIREARMS IN THIS
3 CASE AT THIS TIME. AND THAT BY BEING A FELON AND
4 YOU POSSESSING A FIREARM, THAT'S A FELONY; IT'S A
5 NEW CRIME.

6 DO YOU UNDERSTAND WHAT THEY ARE SAYING
7 THERE?

8 THE DEFENDANT: I HEARD WHAT THEY WAS
9 SAYING.

10 THE COURT: ALL RIGHT. HERE'S THE
11 DEAL. COME JANUARY 7TH, THAT MONDAY, WE ARE
12 GOING TO TRY THE CASE. IS THERE ANY WITNESSES
13 YOU WANT MR. ALBEA TO SUBPOENA TO GET HERE TO
14 TESTIFY IN YOUR BEHALF?

15 THE DEFENDANT: I WOULD LIKE MR. ALBEA
16 TO LEAVE TODAY AND NOT SAY ANYTHING ELSE TO ME
17 FROM THIS DAY FORWARD.

18 THE COURT: OKAY. WELL, HE IS GOING TO
19 BE AVAILABLE IF YOU -- LISTEN TO ME. I AM NOT
20 GOING TO EVEN HAVE HIM SITTING BESIDE YOU IN THE
21 TRIAL, OKAY?

22 THE DEFENDANT: I DON'T CARE TO SEE
23 HIM, PERIOD. LIKE, I MEAN --

24 THE COURT: HE IS A NICE GUY.

25 THE DEFENDANT: I UNDERSTAND HE IS NICE

1 TO YOU. I DON'T CARE FOR HIM TO BE AROUND IN MY
2 PRESENCE REPRESENTING ME, BEING EVEN IN YOUR
3 BUILDING WITH ME.

4 THE COURT: IS THERE ANYBODY YOU WANT
5 SUBPOENAED TO THE TRIAL? ANY WITNESSES?
6 SOMEBODY THAT KNOWS YOU DIDN'T DO THIS, FOR
7 INSTANCE.

8 THE DEFENDANT: WHOEVER IT WAS THAT
9 WRITTEN THE STATEMENT SAYING THAT GOT WHATEVER
10 OUT OF THE HOUSE. WHOEVER THE OFFICERS WAS, I
11 WOULD LIKE ALL OF THEM --

12 THE COURT: YOU WANT THEM HERE?

13 THE DEFENDANT: YES.

14 THE COURT: ALL RIGHT. WE'LL MAKE SURE
15 THEY ARE HERE.

16 GOVERNMENT, MAKE SURE THEY'RE
17 SUBPOENAED.

18 MR. GEER: YES, SIR.

19 THE COURT: WHO ELSE?

20 THE DEFENDANT: THAT WOULD BE IT.

21 THE COURT: OKAY. THEY WILL BE HERE.
22 NOW, HAVE YOU GOT SOMEBODY -- IF YOU LOOK, YOU
23 ARE IN A GREEN JUMPSUIT, OKAY?

24 THE DEFENDANT: YES.

25 THE COURT: AND YOU ARE IN CHAINS.

1 THE DEFENDANT: YES.

2 THE COURT: WHEN WE TRY A CASE, SOME
3 PEOPLE FEEL LIKE THEY SHOULDN'T APPEAR THAT WAY
4 BECAUSE IT MIGHT MAKE THE JURY THINK THAT YOU ARE
5 ALREADY A CRIMINAL, OKAY? HAVE YOU GOT SOMEBODY
6 THAT'S GOING TO BE ABLE TO BRING YOU SOME CLOTHES
7 TO CHANGE INTO OR DO YOU WANT TO STAY IN THE JAIL
8 ATTIRE?

9 THE DEFENDANT: I MEAN, IT REALLY
10 DOESN'T MATTER.

11 THE COURT: OKAY. IT DOESN'T MATTER TO
12 ME. I AM TRYING TO HELP YOU OUT HERE.

13 THE DEFENDANT: ME EITHER, SIR.

14 THE COURT: OKAY. IF THAT CHANGES, YOU
15 NEED TO GET A FAMILY MEMBER OR SEND WORD TO
16 MR. ALBEA OR SEND WORD TO ME SOME WAY OR ANOTHER
17 THAT YOU NEED SOME CLOTHES, OKAY? YOU HEAR ME?

