

UNITED STATES COURT OF APPEALS
FOR THE FOURTEENTH CIRCUIT

Case No. 21-6295

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

KEETON PINE,

Defendant-Appellee.

Case No. 1:21-CR-1845

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

The Honorable Robyn Lopez,
District Judge

DOCKETING NOTICE

Appellant United States of America having filed a Notice of Appeal on August 12, 2021, from the Judgment of the United States District Court for the Northern District of Arcadia entered August 10, 2021, and the appropriate Docketing Fee having been paid and Docketing Statement filed, along with statements of representation by all parties; the Court hereby gives notice, pursuant to U.S. Court of Appeals Federal Circuit Rule 12, that this appeal has been docketed as of today's date.

SO ORDERED:

/s/ Tarek Hassan
Clerk of the Court

DATED: August 16, 2021

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ARCADIA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) No. 1:21-CR-1845
)
 KEETON PINE,)
)
 Defendant.)
)

DOCKET [excerpted]

Item #

13. Notice of Appeal – August 12, 2021
12. Order – August 10, 2021
11. Memorandum Decision – August 10, 2021
10. Plaintiffs’ Opposition to New Trial and Change of Venue – August 5, 2021 [omitted]
9. Defendants’ Motion for a New Trial and Change of Venue—August 3, 2021 [omitted]
8. Terminated Attorney Kelsey Steele and added Attorney Shanda Lim for Defendant Keeton Pine pursuant to email notification regarding counsel of record – July 18, 2021 [omitted]
7. Pre-Trial Motion for Change of Venue DENIED – July 15, 2021[omitted]
6. Abbreviated Transcript of a Conversation between Defendant Keeton Pine & Undercover Informant Mario Carter [EXHIBIT 1] – May 5, 2021
5. Abbreviated Transcript of NGC News Coverage [EXHIBIT 2] – May 2, 2021
4. Map: Arcadia (SA) Population By County [EXHIBIT 3] – May 1, 2021
3. Arcadia City Times Exposé on Pine & Charity Scandal [EXHIBIT 4] – May 1, 2021
2. Daily Shopper Article on Pine & Charity Scandal [EXHIBIT 5] – May 1, 2021
1. Collection of Social Media Posts and Reactions [EXHIBITS 6-12]

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ARCADIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:21-CR-1845
)	
KEETON PINE,)	
)	
Defendant.)	
)	

NOTICE OF APPEAL

Notice is hereby given that Plaintiff United States of America appeals to the United States Court of Appeals for the Fourteenth Circuit from the Court's Memorandum Opinion and Order dated August 10, 2021, and entered that same day grant for Defendant Keeton Pine's motion for a new trial pursuant to Fed. R. Cr. P. 33(a) and grant of renewed motion for change of venue pursuant to Fed. R. Cr. P. 21(a). The District Court granted a Certificate of Appealability for its Opinion and Order on August 11, 2021.

Respectfully submitted,

/s/ Shanda Lim
Attorney for Plaintiff

Dated: August 12, 2021

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ARCADIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:21-CR-1845
)	
KEETON PINE,)	
)	
Defendant.)	
)	

ORDER

GARDNER, J:

Following a jury trial, Defendant Keeton Pine was convicted of wire fraud and conspiracy, 18 U.S.C. §§ 371, 1343. He has now moved for a new trial under Rule 33 of the Federal Rules of Criminal Procedure, arguing that (a) his lawyer’s deficient performance in plea negotiations deprived him of his right to effective assistance of counsel, and (b) the Court should have granted his pretrial request for a change of venue. This motion requires the Court to resolve two issues:

1. Had Pine’s Sixth Amendment right to effective assistance of counsel attached at the time of his plea negotiations with the government even though he had not yet been indicted?
2. Did the surge of publicity surrounding Pine’s case in this district, especially in light of contemporary social media mores, deprive him of his right to a fair trial?

For the reasons set forth below, the Court answers both of these questions in the affirmative and grants the Defendant’s motion for a new trial.

FACTS¹

Whatever the truth of the underlying allegations in this matter, and however the charges are ultimately decided, there can be no doubt that this is an unfortunate case of a town dismantled by the forces of nature and a hometown hero's fall from grace.

The Defendant

Defendant Keeton Pine has been a popular Arcadia City native since he graduated from Arcadia's main public high school, Arcadia City High ("ACH"), in 1991. His father, who taught at ACH, coached him through a successful high school baseball career. After graduation, Pine entered the San Diego Padres' farm system and ultimately played three seasons with the Padres' Class AA affiliate, the San Antonio Missions, before an injury ended his professional career in his mid-twenties.

Pine returned to Arcadia City and found a job as a baseball coach at ACH. While coaching at his alma mater, Pine attended night school to earn a bachelor's degree and ultimately followed in his father's footsteps as a history teacher at ACH, where he continued coaching baseball. In Pine's fifteen years as coach, he led the team to several state championships, helped several students secure athletic scholarships, and even coached a few to the majors.

As time went on, Pine became a beloved figure both at ACH and in the city at large. In addition to coaching in Arcadia City's youth leagues, Pine arranged for second-hand athletic equipment to be donated to children in need and ran summer youth baseball camps. He also organized annual charity baseball games with his childhood friend and local small-business owner Mario Carter.

Pine entered the administrative ranks at ACH, eventually rising to school principal in 2014. In the years that he has led the school, the average test scores of ACH's students have risen by 22%, average SAT scores have risen by 64 points, and the number of graduating seniors admitted to highly selective colleges has more than doubled. As of 2019, ACH was ranked among the top 5 schools academically in the State of Arcadia. The ACH baseball team also continues to be a perennial state championship contender. These academic and athletic achievements have endeared Pine to the citizens of Arcadia City, which recently found itself, for the first time, ranked in *Money* and *U.S. News & World Report* lists of "Top 25 small cities in which to raise a family" — a distinction that, among other things, is associated with a 17% rise in residential property values across the city, far above the regional average.

¹ The facts set forth here, and in any footnotes or sources cited herein, were established by evidence at pretrial, trial and post-trial hearings, and are not in dispute.

The 2019 Derecho

These years of civil progress in Arcadia City abruptly ended on April 25, 2019, when Arcadia City was struck by a catastrophic derecho, also described as an "inland hurricane." The 2019 derecho ripped across several mid-western states, including Arcadia, with gusts of wind up to 140 mph.

In Arcadia City, the extreme winds caused extensive property damage, destroyed power and sewage infrastructure, and resulted in over 1,000 injuries and three casualties. Over 90% of properties reported damage. City officials estimated the city's cumulative losses to be \$60-\$80 million. The city applied for FEMA funding and was granted \$55 million for cleanup projects such as residential debris cleanup, river debris cleanup, and road debris cleanup. The city had its own relief fund as well; however, most of those funds were applied to cleanup costs not covered by FEMA and public building repairs. While most of the private building repairs were covered by insurance, many businesses incurred ancillary personal expenses. Over one-third of businesses had to stay closed for more than two weeks while waiting for power lines, communications, and internet to be restored.

Individuals and groups across the city rallied to combat the devastation caused by the derecho, including the students and faculty of ACH. Keeton Pine, as principal, led the school's fundraising efforts, which were tremendously successful. Soon, parents and teachers were asking Pine if he could organize something for the larger Arcadia City community. Pine enlisted his good friend Mario Carter, and after some brainstorming, the two men realized that most of the existing aid money was going towards cleanup efforts and personal property damage rather than to rebuilding the city's decimated business district. They decided that they would focus their fundraising efforts on helping local businesses rebuild, restock, and reemploy.

