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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 24-cr-20051-JEM

UNITED STATES OF AMERICA, Miami, Florida
Plaintiff, July 11, 2024
vs. 10:43 a.m. - 2:17 p.m.
ALFRED LENORIS DAVIS, Pages 1 to 29
Defendant.

TRANSCRIPT OF SENTENCING HEARING
BEFORE THE HONORABLE JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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STENOGRAPHICALLY REPORTED BY:
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Southern District of Florida
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1 (Call to the Order of the Court.)

2 COURTROOM DEPUTY: Calling case 24, criminal,
3 20051, *USA versus Alfred Lenoris Davis*.

4 Counsel, announce your names for the record,
5 starting with the Government.

6 MR. BAILYN: Good morning, your Honor.
7 Assistant U.S. Attorney Jonathan Bailyn on behalf of the
8 United States.

9 THE COURT: Good morning, Mr. Bailyn.

10 MS. BOZANIC: Good morning, your Honor. Zeljka
11 Bozanic on behalf of Alfred Davis, who is present with
12 me.

13 THE COURT: Good morning.

14 Can I get an appearances from Probation.

15 PROBATION OFFICER: Good morning, your Honor.
16 Danaili Sosa on behalf of U.S. Probation.

17 THE COURT: Good morning. You all may be
18 seated.

19 We're here on a sentencing for Alfred Lenoris
20 Davis. I have reviewed the indictment, the verdict form,
21 presentence investigation. I note the defendant will ask
22 the Court to recommend to the Bureau of Prisons that he
23 be permitted to serve his term of imprisonment in a
24 federal facility located as close to south Florida as
25 possible. I will make that recommendation. If I don't

1 mention it again, it will be in my formal order.

2 I have reviewed the first addendum, the
3 defendant's objections, the character letters, the
4 Government's response to the defendant's objections, the
5 second addendum. And I'm ready to proceed at this time.

6 Ms. Bow San in this case, if there are any
7 issues that have not been resolved to your satisfaction,
8 please raise them now or I'll consider them to be waived.

9 MS. BOZANIC: Judge, just my objection.

10 Paragraphs 5 through 7 -- 17. I'm sorry. I
11 objected to the accuracy of the facts and the offense
12 conduct through those paragraph for the purposes of the
13 appeal.

14 THE COURT: Okay. Well, I believe that the
15 jury got it right. And I remember the trial. I will
16 note that your objection to his use of the Alfred C.
17 Davis as opposed to Alfred L. Davis. I had noticed the
18 application that -- and I noticed that your objection
19 didn't say he never had used it. I just says he didn't
20 remember.

21 MS. BOZANIC: That's correct, Judge. And I'll
22 withdraw this objection at this point. It doesn't even
23 affect the guidelines. So the only remaining objection
24 would be Paragraphs 5 to 17.

25 THE COURT: Okay. Well, I'll overrule your

1 objections then.

2 MS. BOZANIC: And, Judge, just to add for the
3 Paragraphs 5 to 17, even though I have the objection on
4 the record, there is some mention of the IP addresses and
5 some of the facts that were never introduced in trial.
6 So I just wanted to add that as well.

7 THE COURT: I'm sorry. I don't understand what
8 you just said.

9 MS. BOZANIC: Some of the paragraphs mention
10 that there was an IP address in the name of Cynthia
11 Louis. It talks about some transfers from Cynthia Louis
12 from a business line at Goldman Sachs. None of these
13 facts were introduced in trial. So aside from a general
14 objection, there are certain paragraphs that have facts
15 that were not introduced in trial.

16 THE COURT: Well, there are often things in the
17 presentence investigation that were not in the trial --

18 MS. BOZANIC: Correct, Judge.

19 THE COURT: -- attendant circumstances, other
20 matters. I don't know that that's a basis for -- Well,
21 you can object to anything, but --

22 MS. BOZANIC: Yes, your Honor.

23 THE COURT: -- I will overrule that objection.

24 MS. BOZANIC: Thank you, Judge.

25 THE COURT: All right. Government, tell me

1 what you think is an appropriate sentence in this case.

2 MR. BAILYN: Thank you, your Honor.

3 In this case the Government is recommending a
4 guideline range of imprisonment. We're recommending the
5 high end of the guideline range, which is eight months in
6 this case.