18 (DEFENDANT NODDING.)

19 THE COURT: THAT WOULD BE A "YES."

20 DO YOU HAVE ANY OTHER QUESTIONS
21 ABOUT ANYTHING WE ARE GOING TO HANDLE ON JANUARY
22 7TH, MR. BEY?

23 THE DEFENDANT: THAT --

24 THE COURT: ANYTHING ELSE YOU WANT TO
25 ASK ME TO DO FOR YOU FOR THE 7TH OF JANUARY?

1 THE DEFENDANT: JUST HAVE MY PEOPLE TO
2 REPRESENT ME AS I AM.

3 THE COURT: WHEN THEY SHOW UP, YOU WILL
4 BE HERE AND WE'LL TALK TO THEM.

5 THE DEFENDANT: I AM SAYING REPRESENT
6 ME. I AIN'T SAYING JUST SHOWING UP. I MEAN, I
7 CAN HAVE A BUM FROM THE STREET TO JUST SHOW UP.
8 I AM SAYING TO SPEAK ON MY BEHALF INTELLIGENT
9 ENOUGH FOR YOU TO UNDERSTAND THE LAWS AND
10 REGULATIONS OF WHAT WE GOT GOING.

11 THE COURT: ANYTHING ELSE THAT I CAN
12 DO FOR YOU FOR JANUARY 7TH?

13 THE DEFENDANT: THAT WOULD BE IT.
14 COULD YOU ANSWER THAT FOR ME?

15 THE COURT: I AM GOING TO TALK TO THEM
16 WHEN THEY GET HERE WITH YOU PRESENT. OKAY? I
17 HAVE ALREADY TOLD YOU THEY HAVE TO BE A LAWYER.

18 THE DEFENDANT: I DON'T UNDERSTAND
19 THAT.

20 THE COURT: OKAY.

21 THE DEFENDANT: I MEAN THIS IS MY LIFE.

22 THE COURT: I GOT YOU. ALL RIGHT.
23 ANYTHING ELSE WE NEED TO ADDRESS, FOLKS?

24 MR. GEER: YES, YOUR HONOR, BRIEFLY.
25 SOMETHING THAT MR. ALBEA AND I HAVE DISCUSSED

1 THAT I THINK, DESPITE HIS BEST EFFORTS, HASN'T
2 BEEN COMMUNICATED TO THE DEFENDANT.

3 THE GOVERNMENT HAS NOT FILED 851 NOTICE
4 REGARDING THIS DEFENDANT'S PRIOR CONVICTIONS.

5 THE COURT: WELL, THAT'S UP TO YOU
6 WHETHER YOU DO IT OR NOT.

7 MR. GEER: UNDERSTOOD. ALONG WITH
8 THAT, I AM WAITING FOR THE TOX REPORT. MY
9 UNDERSTANDING IS THE TOTAL WEIGHT OF THE COCAINE
10 BASE THAT WAS FOUND IS 34 GRAMS. IF THE TOX DOES
11 COME BACK AS 34 GRAMS, I AM GOING TO BE
12 SUPERSEDING. SO INSTEAD OF MIXTURE AND SUBSTANCE
13 IT'S MORE THAN 28 GRAMS OF COCAINE BASE WHICH
14 WOULD CHANGE THE TERM OF IMPRISONMENT ALONG WITH
15 THE 851s. ONCE THAT OCCURS, THE 851 WILL CHANGE
16 THIS DEFENDANT'S POTENTIAL SENTENCE TO A
17 MANDATORY TERM OF LIFE.

18 THE COURT: OKAY.

19 THE DEFENDANT: I KNOW BACK IN 2009 IT
20 WAS ONE TO ONE.

21 THE COURT: I UNDERSTAND. THERE IS A
22 MOVEMENT ON CRACK TO -- I GOT THAT, TO REDUCE THE
23 SENTENCE DOWN.

24 BUT I WANT TO MAKE SURE YOU UNDERSTAND
25 HOW SERIOUS THIS IS.

1 THE DEFENDANT: YES, SIR.
2 THE COURT: IF YOU ARE CONVICTED, WHAT
3 HE IS SAYING IS IF THE TOXICOLOGY REPORT, THE
4 DOCTORS, PH.Ds, CHEMISTS, WHATEVER THAT ARE
5 LOOKING AT IT, IF THEY COME BACK AND SAY THE
6 WEIGHT THEY ARE EXPECTING IT TO BE, THEN THEY ARE
7 GOING TO SUPERSEDE THE INDICTMENT. THEY ARE
8 GOING TO BRING A NEW ONE AND IT'S GOING TO CHARGE
9 YOU WITH THE DIFFERENT WEIGHT OF THE DRUGS.
10 INSTEAD OF A MIXTURE AND SUBSTANCE, IT'S GOING TO
11 BE CRACK AND MORE THAN --