Though the two had previously organized fundraisers, Pine and Carter had never created a free-standing charitable organization. After asking around for recommendations, Carter eventually located and hired Anika Fanton, a non-profit financial consultant based in Arcadiapolis, for help establishing and managing their proposed foundation.

Within a matter of weeks, Fanton had filed the necessary legal documents with the Secretary of State and tax authorities to establish the "Building Back Better" foundation ("BBB"). She then set up a bank account, website, Venmo account, and social media pages for the fledgling not-for-profit as well. Businesses applied for need-based aid through a portal on BBB's website.

All three organizers were aware that Pine's popularity and reputation were BBB's prime asset in raising funds and awareness of the foundation's mission. Fanton persistently pushed Pine to promote the charity through his personal social media; speeches at the start of high school and youth sporting events; and appearances on local morning news segments and at meetings of groups such as the Lion's Club and the Chamber of Commerce.

BBB ultimately raised close to \$9 million in six months of active fundraising and informed business owners who had been approved for need-based aid that they would receive it in installments. The foundation began distributing portions of money in June 2020.

Distributions continued throughout the summer of 2020, and a pie-chart graphic on BBB's website, updated weekly, purported to show the growing percentage of raised funds that had reached local businesses. By November of 2020, however, a number of businesses noted that the pace of distributions had slowed and that payment amounts were often below the promised amounts. Comparing notes, local business owners began to realize that distributions had stopped entirely by December 2020, despite what the pie chart showed.

When he received queries, Pine repeatedly promised that the funds would come and that only minor technical difficulties and "red tape" were holding things up. Pine also frequently mentioned Fanton's expertise in fundraising and not-for-profit governance and said that she had assured him any issues BBB was having with the banks would be cleared soon.

The Federal Investigation

Eventually, local business owners began complaining in calls to their City Council members, on social media, and to one another that very little BBB aid seemed to have actually reached its intended targets, despite BBB's continued fund-raising success. When whispers turned to grumbles at the beginning of 2021, Mario Carter, apparently hoping to get out in front of the controversy, asked the State Board of Accounts to conduct an audit of BBB.

The State Board of Accounts conducted an initial examination of BBB's records, and what they found prompted them to contact the Federal Bureau of Investigation (FBI). The FBI soon determined that virtually none of the aid had been distributed to local businesses. Instead, large amounts of money had been disbursed through checks written by Fanton to flimsily-documented organizations, many of which appeared to be shell entities upon closer inspection.

The FBI also discovered that BBB had distributed only 4% percent of the total money it collected. The rest had been filtered through a joint investment account into sums of cryptocurrency and shares of a budget cruise line and a start-up airline; some of the records identified BBB as the owner of these assets, but others were registered either in the names of Pine or Fanton or to bank accounts, shell companies, or third parties affiliated with Pine and Fanton. In the wake of the COVID-19 pandemic, most of these speculative investments had bottomed out and were essentially worthless.

During their investigation, the FBI attempted to question Fanton, Carter, and Pine individually, without identifying any of them officially as a "target" of a federal investigation. Fanton, who was contacted first, declined to speak to the agents and quickly emailed the others, urging them to stay silent until they had counsel. She suggested that they each hire the firm of Steele, Alvarez, Singh, and Leal, LLP. Pine contacted the law firm first and hired Kelsey Steele to represent him personally in the investigation.

Steele responded to the FBI on Pine's behalf, informing them that they represented Pine and that all contact with Pine should go through them. Shortly thereafter, Carter met with investigators secretly and accepted a deal from the FBI granting him immunity in exchange for his cooperation in the investigation and his testimony at trial.

Meanwhile, apparently alarmed by the investigation, Fanton contacted her cryptocurrency broker, Sergei Ivanov, a citizen of Belarus. Ivanov flew from New York City to Arcadia City to meet with her. The FBI, however, apparently had gotten wind of Ivanov's possible connection to the alleged embezzlement and detained Ivanov for questioning when he landed at J.F.K. Agents soon learned through their questioning that Ivanov, while careful not to implicate himself, seemed to have important information about how BBB had invested its money, including records suggesting that Fanton planned to divert money to her personal accounts.

By this time the government had convened a grand jury to investigate the allegations swirling around BBB and its principals. Fearing that they did not have sufficient grounds to detain Ivanov indefinitely, and knowing that once he returned to Eastern Europe it would be difficult if not impossible to compel his testimony, Assistant U.S. Attorney Asuko Nakano took the unusual step of asking the court with jurisdiction over the grand jury investigation to authorize a deposition of Ivanov under Federal Rule of Criminal Procedure 15(a).

The United States Judge Magistrate, while recording her unease at Rule 15 being used in a case in which there was as yet no "defendant," tentatively authorized the deposition, noting that by doing so, the Court rendered no opinion on the use or future admission at trial of any testimony taken through the procedure.² Because of Steele's prior announcement that they represented Pine in connection with the investigation, Nakano took the precaution of notifying Steele, who attended the depositions.

Word of the FBI investigation soon leaked and aroused intense public interest. Some presumed the rumors of squandered funds to be true and were shocked and angered that a local hero had apparently been involved in such a scheme. Others, either out of loyalty to Pine or fear that national publicity about the scandal would damage Arcadia City's rising status as a desirable place to live, urged their neighbors to avoid gossiping and jumping to conclusions.

By this time, Mario Carter, fearing that he faced criminal liability for his role in BBB, was fully cooperating with government investigators. Nakano acknowledged to Carter that she was feeling intense public pressure to produce results in the investigation, and she ultimately persuaded Carter to record conversations with Pine via a hidden recording device. In the course of several conversations with Pine, Carter recorded several remarks that the government considered incriminating (although Pine's attorneys would later argue at trial were merely ambiguous).

Apparently still not entirely sure of the strength of the government's case, the AUSA contacted Kelsey Steele approximately two weeks before the grand jury ultimately indicted Pine,

² Indeed, while Ivanov reportedly did have information useful to investigators, second thoughts on the part of the government about the legality of this procedure apparently prompted it ultimately not to offer any of Ivanov's testimony, or evidence directly flowing from that testimony, into evidence at trial.

and, armed with these undercover recordings, began plea negotiations, culminating in the offer of a formal plea negotiation, set to expire in three days.

According to Pine's later credible testimony given at the post-trial Rule 33 hearing, Steele's communication with Pine during the crucial three-day period was fitful and confusing. Pine later testified that, while he was a well-known figure in his community and enjoyed a certain authority as school principal, he was essentially still a "small-town boy" at heart and lacked any experience with the law, lawyers, or the criminal justice system beyond "watching many seasons of Law & Order."

Steele, according to Pine's later credible testimony, never fully explained the details of the discussions with Nakano. Nor did Steele ever explain (or, apparently, do much to gauge) the depth or strength of the government's case; the range of charges on which Pine might be indicted if he refused the plea; or the likely sentence would be if Pine were to be convicted on those charges. Pine later testified that, frustrated with Steele's lack of explanation, he had tried to compute, from online sources, his possible sentencing range if convicted of wire fraud or conspiracy, but that his efforts had run aground on the shoals of the notoriously impenetrable Federal Sentencing Guidelines.

Most crucially, according to Pine (whose testimony was disputed by Steele, but buttressed by emails and texts between the two), Steele never specifically informed Pine that a formal offer from the government was on the table, or that the offer had but a short shelf-life.

Ultimately, the three-day window closed without Steele ever explicitly rejecting or accepting the plea offer on behalf of Pine. The grand jury indicted Pine, and Pine pleaded not guilty. According to Pine, Steele became even vaguer in their advice and more difficult to contact after he was indicted. Steele did present the initial motion for change of venue to the Court; however, after that motion was denied, Pine, having by then lost faith in his attorney entirely, fired Steele and asked the Court to appoint new counsel. The Court appointed local solo practitioner Shanda Lim to represent Pine, whose financial assets were by now exhausted, under the Criminal Justice Act.