7 THE COURT: All right, sir.

8 MR. BAILYN: May I proceed with argument or
9 would you --

10 THE COURT: Go. If you have one, tell me what
11 it is.

12 MR. BAILYN: Absolutely, your Honor.

13 THE COURT: I didn't know you were shy, but go
14 ahead.

15 MR. BAILYN: I'm not shy, your Honor. I was
16 collecting my thoughts.

17 Your Honor, Miami, Florida has the reputation
18 of being --

19 THE COURT: Fraud capital of the world.

20 MR. BAILYN: That's right, your Honor, the
21 fraud capital of the world. And if that's true, your
22 Honor, then this defendant is the secretary of state.
23 The extent of the fraud that he commits and the audacity
24 with which he does it, it borders on pathological. There
25 is enough in this PSI for your Honor to be aware of that

1 fraud. So let me discuss this defendant because we are
2 not simply here to sentence a crime. We're here to
3 sentence the man who committed the crime.

4 First, let's discuss his criminal history.
5 This is a person who has already been convicted in
6 Federal court for bank fraud. He served 33 months. He
7 violated his Probation in that case -- or his
8 post-conviction supervised release by committing mortgage
9 fraud, forged signatures to attempt to take out a
10 fraudulent line of credit against a house. He was given
11 eight years of Probation, your Honor. And yet despite
12 those criminal justice sentences, the defendant still has
13 proven in this trial commits additional fraud. His
14 criminal history also includes in Paragraphs 36 through
15 37 assault with a deadly weapon, domestic abuse.

16 Now, according to this PSI, the defendant is
17 the owner of a business. He is somehow a contributing
18 member of society. It's nonsense, your Honor.

19 THE COURT: He got some nice letters of
20 recommendation.

21 MR. BAILYN: I understand those, your Honor. I
22 will speak to those next.

23 THE COURT: I do note that none of them -- or
24 if they did, I didn't notice it -- acknowledge the crime
25 that he's been convicted of or any of his other criminal

1 activities in the past.

2 MR. BAILYN: Your Honor, I agree with that
3 assessment. But let me discuss what the defendant's,
4 quote, employment is.

5 According to Paragraph 67 of the PSI, the
6 defendant is the owner of a company called BlackFire
7 Transport. But as I explained in my response to the
8 defendant's objections, that is a company he fraudulently
9 took over.

10 THE COURT: I thought that was owned by Alfred
11 C. Davis.

12 MR. BAILYN: It is, your Honor. It was founded
13 in 2017 by Alfred C. Davis, but one fraud that people
14 like to commit -- and the defendant is an expert at it --
15 is to take over businesses. They do this in order to
16 take a seasoned or older business. It makes it more
17 attractive for applying for credit lines.

18 The defendant went on Sunbiz, found a business
19 with the name of the registered agent that was the same
20 as his, except for the middle initial. In 2020 he filed
21 articles of amendment making himself, to all appearances,
22 the owner of BlackFire Transport. BlackFire Transport is
23 not a logistics company. In the pre-trial services
24 report, the defendant represented that he had a warehouse
25 in Georgia, but in the PSI that's nowhere to be found.

1 The defendant used BlackFire Transport in order to apply
2 for credit lines. And I don't need to introduce any
3 extrinsic evidence. That's in the PSI, Paragraph 83, to
4 buy his Range Rover. The defendant did not provide any
5 income tax records to Probation. There's a reason for
6 that, your Honor. It's because you can't itemize fraud.

7 What other fraud has the defendant committed
8 which isn't contained in this PSI? Well, in Paragraph 75
9 through 76 of the PSI, it shows that the defendant
10 received a house in 2022 for \$120,000 by a quitclaim
11 deed. In July of 2023, however, the defendant took out
12 three home equity lines of credit totaling over
13 \$1 million against that single property. One of those
14 home equity line of credits was taken out July 23rd --
15 excuse me July 24th. One was taken out July 25th. Your
16 Honor, this is another type of fraud. Allow me to
17 explain.