12 MR. GEER: MORE THAN 28 GRAMS.

13 THE COURT: MORE THAN 28 GRAMS. AND
14 YOUR SENTENCE WOULD BE, IF YOU ARE CONVICTED,
15 AUTOMATIC LIFE. AND IT'S NOT LIFE IN STATE.

16 I USED TO BE A STATE JUDGE. IN STATE
17 COURT, IF YOU GET LIFE SENTENCE, YOU GET OUT IN
18 10 TO 15 YEARS. IN FEDERAL COURT, IF YOU GET A
19 LIFE SENTENCE, YOU NEVER GET OUT OF PRISON. DO
20 YOU UNDERSTAND THAT?

21 THE DEFENDANT: I HEARD THAT.

22 THE COURT: OKAY. I JUST WANT TO MAKE
23 SURE, MR. HALL -- MR. BEY, I'M SORRY -- WHEN I
24 CLOSE MY EYES AT NIGHT, I DON'T WANT TO BE
25 THINKING ABOUT ME NOT TELLING YOU ALL THIS AND

1 MAKING SURE YOU UNDERSTOOD IT. BECAUSE IF YOU
2 GET CONVICTED AND I SENTENCE YOU TO LIFE IN
3 PRISON, I DON'T WANT TO FEEL RESPONSIBLE THAT I
4 DIDN'T TELL YOU THIS, OKAY?

5 THE DEFENDANT: I HEAR YOU.

6 THE COURT: OKAY. THAT'S WHY I URGE
7 YOU TO RECONSIDER AND LET MR. ALBEA HELP YOU
8 NEGOTIATE A PLEA OR TRY THE CASE OR WHATEVER.
9 OKAY?

10 THE DEFENDANT: I DON'T PLEA.

11 THE COURT: THAT'S FINE. ALL RIGHT.
12 BUT IF YOU CHANGE YOUR MIND AND YOU WANT
13 MR. ALBEA TO HELP YOU, WILL YOU PLEASE SEND US A
14 NOTE?

15 THE DEFENDANT: OH, I WILL NOT.

16 THE COURT: ALL RIGHT.

17 MR. ALBEA: JUDGE, BEFORE HE LEAVES --
18 OR WHILE HE IS LEAVING, WHATEVER HE PREFERENCES --
19 JUST FOR MY CLARIFICATION, WHAT EXACTLY IS MY
20 ROLE? AM I --

21 THE COURT: YOU ARE GOING TO BE WHAT I
22 CALL BACK-SEAT COUNSEL. YOU ARE GOING TO BE
23 HERE. AND IF HE CONTACTS YOU AND SAYS "I WANT TO
24 YOU SUBPOENA SOMEBODY" THEN YOU SUBPOENA THEM, AS
25 LONG AS THEY ARE WITHIN THE RULES. AND YOU WILL

1 BE HERE FOR THE TRIAL IN CASE HE HAS A QUESTION
2 ABOUT WHAT I SAID AND WANTS TO ASK YOU.

3 MR. ALBEA: BUT GOING FORWARD, HE IS
4 REPRESENTING HIMSELF?

5 THE COURT: IN EFFECT.

6 MR. ALBEA: THANK YOU, YOUR HONOR.

7 MR. GEER: DO WE NEED A FARETTA
8 COLLOQUY BASED ON THIS DEFENDANT'S POSITION ABOUT
9 PROCEEDING PRO SE, YOUR HONOR?

10 THE COURT: WELL, HE IS REFUSING TO
11 ACCEPT COUNSEL. SO I DON'T KNOW HOW I CAN GO
12 THROUGH IT AND DETERMINE WHETHER OR NOT HE HAS
13 COMPETENCY TO -- HE IS OBVIOUSLY A SMART
14 INDIVIDUAL.