Pre-Trial Publicity

The northern half of the state of Arcadia is extremely rural and sparsely populated. Arcadia City is the largest city in northern Arcadia, despite its population reaching only 60,000 people. However, this somewhat isolated community sports a vigorous mass media scene and, as with almost anywhere in the contemporary United States, a vast sea of social media users.

For some citizens, following the Pine case became a borderline obsession, with local news and publications giving daily coverage. Arcadia City has two local competing TV news stations. HBN is the most popular station reaching about 95% of Arcadia City's citizens and

NGC is the second most popular news station reaching about 78% of the city's citizens. Arcadia City also has one major city newspaper, *Arcadia City Times*, and an alternative newspaper, *The Daily Shopper*. Local social media backlash was also significant. Most of the coverage focused on Pine as the face of BBB and the most well-known of BBB's founders.

The first large-scale news coverage of this case began on April 25, 2021, two years after the derecho disaster. The *Arcadia City Times*, reaching 69% of Arcadia City's population, published an exposé detailing Pine's rise in status in the community and his involvement in the alleged scam. The *Times* also printed stories containing statements from citizens who had made large donations to BBB, describing Pine as a “skeevy conman” and alleging that he also stole from their little leaguers (though that claim is unsubstantiated). Letters to the editor in the *Times* often took Pine's guilt for granted and asserted that he was a fraud from the start.

Notwithstanding the exposé, the *Times*'s in-house writer and editorial board took a more neutral and cautious approach than the city's alternative newspaper, *The Daily Shopper*. The *Times* generally published at least one weekly headline about the case and one to three related editorials every two weeks.

Moreover, since news of the investigation broke, HBN provided consistent, once-per-week, fact-based reporting on the alleged crime. Though HBN reported on the conversation secretly recorded by Carter as a taped “confession,” it took pains to clarify that the wired statements may not be a holistic picture of the case and that Pine had no idea he was speaking to a person with a hot mic.

NGC, on the other hand, provided much more opinionated reporting. Since the story broke, NGC consistently covered the incident three days a week. It frequently painted Pine in a fiendish light, airing interviews with angry locals and encouraging side conversations about Pine's guilt and character. They emphasized “shady foreign bitcoin investments” and accused Pine of secretly keeping some money. NGC frequently aired the leaked recording of Pine's “confession” to Carter and the prosecution's statement that Pine is a “local Bernie Madoff.” AUSA Nakano agreed to give several interviews with NGC in the months immediately preceding trial.

Social media also aggressively followed the case. There is a community Facebook page dedicated to the burgeoning scandal. 26,000 Arcadia City residents are members of the group, and thousands more (up to 36,000) were exposed to the page through their Facebook feed. The Facebook group contained egregiously defamatory posts and comments about the defendant from thousands of community members. The group additionally promoted a fundraiser for those expecting, but never receiving, money from “the sham charity.” HBN, NGC, and The Arcadia City Times directed their viewers and readers to the community Facebook page for the purpose of contributing to the fundraiser while inadvertently exposing them to the defamatory posts about Pine and his partners.

Though most of the news coverage was local, CNN reported on the case nationally three times for a total of ten minutes on their nightly broadcast in the week prior to trial and Fox News reported on the case twice for a total of seven minutes of airtime.

During the pretrial hearing in July 2021, all three local news sources amped up their coverage of the case, each providing daily updates, newscasts, and articles. Both NGC and HBN had live newscasters inside the courtroom in media-designated areas and outside the courthouse, ready to ask the prosecution and Defendant questions. NGC pelted the Defendant with questions such as, “How does it feel to be the Bernie Madoff of Arcadia Town?” and “Why did you plead not guilty when you already confessed to an undercover agent?”

Additionally, the Facebook group orchestrated a group protest outside of the courthouse. The group held up picket signs with derogatory comments about the Defendant. The newscasters waiting outside the courthouse, along with a Facebook group administrator via her iPhone, streamed some of the protest. After the week-long pretrial hearing, the news stations went back to reporting on the case at their previous rates.

Jury Selection and the Trial

After she entered her appearance for Pine, attorney Shanda Lim renewed the defense’s motion for a change of venue under Federal Rules of Criminal Procedure 12(b)(3)(A)(i) and 21(a). While the Court again denied this motion, it took notice of the heightened news coverage and widespread public interest and decided to structure voir dire in two phases.

In the first phase, a questionnaire was sent to more than 500 venirepersons. Questions included: “Are there hardships that prevent you from coming to court?” “Have you heard of the case?” “Could you reach a verdict based solely on the evidence?” Over 75% of the answering venire persons said they would be unable to reach a verdict based on the evidence, having already pre-judged Pine’s guilt. Three hundred eighty-nine venire persons were dismissed for hardship and/or inability to impartially decide the case based solely on the evidence presented at trial.

In the second phase, 111 potential jurors were brought in and extensively questioned about their exposure to news reports, their involvement in the community Facebook group, whether they had donated to the Facebook group fundraiser, whether they felt biased against the defendant, and whether they could set aside their biases and judge the case impartially. Sixty-four potential jurors were excluded for cause, given their inability to judge the case neutrally. Of the remaining 47 potential jurors, 16 were excluded by the parties’ respective peremptory challenges. The Court empaneled 12 of the remaining potential jurors remaining and set the trial date for one month from the empanelling of jurors. The defendant immediately renewed his motion for transfer of venue, arguing actual prejudice tainted the jury given the sheer number of jurors who were excluded for prejudging his guilt.

Pine’s trial lasted approximately two weeks, with each news source reporting on the case nearly every day of the trial. The jury unanimously convicted Pine on all counts of wire fraud and conspiracy to commit wire fraud.

Four days after the jury’s verdict, Pine moved for a new trial pursuant to Federal Rule of Criminal Procedure 33(a). In his motion, Pine first argued that Steele’s performance deprived him of the effective assistance of counsel guaranteed by the Sixth Amendment, especially based on facts that had emerged at trial, because Steele’s handling of the plea negotiations, and in particular his failures in sufficiently communicating the government’s plea offer or the dangers of rejecting the plea deal. Second, Pine renewed his motion for change of venue, arguing that in light of the way the trial developed and the atmosphere in town, the Court’s initial decision not to transfer venue had deprived him of his right to a fair trial.

The Court held a day of post-trial hearings on Pine’s motion, taking evidence both on Steele’s actions surrounding the plea negotiations and the extent of media coverage concerning the trial. Having considered the arguments and evidence at that hearing, the Court now finds for Pine on both points for the reasons that follow.

DISCUSSION

I. Was Pine Deprived of the Effective Assistance of Counsel by Steele’s Actions?

Pine argues that Steele’s failure to inform him of the Assistant United States Attorney’s plea deal, the amount of incriminating evidence the government had, and the potential consequences of going to trial violated his right to effective assistance of counsel.³ The government does not dispute that, based on the evidence adduced at the post-trial hearing, Steele’s performance satisfies both prongs of the *Strickland* test for ineffectiveness. Indeed, it is well established that counsel has the duty to communicate favorable formal plea offers to a client, and that failure to do so, alone, may be ineffective assistance of counsel. *Missouri v. Frye*, 566 U.S. 134 (2012).

Rather, the government bases its opposition to Pine’s argument solely on the grounds that because Pine had not even been indicted at the time the plea negotiations took place, Pine’s constitutional right to counsel had not yet attached.