18 By taking out multiple lines of credit against
19 this single house in quick succession, the defendant was
20 able to avoid indicating to the lenders that there were
21 already liens against the house. We see this fraud all
22 the time. It takes a little bit of time before the Miami
23 county records are updated to reflect liens. So by doing
24 multiple home equity line of credits in quick succession,
25 the property records aren't updated fast enough, and the

1 banks, who are the victims, don't know that they are
2 lending against a property that has already been
3 collateralized, that has already been collateralized.
4 And you'll notice in the PSI that the defendant is
5 delinquent on these loans, but he doesn't care because
6 he's already declared bankruptcy once. He'll do it
7 again.

8 The PSI also represents, your Honor, that the
9 defendant is a member of something called Boss Group
10 Ministries, a charitable organization. Boss Group
11 Ministries, your Honor, is not a charitable organization.
12 It is run by Maurice Symonette, someone the defendant
13 knows well because he was the first person on his witness
14 list. You likely know him as well, your Honor, because
15 he's the one that took out those noxious advertorials in
16 the Miami New Times.

17 MS. BOZANIC: Judge, I'm going to object to any
18 mention of other people who have nothing to do with this
19 case, especially Maurice Symonette, who, if the
20 Government has an investigation, has nothing to do with
21 Mr. Alfred Davis. I think we're, kind of, getting too
22 far from the facts of this case and what Mr. Davis was
23 convicted for.

24 THE COURT: Overruled.

25 Go ahead.

1 MR. BAILY: Paragraph 68 represents that the
2 defendant attends this religious charity group. He's
3 active and participates with them every weekend,
4 attending their events.

5 Your Honor, let me tell you what the events of
6 Boss Group Ministries are. They're house parties at a
7 house that's already been foreclosed. There have been
8 shootings, and there has been violence. And, in fact,
9 just a few days ago -- and I'll read from reporting: Two
10 open fire on party in Miami-Dade home. Injured man
11 police say -- this is from July 7th, your Honor.

12 The home -- the parties are hosted by an
13 organization called Boss Group Ministries, which is led
14 by Maurice Symonette. In 2022 one person was fatally
15 shot and three others were injured during a party at Boss
16 Mansion, which is what Boss Group Ministries calls the
17 house. This is not a ministry in any sort of normal
18 sense, your Honor. This is a bunch hoodlums getting
19 together throwing a raucous party.

20 Your Honor, when I say that this defendant is
21 the secretary the state of fraud, I'm not overstating.
22 In fact, your Honor will remember that you had a trial
23 last month with the defendant Guerby Rene. You will
24 remember that part of that trial was proving that Guerby
25 Rene used fraudulent loan proceeds to purchase a

1 Lamborghini. Your Honor, I have Government Exhibit 59
2 from that trial. The check for \$69,000 that goes to
3 that -- \$62,000 that goes to that Lamborghini, Alfred
4 Davis, from a Wells Fargo account, a Wells Fargo account
5 he never disclosed to Probation.

6 I say all this, your Honor, because I want you
7 to understand the man that's before you. This is not
8 someone who just used a fake ID. There is a reason the
9 Government was looking for him. And this is not a young
10 kid who will learn his lesson. This is a 50-year-old man
11 for the last 20 years has been under pretrial release,
12 supervised release, and yet continues to commit fraud.
13 In fact, his girlfriend, a person who probably knows him
14 well, was convicted just a week afterwards for committing
15 loan fraud. These are the people he associates with,
16 your Honor. This is a person who deserves a criminal
17 justice sentence, and a guideline sentence is not
18 inappropriate in this case.

19 THE COURT: Why don't you charge him with all
20 these other crimes? Why do you charge him with using a
21 false ID to get into an apartment building, which,
22 admittedly, is a crime, in my opinion, and the jury felt
23 like he had committed that crime. But why don't you
24 charge him with these things? Why are you -- What are
25 you waiting for? What is it that --

1 MR. BAILYN: Your Honor, I --

2 THE COURT: I mean, you charge him with
3 something where the guidelines are a maximum of eight
4 months.

5 MR. BAILYN: Your Honor, I understand.

6 THE COURT: If he's as bad as you say he is, he
7 should be in jail for a long time.

8 MR. BAILYN: Your Honor, I have open
9 investigations into this defendant. I am working those
10 cases. We were looking for the defendant, could not find
11 him because we wanted to talk to him about these things,

12 THE COURT: He's right there.

13 MR. BAILYN: Your Honor, now he's there.

14 THE COURT: He's here.

15 MR. BAILYN: The reason we charged him, your
16 Honor, was because when we were looking for him he was
17 impossible to find because he was living under a fake
18 alias, which is why this is a significant crime because
19 it impedes law enforcement's ability to track down people
20 when we're trying to investigate them.