15 THIS IS WHAT IT MEANS, MR. BEY. YOU
16 HAVE BEEN INVOLVED IN THE CRIMINAL COURTS BEFORE
17 AND BEEN CONVICTED BEFORE. TWICE?

18 THE DEFENDANT: AT THE TIME THAT --

19 THE COURT: CAN YOU GET BY THAT
20 MICROPHONE? DO YOU MIND? SO MY COURT REPORTER
21 CAN HEAR YOU.

22 THE DEFENDANT: AT THE TIME THAT I AM
23 SAYING THIS TO YOU, I WAS PART OF THE UNITED
24 STATES OF AMERICA AT THAT POINT.

25 THE COURT: RIGHT.

1 THE DEFENDANT: BUT AS OF NOW, I AM NOT
2 GOING TO ACCEPT OR SAY ANYTHING TO INCRIMINATE
3 MYSELF.

4 THE COURT: GOT YOU. DID YOU GO
5 THROUGH HIGH SCHOOL? DID YOU GRADUATE FROM HIGH
6 SCHOOL?

7 THE DEFENDANT: I ONLY GOT -- YOU
8 SENTENCED ME TO U.S.P. ATLANTA BACK IN '06. I
9 WENT AND GOT MY GED DOWN THERE.

10 THE COURT: OKAY. SO, HAVE YOU HAD A
11 JOB ANY WHERE SINCE YOU GOT SENT TO ATLANTA?

12 THE DEFENDANT: YES, SIR. I HAD A
13 LANDSCAPING JOB AND A CAR WASH, BEY CAR WASH.

14 THE COURT: AND DID YOU DO OKAY WITH
15 THAT?

16 THE DEFENDANT: YES, SIR.

17 THE COURT: ALL RIGHT. DO YOU
18 UNDERSTAND -- DO YOU HAVE ANY QUESTIONS
19 WHATSOEVER THAT YOU MIGHT WANT TO ASK ME ABOUT
20 WHAT IT WOULD MEAN TO YOU TO NOT HAVE COURT-
21 APPOINTED COUNSEL TO HELP YOU OR ANYTHING? I
22 THINK YOU UNDERSTAND, BUT I NEED MAKE SURE THAT
23 YOU DO.

24 ANY QUESTIONS YOU WANT TO ASK ME?

25 THE DEFENDANT: YOU ANSWERED ALL THE

1 QUESTIONS I NEED TO KNOW.

2 THE COURT: ALL RIGHT. IT APPEARS TO
3 ME THAT HE IS COMPETENT TO WAIVE HIS COUNSEL IF
4 HE WANTS TO DO THAT. I HAVE ASKED HIM TO TAKE
5 THIS COUNSEL; HE IS COMPETENT COUNSEL. THERE HAS
6 NOT BEEN ANY INDICATION OF A REASON NOT TO.

7 ALL RIGHT. I WILL ALLOW YOU TO
8 REPRESENT YOURSELF. IF YOU GET A LAWYER THAT
9 SHOWS UP HERE THAT YOU HAVE CALLED YOUR ADVISOR,
10 I AM GOING TO TALK TO THEM, NO MATTER WHO THEY
11 ARE, WITH YOU HERE ON THE 7TH AT 8:30 THAT
12 MORNING. OKAY? 8:30. AND WE'LL GO FROM THERE.
13 Y'ALL HAVE A GOOD DAY. HAVE A MERRY CHRISTMAS.

14 MR. ALBEA: THANK YOU, JUDGE.

15 MR. GEER: THANK YOU, YOUR HONOR.

16 (COURT IN RECESS.)

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C E R T I F I C A T E
*****4 IN RE: USA V. DEREK LEVERT HALL
5 CASE #: 7:18-CR-524-LSC-SGC
67 I HEREBY CERTIFY THAT THE FOREGOING
8 TRANSCRIPT IN THE ABOVE-STYLED CAUSE IS TRUE AND
9 CORRECT.10
11  JANUARY 28, 2020
12 LINDY M. FULLER, RMR, CRR, CRC
13 FEDERAL OFFICIAL COURT REPORTER
14 HUGO L. BLACK U.S. COURTHOUSE
15 1729 5TH AVENUE NORTH
16 BIRMINGHAM, ALABAMA 35203
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