The Sixth Amendment provides that “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense.” U.S. Const. amend. VI. This includes the right to effective assistance of counsel at all “critical stages” of the criminal proceedings. *Lafler v. Cooper*, 566 U.S. 156, 165 (2012). When presented with right to counsel claims, courts must determine (1) if the event in question is part of an “adversary judicial proceeding,” thereby attaching the right to counsel, and then (2) if the alleged violation occurred at a “critical stage.” *Kirby v. Illinois*, 406 U.S. 682, 688 (1972); *see also Lafler*, 566 U.S. at 165.

³ Ineffective-assistance claims, unlike most issues, may be raised through collateral proceedings even where not raised on direct appeal, *Massaro v. United States*, 123 S. Ct. 1690 (2003), and in fact many courts strongly urge defendants to save those challenges for post-conviction habeas relief. *See, e.g., United States v. Cates*, 950 F.3d 453 (7th Cir. 2020). Nonetheless, where the defendant believes that the record is developed sufficiently after trial to ground such a claim, there is no inherent impediment to making an ineffective-assistance claim via Rule 33 post-trial motion and, if denied, on direct appeal. *See, e.g., United States v. Army*, 831 F.3d 725, 730–31 (6th Cir. 2016).

Circuits are split on the matter of what constitutes an adversary judicial proceeding.⁴ A majority of circuits approach the attachment issue as a bright line rule. They hold the right to counsel never attaches until initiation of a “formal charge, preliminary hearing, indictment, information, or arraignment.” *United States v. Olson*, 988 F.3d 1158, 1162 (9th Cir. 2021) (quoting *Kirby*, 406 U.S. at 689); *see also United States v. Heinz*, 983 F.2d 609, 612 (5th Cir. 1993).

A minority of circuits, on the other hand, adopt a more flexible approach. These circuits hold that the Right to Counsel attaches when the accused finds “himself faced with the prosecutorial forces of organized society, and immersed in the intricacies of substantive and procedural criminal law.” *Matteo v. Superintendent, SCI Albion*, 171 F.3d 877, 892 (3d Cir. 1999) (quoting *Kirby*, 406 U.S. at 689); *see also Roberts v. State of Maine.*, 48 F.3d 1287, 1291 (1st Cir. 1995). The core of the disagreement is rooted in which language from *Kirby* is controlling.

This Court finds the flexible approach the more accurate interpretation of the Supreme Court’s Sixth Amendment jurisprudence. As the Seventh Circuit pointed out in *U.S. ex rel. Hall v. Lane*, the *Kirby* list is not exhaustive, but rather *Kirby* set out five settled points where the adversarial posture always begins. *U.S. ex rel. Hall v. Lane*, 804 F.2d 79, 82 (7th Cir. 1986) (citing *Maine v. Moulton*, 474 U.S. 159, 160 (1985)). To stick with the bright-line rule is to reduce the reach of Sixth Amendment protections to mere formalism, which is antithetical to the spirit of the Sixth Amendment. The criminal justice system is constantly evolving, and this flexible approach allows the Sixth Amendment to keep up with that evolution. *See Missouri v. Frye*, 566 U.S. 134, 143 (2012) (explaining that our criminal justice system has become a system of pleas).

When the Sixth Amendment right to counsel protections attach, courts must then determine whether the event in question is a “critical stage” of the criminal process. Critical stages are those where the accused is confronted by the procedural system or an expert adversary. *United States v. Gouveia*, 467 U.S. 180, 189 (1984). These critical stages are not limited to those at trial but may exist pre-trial. *United States v. Wade*, 388 U.S. 218, 227 (1967). In order to ensure an accused’s Sixth Amendment rights are not violated by the Government, courts must “scrutinize” every pre-trial encounter. *Id.* The Supreme Court has determined that post-indictment police line-ups, guilty pleas, and plea negotiations, among others, are considered critical stages of the criminal process. *See Frye*, 566 U.S. at 140-41.

By the time the Government initiated plea negotiations with Pine’s attorney, Pine’s right to counsel had attached. Pine found himself facing the prosecutorial forces of organized society in three ways. First, the prosecutorial forces were present in the Rule 15 depositions, which by their very nature put Pine in a trial-like situation. *United States v. Hayes*, 231 F.3d 663, 677 (9th Cir. 2000). Second, the AUSA’s immunity offer to Carter in exchange for his testimony against Pine was something only the prosecutorial forces of our society could offer.

Moving from the attachment issue to the critical stage question, plea negotiations and agreements are clearly critical stages of a criminal proceeding. *See Missouri v. Frye*, 566 U.S. 134, 141 (2012). This case closely resembles *Frye*, the only difference being when the plea deal was

⁴ For a more detailed overview of the circuit split, see Steven J. Mulroy, *The Bright Line's Dark Side: Pre-Charge Attachment of the Sixth Amendment Right to Counsel*, 92 Wash. L. Rev. 213 (2017).

offered: pre-, rather than post-, indictment. The Court can think of no logical reason that *Frye*'s holding—that defense counsel has a duty to communicate formal plea offers to their client, and that the failure to do so is ineffective assistance—would not encompass pre-indictment as well as post-indictment negotiations.

II. Did Pretrial Publicity Preclude a Fair Trial for the Defendant?

Pine previously moved for a change of venue under Fed. R. Crim. P. 21(a) twice before trial. The first motion was made following the pretrial hearing. Pine argued that the media coverage leading up to and in the day following the pretrial hearing was so pervasive and negative that there was presumed prejudice and that the jury pool was too tainted with bias to seat a neutral jury. This Court denied that motion, initially finding that while the reporting was negative, there was still a large enough jury pool to seat an unbiased jury.

Pine made another motion immediately following *voir dire*. He argued that the statistics of potential jury venirepersons that had predetermined his guilt in both the first and second phases of *voir dire* showed clear evidence of actual prejudice against him. Again, Pine's motion was denied.⁵

Pine now urges the Court to grant his renewed motion to transfer venue for precisely the same reasoning excerpted in his initial motions. The government argues that given the size of Arcadia City, the consistently neutral reporting by the largest news broadcasting network, HBN, and the fact that there were enough neutral jurors before peremptory strikes to seat a neutral jury, the Court was correct in its previous decision to deny both of the Defendant's motions for transfer of venue.

The Sixth Amendment guarantees criminal defendants the right to trial by an impartial jury in the "State and district wherein the crime shall have been committed." U.S. Const. amend. VI. However, the Constitution sanctions transferring the proceeding to a different district at the defendant's request if "extraordinary local prejudice will prevent a fair trial—a 'basic requirement of due process . . .'" *Skilling v. United States*, 561 U.S. 358, 378 (2010) (quoting *In re Murchison*, 349 U.S. 133, 136 (1955)). The Federal Rules of Criminal Procedure codify this principle in R. 21(a), which provides that a court must transfer the proceeding against that defendant to another district if the court is satisfied that so great a prejudice against the defendant exists in the transferring district that the defendant cannot obtain a fair and impartial trial there.

A trial judge must grant a request to change venue if either (1) the publicity surrounding the case creates a presumption of prejudice or (2) *voir dire* reveals an inability of the court to impanel an unbiased jury. *Skilling*, 561 U.S. at 380. Stated differently, in determining whether a change of venue is warranted, the trial court must employ a totality of the circumstances test, employing broad considerations as to whether newspaper, radio, and television reports are so biased that there is evidence that jurors are either actually prejudiced by the reporting or, given the weight of negativity, a judge can presume that it would be impossible to impanel an unbiased jury.

⁵ All parties agree that all three motions to transfer venue were timely.

See Skilling, 561 U.S. at 380; *Rideau v. Louisiana*, 373 U.S. 723, 726 (1963); *Estes v. Texas*, 381 U.S. 532, 545 (1965).