21 THE COURT: All right. But you take so long to
22 do things that -- I have cases where a person is charged
23 with a crime from six, eight, ten years ago, and they
24 even know they're under investigation, and nothing
25 happens for I don't know how long. That doesn't make any

1 sense to me. You know, witnesses die, witnesses move
2 away, witnesses forget. Why take so long? What's going
3 on? What's happening over at the King Building?

4 MR. BAILYN: Certain crimes, your Honor, do
5 take time to investigate.

6 THE COURT: Oh, yeah. You know, I have been in
7 the business. I was an Assistant U.S. Attorney. I was
8 the regional director of a federal agency that
9 investigated crimes. I'm well familiar with what it
10 takes to do it. And what it takes to do it is hard work.
11 And if you need more people -- my God, the Government
12 doesn't seem to concern itself about spending more
13 money -- get more people. Do something. But it's
14 ridiculous to say you charged him with the penny-ante
15 crime that he is convicted of and sits here convicted of
16 when you have all of these other terrible things. You
17 tell me things that would justify putting him in jail for
18 10, 12, 15 years, and yet if I had to go above the
19 guidelines, I'd be hard-pressed to find any reason to do
20 that.

21 MR. BAILYN: I'm not asking for any --

22 THE COURT: It's not in my hands. I know
23 you're not asking me to. And that's my point.

24 Why?

25 MR. BAILYN: Why am I not asking to go --

1 THE COURT: No. Why didn't you charge him with
2 something more serious? I mean, you had evidence of what
3 appear to be more important crimes than the crime you
4 charged him with.

5 MR. BAILYN: No, your Honor. What I am
6 referencing here are things that are just part of the
7 PSI.

8 THE COURT: I understand. They found it.
9 Why couldn't you find it?

10 MR. BAILYN: I have these --

11 THE COURT: I'm asking.

12 MR. BAILYN: I have, your Honor.

13 So the defendant has not only taken out these
14 home equity line of credits that I just identified. And
15 I'll explain. You can do a credit report, and you can
16 see the ones that he's taken out.

17 But there's also ones that he applied for and
18 were denied. Those take a little bit more time to try to
19 find. We do have pending Grand Jury subpoenas. So if
20 your Honor is concerned about whether or not there will
21 be another indictment against this defendant in due
22 course, there will be.

23 THE COURT: Okay. And I hope it's -- in my
24 lifetime or your lifetime even because it doesn't seem
25 like there's any activity. It doesn't seem like there's

1 any urgency. What is that about justice denied -- or
2 justice delayed is justice denied. Come on.

3 MR. BAILYN: Your Honor, with all due respect,
4 I have to disagree. I have been working very diligently
5 on this and other cases.

6 THE COURT: Well, then work harder. Get some
7 help. Do something because this is ridiculous. It is
8 ridiculous that you sit here and tell me about this guy
9 that should be in a television show for all of his fraud,
10 and we're talking about a crime of using a fake driver's
11 license to get approval for an apartment on the water,
12 and the recommended sentence is eight stupid months.
13 He'll be out before you finish any of your
14 investigations, apparently.

15 All right. I've heard you. Thank you.

16 Yes, ma'am.

17 MS. BOZANIC: Thank you, Judge.

18 Judge, obviously, my client was convicted for
19 possession or use of a counterfeit ID. We heard all this
20 other stuff that's going on in investigation.

21 Mr. Davis was arrested on January 23rd of this
22 year. I've expected possibly the Government would bring
23 the additional charges. And if they do and when they do,
24 we'll deal with that. At this point, Judge, the
25 guidelines are two months to eight months. I understand

1 that the jury found him guilty; however, Judge -- you
2 know, I understand the Government is talking about all
3 these side things, who he associates with, you know, the
4 Boss Ministries and what they're about.