Upon reconsideration of the Defendant's renewed motion to transfer venue, this Court now finds that Pine was entitled to a transfer of venue to another district because of the pervasiveness of news media reporting on the case.

Although not necessarily a "small town," Arcadia City is not the kind of large metropolis that was at issue in *Skilling*. Arcadia city is a city of 60,000, within a county of only 65,000, and sits in a mountain valley where nearly all the news comes from two news broadcasts, two newspapers and three radio stations. NGC fervently reported on Pine's alleged confession and betrayal to the community, reaching and tainting the neutrality of a significant portion of Arcadia City citizens. The Arcadia City Times, the city's largest circulating newspaper, released an emotional exposé, detailing Pine's fall from grace in the community.⁶

Furthermore, Arcadia City citizens are very active and involved in social media, including their community Facebook page, "The Arcadia City Activist." The Facebook group has publicly disowned Pine and organized a protest against him during his pretrial hearing. Additionally, there are several tweets and Instagram posts that went "viral" in the community, proclaiming Pine's guilt and severely insulting his character.

The prosecution's argument that social media should not be considered in our analysis of pretrial publicity seems outdated: over half of American citizens get their news from social media,⁷ and we decline to follow other courts' hesitation to include social media in pretrial publicity analysis.⁸ The reporting on Pine leading up to his trial was so pervasive and prejudicial to Pine that we must presume prejudice in the Northern District of Arcadia.

Although the analysis could be stopped at the finding of presumed prejudice, it is worth discussing the community-wide bias evidenced in *voir dire*. *Voir dire* revealed a negative, community wide sentiment against Pine, with more than 75% of answering venirepersons in the first phase having predetermined that Pine is guilty and almost 60% of the potential jurors being excused for cause in the second phase, given their inability to neutrally judge the case. Therefore, actual prejudice also existed in this case.

For the foregoing reasons, this Court now holds that Pine is entitled to a new trial in a more neutral venue.

⁶ This opinion analyzes only two of the dozens of articles, newscasts, and radio broadcasts about the defendant that were submitted to this Court in the defendant's initial motion to transfer venue.

⁷ Shearer, Elisa & Grieco, Elizabeth, "Americans Are Wary of the Role Social Media Sites Play in Delivering the News," Pew Research Center (2019).

⁸ For a more detailed overview on the policy behind recognizing social media as a factor in venue analysis, see Leslie Y. Garfield Tenzer, *Social Media, Venue and the Right to a Fair Trial*, 71 Baylor L. Rev. 419 (2019).

CONCLUSION

For the reasons set forth above, the Defendant's motion for a new trial is GRANTED, and the jury's guilty verdict is hereby VACATED. The United States shall, within fourteen (14) days of this order, confer with Pine's new counsel and propose a plea deal with terms no more onerous than those offered before Pine's indictment.

If those discussions do not result in a guilty plea, and the government decides to retry Pine, then such trial shall take place in a new venue. Each party is to inform the Court of their proposed alternate venues for the retrial within thirty (30) after the parties notify the Court that they have been unable to settle the case.

SO ORDERED:

/s/Alberta Gardner
Alberta J. Gardner,
U.S.D.J.

August 10, 2021

EXHIBIT 1

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ABBREVIATED TRANSCRIPT OF THE CONVERSATION
BETWEEN DEFENDANT KEETON PINE &
UNDERCOVER INFORMANT MARIO CARTER

.

Keeton: Come on in, Mario. I'm sorry about all of that
out there. I just can't get those cameras to leave.
It's like I'm a prisoner in my own home.

Mario: People are really mad, man. They're saying
a lot of things out there.

Keeton: They're blaming everything on me! I didn't lose
all our money - why aren't they aren't talking about
Anika? She was the one messing with the money. Or
like, why aren't they mad at you?

Mario: I mean, they've said a few things about me.

Keeton: But it's not like what they're doing to me -
have you seen what they did to my house? I'll have to
repaint the whole thing and the police aren't even
trying to find the kids who did this.

Mario: Keets, you know this is really serious, right?

Keeton: I know, that's what I tried to tell them!

1 Mario: No. I don't mean the graffiti; I mean what we did with
2 Building Back Better. We ruined lives.

3

4 Keeton: That was Anika. Anika ruined lives, not us - look,
5 Mario, I've been talking to my lawyer about this. I'm a
6 principal, right, and I'm the best coach ACH has ever had -
7 the best in Arcadia. I've trained kids for college ball that
8 never would have made it without my help. I've given my life to
9 that school and I've never messed up before. These people love
10 me. They're just overreacting.

11

12 Mario: I don't think that's enough. People got really hurt. The
13 school reputation is really damaged. Kids lost admission
14 opportunities and parents are, well they're seeing red, man.
15 The businesses are going bankrupt - it's bigger than ACH.
16 A lot of families lost their income, and the rest are scared
17 they'll be next. Shouldn't we feel responsible for that?

18

19 Keeton: I don't feel responsible. I'm not a finance guy. How
20 would I know what Anika was doing was wrong?

21

22 Mario: You knew what Anika was investing that money, right?
23 And didn't she give you some of the money, too?

1 Keeton: Yeah, but we both did, and I thought investing the money
2 was just what professionals did to, I don't know, keep it going.

3

4 Mario: Are you honestly telling me you thought professionals
5 invested money in Comicoïn? That stuff is super shady, and that
6 start-up airline company she put so much money into was just her
7 brother's pet project.

8

9 Keeton: Maybe I knew, but you went along with it, too.

10

11 Mario: And I feel guilty! Don't you?

12

13 Keeton: Yes, I do, and I wish I never got involved in this whole
14 scheme, but I did this for the community. Any money that Anika
15 gave me from the charity's bank account was compensation for
16 everything I've done for these people and all the years I
17 invested in their kids and for all the hard work I put into
18 promoting this charity. Taking money from the account felt a
19 little off, but I deserved it. We both did.

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EXHIBIT 2

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ABBREVIATED TRANSCRIPT OF NGC
NEWS COVERAGE ON MAY 3, 2021

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INTRO MUSIC

DEEP DISEMBODIED VOICE: Reporting to you live, this is
NGC.

Rodger: Good evening, this is NGC Nightly News at six
o'clock. As always, I am your host, Roger Corningstone
joined by my colleague, Veronica Wright.

Veronica: Good evening. Our top story tonight is
Keeton Pine, a once-beloved coach and principal turned crock,
and the scam of a lifetime.

Rodger: Ah but it won't be a trial of a lifetime,
right Veronica?

Veronica: *short laugh* That's right Rodge. An
unidentified source has given NGC exclusive
information regarding the prosecution's case.

Rodger: It appears that the government has obtained a
confession from Keeton Pine confirming his involvement
in robbing Arcadia City of millions of charity
dollars. You've got to listen to this tape.

1 *TAPED RECORDING PLAYS*

2 KEETON'S VOICE: "Any money that Anika gave me from the
3 charity's bank account was compensation for everything I've
4 done for these people and all the years I invested" [BREIF
5 PAUSE]"Taking money from the account . . . I deserved it."

6

7 Veronica: Wow, I am shocked.

8

9 Rodger: Shocking is right. He coached my kid in baseball
10 [SHAKES HEAD] just when you think you know a guy.

11

12 Veronica: You can hear exactly how much he doesn't regret
13 stealing from all those people.

14

15 Rodger: Someone better check out that neurological fundraiser he
16 helped a few years ago. Can anyone actually confirm they got
17 that money?

18

19 Veronica: mmmm that's a great point Rodger. And to think the
20 Pine family has had such an impact on this town. It is so
21 disappointing.