5 Judge, Alfred Davis is 50 years old. He has
6 four children. And at the end of the day, I think we
7 need to focus on what he was convicted of. And if the
8 Government brings the other charges, then he will be
9 facing many more years based on what they're talking
10 about, whether it's mortgage fraud or any other fraud.
11 For today's purpose, Judge, I would ask you to focus on
12 these charges and the facts of this case.

13 Judge, as far as the check that was mentioned,
14 it has Alfred Davis' name. There's nothing here that
15 shows that this is his account. I am not even aware of a
16 Wells Fargo bank account in his name. I wasn't presented
17 with anything showing that it's his account. It just
18 shows a name of Alfred Davis on the cashier's check,
19 which, as you know, anybody can put any name on the
20 cashier's check. It doesn't mean that this is the
21 defendant.

22 As far as being delinquent on the loans that
23 the Government mentioned, Judge, they're may be, at most,
24 two months delinquent. He pays. Sometimes it's late,
25 but he's paying the loans. As far as the PSI and what

1 was disclosed, he was honest, he provided his bank
2 statements, and he disclosed everything he was asked of
3 by Probation.

4 Judge, I'm asking --

5 THE COURT: Well, that's not true. They asked --
6 What did you ask for that you were denied?

7 PROBATION OFFICER: The income taxes.

8 THE COURT: Income taxes they asked for, and
9 they were told no.

10 MS. BOZANIC: Judge, he doesn't have income
11 taxes with him. It's the tax preparer. We couldn't get
12 them. It's a very short time --

13 THE COURT: Come on. That tax preparer isn't
14 going to though them away. Those people are meticulous.
15 They keep stuff forever. Their offices look like hell
16 because they have so many papers. They don't throw
17 anything away.

18 MS. BOZANIC: So, Judge, the offense level in
19 this case is 6. I understand his criminal history
20 category is 3, and that's why he's facing 228. There is
21 no lower crime that I can think of in federal --
22 Government or federal system. I don't think I've ever
23 had anybody with --

24 THE COURT: Violation of the Smokey the Bear
25 statute.

1 MS. BOZANIC: I'm sorry?

2 THE COURT: Misuse of the Smokey the Bear
3 symbol. That's one.

4 MS. BOZANIC: I guess I've never had a lower
5 case or --

6 THE COURT: You had one --

7 (Simultaneous crosstalk.)

8 MS. BOZANIC: -- or a less significant, I
9 guess, should I say, case or charge.

10 THE COURT: Shooting --

11 MS. BOZANIC: Judge, at this point --

12 (Simultaneous crosstalk.)

13 THE COURT: -- a duck without permit. There
14 are a couple --

15 (Simultaneous crosstalk.)

16 MS. BOZANIC: And, Judge, in all honesty, as I
17 mentioned in my closing argument, this should have been a
18 State charge. I understand the Government brought these
19 charges just to kind of put something on him while
20 they're doing the investigation. That's fine. But now
21 we're facing with him having to do whatever time you
22 sentence him to. And then as soon as he's done with the
23 sentence, he'll have another case, and he'll have to go
24 back in and answer to that.

25 So for those reasons -- Judge, I don't know

1 what you will sentence him to. I was going to ask for
2 probation for those reasons. I don't know how your Honor
3 feels about that. He will be charged, it seems -- based
4 on my conversation and what the Government said to the
5 Court, he will be charged with other crimes.

6 THE COURT: Maybe.

7 MS. BOZANIC: You know, they could have brought
8 all the charges together. They chose not to do so. They
9 brought a charge of --

10 THE COURT: Well, they're still working on it.
11 That's what I heard.

12 MS. BOZANIC: Well, they brought charge of him
13 using a fake ID in an apartment building. There are no
14 victims in this case. There's no loss. The rent was
15 paid. There's no allegation of anybody being out any
16 money, and this is the lowest offense level we could
17 have.

18 So for those reasons, I'm asking your Honor to
19 give him probation, and if the Government brings the
20 other charges, then let them do so. But for him to go
21 and do a sentence and then get out and then the
22 Government brings another case where nothing is
23 concurrent, I just don't think that's fair, and I don't
24 think that's how it should work.

25 THE COURT: If he had accepted responsibility,

1 you'd have a chance.

2 MS. BOZANIC: Judge, and I can tell you why we
3 went to trial. It's not because he was disputing
4 necessarily what happened. It's because of the intent to
5 defraud. It was at my advice -- the intent to defraud, I
6 think, is -- there is a case out of the 9th Circuit that
7 says for the intent to defraud --

8 THE COURT: That's California, right?

9 MS. BOZANIC: I believe so.

10 THE COURT: Okay.

11 MS. BOZANIC: And it says -- it's Santini case,
12 and I quoted in one of my memorandums.

13 But for you to have an intent to defraud, you
14 have to show that he took some money or property from
15 somebody. And he didn't take any money or property. So
16 it was more of an appellate issue or a legal issue that
17 we were disputing because I never thought that this case
18 should be in federal court. I didn't think there was
19 enough for possession of a fake ID to be in federal
20 court. This should have been a state case. A 30(b)
21 felony. But the Government decided to bring him here
22 because they wanted to have him here on bond or have him
23 on something.

24 So for him to accept responsibility, you know,
25 it's not about the facts. It was really a legal issue,

1 just like I mentioned in my motion for new trial and in
2 my motion for a JOA that I renewed that you reserved on.

3 THE COURT: You have an argument. I'm not -- I
4 don't say you don't. I don't believe that it's a solid
5 argument, or I would have granted your motions, but I
6 hear you.

7 All right. What else you got?

8 MS. BOZANIC: Judge, that's it.

9 I mean, I think -- and, obviously, with the
10 acceptance, he would be at 0 to 6. The only reason why
11 we're even exploring the appeal or the JOA -- the renewed
12 argument that I had on the JOA, is really a legal issue.
13 And I've briefed the issue to you, and I've talked to an
14 appellate counsel and I really do believe that we have a
15 strong issue. Maybe it wasn't raised in the 11th
16 Circuit, but I think that it's an important issue. And I
17 think that the Government and their brief relied on the
18 wire fraud statute, and this is a completely different
19 statute.

20 So I think there is a sufficient legal issue.
21 And if your Honor does decide to give him some time, I
22 would ask that you allow him to surrender. I have a
23 motion for supersedeas bond ready to go that I can file
24 after he gets sentenced. And I do plan to ask the Court
25 to allow him to stay out pending the appeal. As we know,

1 the appeal will take at least a year, if not, two years
2 in the 11th Circuit, and his sentence is less than that.

3 The other factor that the Court needs to
4 consider is whether he is a danger to the community or a
5 risk of flight. He was released out on a 50,000 personal
6 surety bond right away. He was definitely not a risk of
7 flight. And he's not a danger to the community to the
8 community. I mean, look at the crime that he's charged
9 with.

10 So for those reasons, your Honor, I'm asking
11 you to either give him a Probation sentence and then let
12 the Government do what they need to do. I mean, we'll
13 deal with it.

14 THE COURT: I suspect that the three companies
15 that gave him money on that house are -- would argue with
16 you that there are no victims and that he has not done
17 any harm.

18 Bought the house for how much?

19 MR. BAILYN: It was quitclaim deed for \$120,000,
20 your Honor.

21 THE COURT: How much do the three loans --

22 MR. BAILYN: Over a million dollars, your
23 Honor.

24 MS. BOZANIC: This was quitclaim from his
25 grandmother. This is a family home.

1 THE COURT: I don't care who it's from. That's
2 not the point.

3 MS. BOZANIC: Well, he didn't buy it for 120
4 and the property is worth like \$700,000 --

5 THE COURT: What are you saying, that the house
6 was actually bought for 420?

7 MS. BOZANIC: No. He didn't buy it for 120,
8 whatever the quitclaim did. It was a grandmother who --
9 the loan that she had -- the house was in foreclosure,
10 and he took it out of foreclosure. She signed it over to
11 him, and he paid off whatever the mortgage was on the
12 property, which was, I believe, about 120. So the house
13 is worth about \$700,000 now. So I don't see anything,
14 you know, obviously the Government has their
15 investigation, and I'm not privy to the documents, but I
16 don't see anything illegal on its face.