22

23 Rodger: Indeed, I wonder if he even thought about what this
24 scam would do to his father's legacy.

25

1 Veronica: Truly sad. He better have a heck of a lawyer because
2 I think everyone in town knows he is guilty.

3

4 Rodger: Better hope for a good plea deal is more like it
5 Veronica. Any jury from this city would bury him. Coming up
6 next, a dog on a bicycle? You'll have to see it to believe it .

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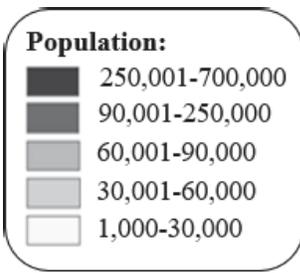
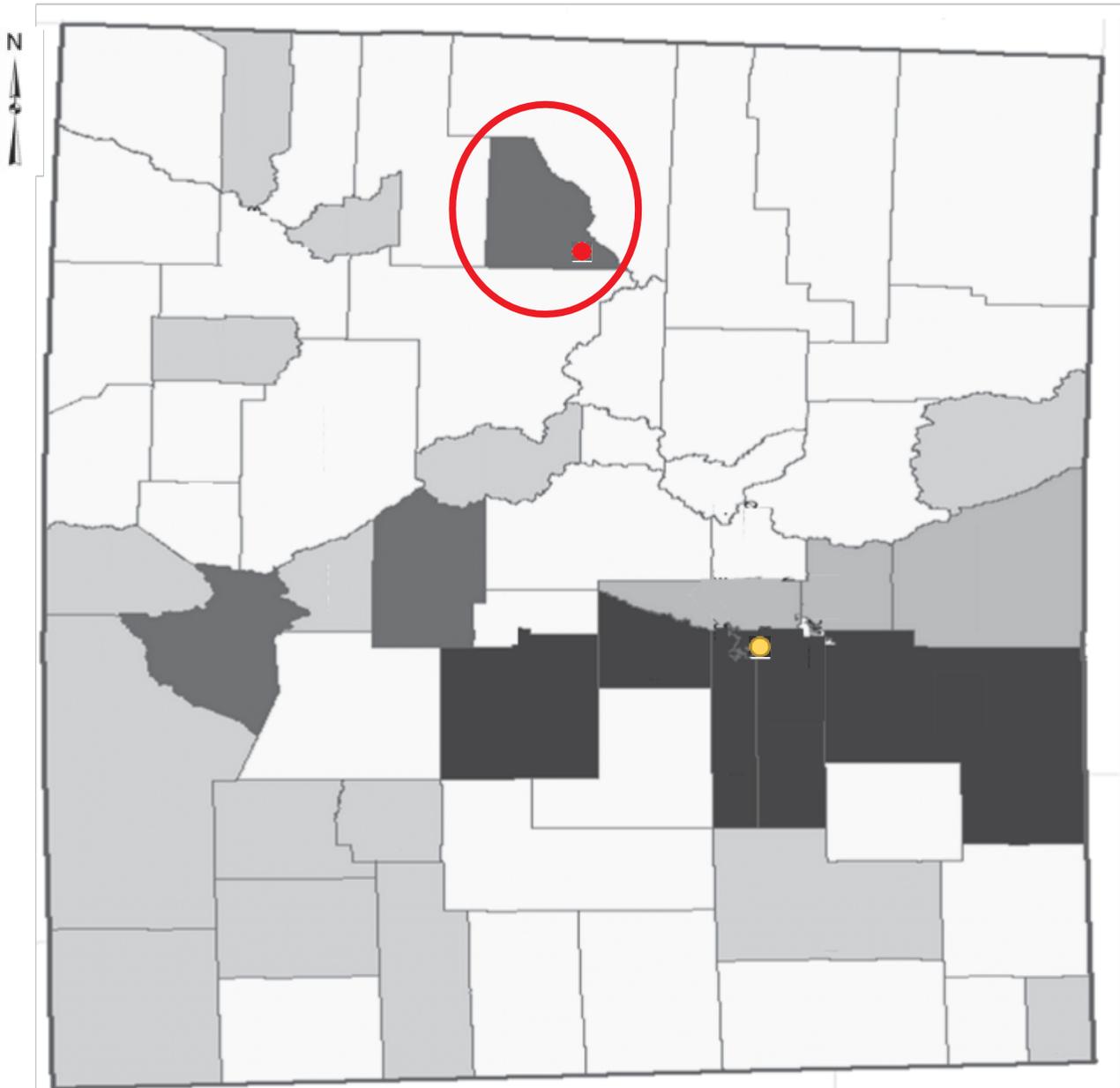
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EXHIBIT 3

ARCADIA (USA) POPULATION BY COUNTY (as of July 2021)



* Greene County is circled in red, and Arcadia City is identified by a red dot. The capitol city, Arcadiapolis, is identified by a yellow dot.

EXHIBIT 4

THE ARCADIA CITY TIMES

HOMETOWN HERO TURNS CROOK

Business owners promised funds outraged as they are forced to shut down

ARCADIA CITY — From the time he could hold a bat in little league, Keeton Pine dominated the Arcadia City baseball scene. Under his father's coaching, he led the Arcadia City Academy to four consecutive state championships and was drafted immediately out of high school to the Houston Astros. Following a heart-breaking and career-ending injury in his third year with the Astros, Pine returned to Arcadia City to establish a formidable little league baseball program.

Pine's program was a success both on and off the field. Arcadia City Little League attracted children from all backgrounds, providing the structure and camaraderie of sports and building the foundation for lifelong health and friendships. Pine reduced the barriers to access by providing uniforms and equipment with the money saved from his near-major league baseball paychecks. Pine's success, seemingly unquestionable

character, and commitment to youth development made him an easy choice for the Arcadia Baseball Board to select him as the head coach to represent Arcadia in the Little League World Series alongside his father. The Pines' combined decades of commitment and dedication to youth sports and the community landed them among the best known and most well-loved names in Arcadia City. Some even called for Keeton to run for mayor.

Heartbreak ensued for Keeton after a one-run loss to Louisiana in extra innings in the semifinals of the Little League World Series, followed closely by his father losing a long battle with a rare neurological disease. After the death of his father, Pine left baseball behind and went on to pursue a four-year degree in sports leadership and management. Upon completing his degree, Pine decided to return to Arcadia City and baseball. He accepted a position with Arcadia City High as a history teacher,

eventually climbing the administrative ranks to become the high school's principal, and head coach of the baseball team, continuing his father's legacy. Pine's dramatic return to the high school baseball scene led the team to several back-to-back state championships.

The city was thrilled with Pine's return. Turnout at the Arcadia City High baseball games was at a record high. The community rallied behind his fundraising efforts to support research for the rare neurological disease that took his father. In the 2015 season alone, Pine raised \$250,000 for the Brain Research Foundation. Pine became the face of not only local baseball, but local fundraising. Over the years, Pine became the spokesperson for a number of local charitable causes.

Not only was Pine the posterboard for high school baseball success, he drastically improved the high school's

average test scores and graduation rates. His leadership landed Arcadia City High in the top five schools academically in Arcadia.

Pine's success and prestige in the community would only plummet from there. On April 25, 2019, tragedy struck when the "derecho," an inland hurricane, decimated parts of Arcadia City. The derecho sustained winds and gusts between 90 and 140 mph for up to 45 minutes. The extreme winds caused extensive damage and power outages for hundreds of thousands of Arcadians, including Arcadia City's residents and businesses. Very few in the state were left completely unscathed, but in Arcadia City, the toll on property was catastrophically high. Over 90% of Arcadia City homes and businesses had at least some storm damage. Many of the severely damaged buildings were local businesses and historical buildings in the city's historic downtown.

City officials estimated city losses from the derecho to range between \$60 and \$80 million. A sampling of 111 Arcadia City businesses showed a collective loss of \$133.4 million. 90% of those losses came from a combination of structural and property damage, lost revenue from missed sales, and unpaid wages. The effects of the storm, including downed trees, extended power outages, disrupted internet and cellphone service, and impassible roads, resulted in lost days of operation for local businesses—32.1% of the respondents

reported losing two weeks or more of operation, and 22.6% lost more than one week.

"To say the storm was devastating to Arcadia City is an understatement," Pine told reporters in the week following the storm. Everyone in the community was deeply affected, and the students of Arcadia City High were feeling helpless, with many of the students' parents without income. Pine, as the principal of the high school, led fundraising efforts to aid families who were struggling.

As the initiative gained traction, several parents asked the school if they could donate larger amounts and if Keeton would be willing to manage a larger, city-wide effort to repair the city's business district. Pine agreed, partnering with his long-time friend and former high school teammate, and local plumbing magnate, Mario Carter. Because of the influx of sizeable donations, the two reached out to a non-profit consultant from Arcadiapolis's largest and most esteemed accounting firm, to help them manage the financials and officially establish the charity as Build Back Better.

Build Back Better raised \$9 million in the aftermath of the derecho. Business owners received their first installations of relief funds in June 2020. BBB's website showed a steady influx of raised funds that had reached local businesses, which came as a relief to the community after the

months of devastation caused by the storm. The community thought they were stepping out of a months' long drought of economic squalor and into a new day for the once bustling Arcadia City. They were horribly mistaken.

At the beginning of November 2020, the charity installments slowed and lessened in amount, and in December they halted completely. Despite the halting of payments, the BBB's website showed consistent increases in relief fund disbursements - the first indication that the BBB was involved in some shady business.

This left some businesses empty handed midway through renovations, and some families without the funds they relied upon for bills, food, and home repairs. When asked about when the next installments were coming, Pine gave seemingly sincere apologies and empty promises that the installments would be coming soon. Pine cited the reason for the halted installments as a "bank issue," and that their accountant, Anika, would get it sorted out as soon as possible.

News broke at the beginning of 2021 that the charity was being investigated for shoddy books. Interviews with local business owners and residents revealed that:

“We haven’t been paid since September. We can’t afford to finish the renovations, and our business has been standing unfinished and vacant since then. We trusted Keeton, and he let us down.”

“I had to shut down my antiques shops. No money coming in. I only received one check from the charity. I couldn’t afford to keep the doors open after the loss I took paying for what insurance wouldn’t cover in building repair.”

“My family received three payments. They helped us pay for food after my husband and I lost our business in the storm. We relied on those checks and now we can barely afford to put dinner on the table every week.”

Investigation revealed that only 4% of the total money raised by Build Back Better had been disbursed to residents and business owners, and that the rest of the funds had been invested into cryptocurrency, a new budget airline, and several cruise companies, who went bankrupt due to the Covid-19 pandemic conditions. Not surprisingly, the BBB’s records identified the BBB, Pine, and or the accountant. By mid-April 2021, Build Back Better had a negative account balance.

Outrage in the community sparked when an unnamed source released a statement that Pine made to his business partner, Mario. In the statement, Pine appears to make a confession, all but confirming his part and guilt in the

scam charity.

The community has taken to social media to express their feelings of being betrayed by one of the most revered public figures in Arcadia City. Keeton Pine has quickly plummeted to public enemy number one in Arcadia City. The community Facebook page, The Arcadia City Activist has even gone so far as to create a protest event at Pine’s upcoming pretrial hearing. The page also set up a community Venmo fund to raise money for those who relied on payments from Build Back Better.

Pine’s trial is set for late July, and it appears evident that the community will not have his back. Pine has experienced a fall from grace, and it is arguably an insurmountable feat to ever win back the hearts of the community.

The community is left confused, outraged, and heartbroken in the wake of this dishonesty from one of the most highly regarded figures in Arcadia City. Pine was part of a scheme that took advantage of a town ravaged by a storm of historic magnitude, and history will not look on him favorably. As the city attempts to pick itself back up by its bootstraps, the question left on everyone’s minds is: “Why Coach Pine?”

EXHIBIT 5

The Daily Shopper

MILLIONS GONE BUT KROOKED KEETON CAN'T STEAL HOME!

May 5, 2021

By Jennifer Hendrix

It has been a little over a year since the derecho destroyed much of our beloved community, but Arcadians don't stay down. For a year we have worked together to restore Arcadia City to its former glory. For the most part we've done it alone. At our darkest hour it looked like once again the golden boy Keeton Pine would lend his image and charisma to the benefit of the city that gave him so much. Instead of building back better, Keeton Pine burned us.

Build Back Better was supposed to revive our community, but instead it played us for fools and left worse for the wear. We should have known when the group was too lazy to come up with their own unique name that they weren't the real deal. Instead of helping people truly in need, Keeton decided to kick us while we were down by bringing in his own little legion of doom. They raised \$9 million dollars and yet only \$2.34 million went back to the community. Assuming they cut it three ways, Krooked Keeton, Maleficent Mario, and Apathetic Anika walked away with \$2.22 million apiece.

It takes a special kind of evil to steal from the destitute, but it looks like Keeton and his gang of thieves are a special kind of evil. While we suffered and gave to revive our community they probably bought fancy cars, ate steak dinners, and built brand new homes. Keeton, of course, denies it, but if they haven't spent the money on themselves then where is it? \$6.66 million doesn't just disappear overnight!

I've said it for years. Something is wrong with that man. NO ONE is THAT generous. It looks like I was right. Keeton Pine is an absolute creep who has always been in it for Keeton. He fooled us all. All those years of pretending to care about the community, but really he was just building good will so he could get away with the big scam.

Yet, we shouldn't despair! Justice has been done. Keeton Pine has been arrested and indicted for wire fraud and conspiracy. They say everyone deserves a fair trial, but I don't know about Keeton Pine. Good luck finding someone to sympathize with that thief. Then again, who cares about him. Honestly, let's hope they lock him up for good.

*Jennifer Hendrix is a local activist and former city council member. For more takes from "Jenni" check out her other articles at the Daily Shopper and her website Jenniforchange.com.

EXHIBIT 6



AC_Tim23 • [Follow](#)

Arcadia City



Liked by Avery and 20,543 others

AC_Tim23 Two years ago my home was destroyed and now my heart is too. #WhyCoachPine #JusticefortheAC...

more [View all 4872 comments](#)

APR 25

EXHIBIT 7



Boss Lady Bre • Follow

Arcadia City



Liked by Shi and 42,318 others

Boss Lady Bre No, this was not two years ago. This is the view of Hook and Spool from this morning. Keeton promised to help where insurance wouldn't and yet we are still waiting. THIS IS NOT JUSTICE! #JusticefortheAC

#WhyCoachPine ... more

View all 8,032 comments

KoolMomKelly Awww Bre I am so sorry to see the store like this even after a year, but really why is all the blame on Coach Pine?? He's done so much for the community. If you ask me it was the other people running the show.

MAY 12



Stewart Scott 

@stwrstacks21

EXHIBIT 8



Keeton Pine was my idol and my role model. I can't believe he would steal money from the people of Arcadia City like that. Such a shame to see a legend like that turn into a thief. Stabbed us all in the back.