17 THE COURT: There is a slight smell to that.

18 MS. BOZANIC: Judge, regardless, that's a whole
19 different investigation, a whole different -- we're here
20 for him possessing or using a counterfeit ID to rent an
21 apartment --

22 THE COURT: I don't know that there's any
23 question that he did, and I think the jury was correct in
24 their verdict. And I think the 11th Circuit will uphold
25 it. But they have no hesitation in telling me that I am

1 wrong if I am, so I will wait their ruling. But I do not
2 believe that I am wrong and I do not believe that the
3 case will be overturned on appeal.

4 What else do you have?

5 MS. BOZANIC: Judge, that's it. I would just
6 ask your Honor to consider the appellate issue and either
7 give him probation or allow him to stay out on bond
8 supersedeas while the appeal is pending. I don't know
9 either how it's going to go. I just feel strongly about
10 the legal issue, and I think it hasn't been brought up in
11 the 11th Circuit, but it's time for somebody to bring it
12 up.

13 THE COURT: All right, sir. You have the right
14 to address me, if you wish. I think you ought to listen
15 to your lawyer because you have appellate points that I
16 don't think that you -- I think you should be careful in
17 whatever statement you make to me. But you are able to
18 address me at this point, if you'd like to. If you do,
19 please remain seated and speak into the microphone.

20 MS. BOZANIC: Judge, I have advised him not to,
21 and I can have him tell you the same thing.

22 THE DEFENDANT: I defer to make a statement,
23 your Honor.

24 THE COURT: All right. Thank you, sir.

25 Anything further from either side?

1 MS. BOZANIC: No, your Honor.

2 MR. BAILYN: No, your Honor.

3 THE COURT: Thank you.

4 The Court has considered the statements of all
5 the parties, the presentence report, which contains the
6 advisory guidelines and the statutory factors as set
7 forth in 18 U.S.C., Section 3553(a).

8 It is finding of the Court the defendant is not
9 able to pay a fine. It is the judgment of the Court the
10 defendant, Alfred Lenoris Davis, is committed to the
11 Bureau of Prisons to be imprisoned for eight months.
12 Upon release from imprisonment, the defendant shall be
13 placed on supervised release for a term of three years.
14 Within 72 hours of release, the defendant shall report in
15 person to the Probation Office in the district where
16 released. While on supervised release, the defendant
17 shall comply with the mandatory and standard conditions
18 of supervised release, which include not committing any
19 crimes, prohibition from possessing a firearm or other
20 dangerous device, not unlawfully possessing a controlled
21 substance and cooperation in the collection of DNA.

22 The defendant shall also comply with following
23 special conditions: Financial disclosure requirement, no
24 new debt restriction, permissible search, self-employment
25 restriction, and unpaid restitution, fines, or special

1 assessments as noted in Part F of the presentence report.
2 It is further ordered the defendant shall pay immediately
3 to the United States a special assessment of \$100. The
4 total sentence, 8 months imprisonment, 3 years supervised
5 release, \$100 special assessment.

6 Now that sentence has been imposed, does the
7 defendant or his counsel object to the Court's finding of
8 fact or the manner in which sentence was pronounced?

9 MS. BOZANIC: Judge, I will object that the
10 sentence is greater than necessary and substantially
11 unreasonable.

12 THE COURT: All right. You have the right to
13 appeal the sentence and conviction imposed. Any notice
14 of appeal must be filed within 14 days after the entry of
15 the judgment. If you are unable to pay the cost of an
16 appeal, you may apply for leave to appeal in forma
17 pauperis.

18 The Probation Office has possession of the
19 defendants United States passport. It is ordered that
20 the Probation office is to surrender the passport to the
21 defendant's attorney of record.

22 I will remand you to the custody of the United
23 States Marshal at this time.

24 MS. BOZANIC: Judge, would your Honor consider
25 allowing him to stay out pending the appeal?

1 THE COURT: You know, you can probably count on
2 the fingers of one hand the ones that I have permitted
3 that to, and I will not permit that.

4 We'll be in recess.

5 (Proceedings concluded at 11:33 a.m.)

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C E R T I F I C A T E

I certify that the foregoing pages represent a true and correct transcript of the above-styled proceedings as reported on the date, time, and location listed.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was reported, and further that I am not financially nor otherwise interested in the outcome of the above-entitled matter.

DATE: 9/10/24 /s/Mary Ann Casale, RDR, FPR-C, CLR, CSR-IL
Official Court Reporter
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Southern District of Florida
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