12:00 PM · Jun 1, 2021

3.3K Retweets

1.1K Quote Tweets

12.3K Likes



 **Jenny Watkins** @jennwatkins · Jun 1 ...

He's totally guilty [#crook](#) [#strikeout](#) [#cantstealhome](#)
[#justiceforArcadiaCity](#)

 17

 42

 99



 **Ronnie D** @FleXXX · Jun 1 ...

Hey Jenny innocent until proven guilty

 34

 60

 75



 **Lottieeee** @charlotte_granger · Jun 1 ...

The news literally said they have incriminating evidence against him. He obviously did it

 14

 45

 55



 **jeremiah** @jmoneyyyy4 · Jun 1 ...

My mom lost her job because of him. I hope he rots in prison

 66

 148

 569



 **Nate** @baseballguy4576 · Jun 1 ...

I can't believe he would do something like that. There has to be some sort of misunderstanding...he was set up!!!

 9

 27

 61



 **Monica :)** @monicamassino9 · Jun 1 ...

what kind of vile creature steals money from people that are hurting and pretends to help them???

 43

 87

 147



 **rashida98563** @rashida98563 · Jun 1 ...

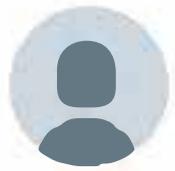
[#WhyCoachPine](#)



 32

 200





Maria Perez

@marialp34

EXHIBIT 9



This is SHADY! My brother played for coach Pine and our family thought he was a good guy, but I guess money and fame do terrible things to once good people...

4:15 PM · Apr 25, 2021

85 Retweets

1.2K Likes





William Krieger 

@LunchTalkWilliam

EXHIBIT 10



Even the trusted can no longer be trusted. A truly shameful moment for the Pines and all associated with them. America is losing its moral backbone as greed and corruption taint even Arcadia City. It is time for a change.

8:34 AM · Apr 26, 2021

348 Retweets **11.6K** Likes



Amar Anand @ArcadiaAmar · Apr 26, 2021

Love the show Will, but gotta disagree here. Pine seems to have been unknowingly sucked into this whole ordeal. I think he was trying to do the right thing but it blew up in his face.



Jenna Kirkfield @theREALcptKirk · Apr 26, 2021

Just gonna leave this here...



Carrotsgalore @rabbitverse34 · Apr 26, 2021

@ArcadiaAmar This is just a dumb take. The rich and wealthy don't care about us. They only want to line their pockets at our expense



EXHIBIT 11



Crystal Martinez ▶ **The Arcadia City Activist**

July 12 at 6:00am · 🌐

Protest Pine!!! Join us at the Northern District of Arcadia courthouse during his pretrial hearing to protest the pain and suffering that Keeton Pine and Build Back Better has caused our community! The government has his confession, and it's our job to make sure he knows that we will not stand for that kind of traitorous fraud in our community! #JusticefortheAC #WhyCoachPine



Like

Comment

Share

Anthony and 15,678 others



Write a comment...





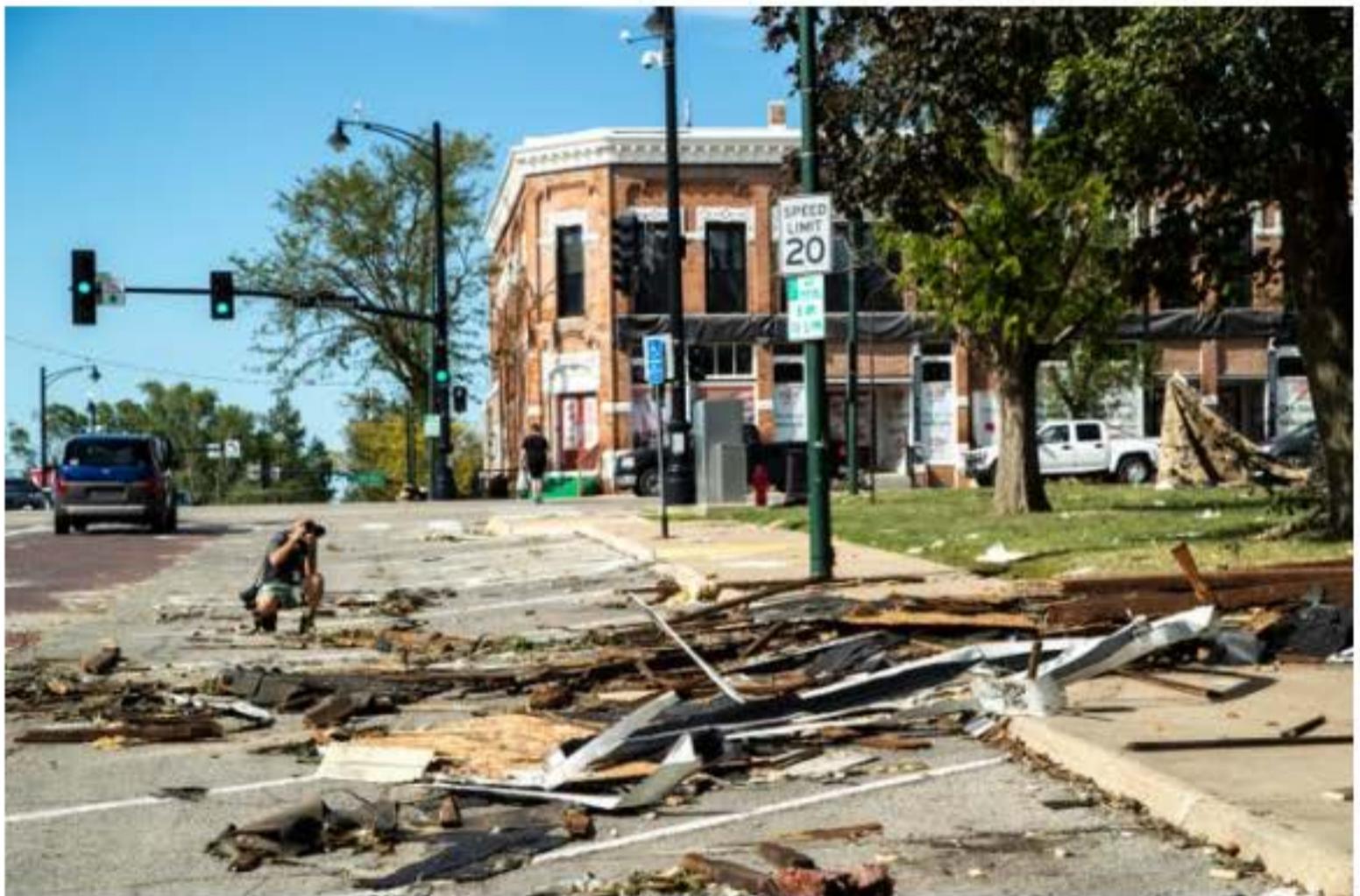
Malik Brown ▶ The Arcadia City Activist

July 25 · 🌐

Since the derecho in 2019, many of us are still without relief. We were promised help from Build Back Better. My business was totally destroyed, and I relied on their donations to keep my business afloat when the storm damage prevented customers from coming in for months. Last December I had to close my store for good. My business suffered because Pine thought the money would be better spent on cryptocurrency. I have four kids and can barely make ends meet.

Pine is a traitor to this community, and a traitor to me.

If you can, please consider helping those victimized by Pine's scheme. Donate to [Arcadia City Relief Fund](#) to help the many business owners who are still struggling. Funds will immediately be distributed to those who qualify. No need to worry about investments in cryptocurrency.



👍 Like

💬 Comment

➦ Share

👍👎 David and 45,743 others



Stasi Britton Pine is guilty and he will be convicted. I just heard his confession on NGC news. \$100 donated.

👍 5,609

undefined · undefined · July 25



Maria Vasquez I don't know. The accountant seems sketchy. This could totally be a set up.

👍 10

undefined · undefined · July 25



Write a comment...

