IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	CRIMINAL NO.:
AHMED M. SARY,	)	1:22-mj-01286-JMC
	)	
Defendant.	)	
	)	

Baltimore, Maryland
May 9, 2022
4:00 p.m.

TRANSCRIPT OF PROCEEDINGS
DETENTION REVIEW HEARING
BEFORE THE HONORABLE DEBORAH L. BOARDMAN
Courtroom 3A

For the Plaintiff:

Paul A. Riley, Esquire
Abigail E. Ticse, Esquire
Assistant U.S. Attorneys

For the Defendant:

Julie M. Reamy, Esquire

Also Present: Nevine Ibrahim, Interpreter

Proceedings recorded by mechanical stenography, transcript produced by computer.

Patricia G. Mitchell, RMR, CRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201

P R O C E E D I N G S

(4:21 p.m.)

THE COURT: Good afternoon, everyone. The Government please call the case.

MR. RILEY: Good afternoon, Your Honor. Calling the case of the United States of America versus Ahmed Sary, Case Number 22-mj-1286-JMC. Assistant U.S. Attorneys Paul Riley and Abigail Ticse on behalf of the Government. We're proceeding in connection with an appeal of an Order Setting Conditions of Release, Your Honor.

THE COURT: Okay, good afternoon to both of you. Please have a seat. Ms. Reamy?

MS. REAMY: Good afternoon, Your Honor. For the record, my name is Julie Reamy. I represent Ahmed Sary; he's standing to my left at trial table.

THE COURT: Okay, good afternoon to you. Good afternoon, Mr. Sary. I'm going to remove my mask because I'm vaccinated. If you are fully vaccinated and are speaking, you may remove your mask. If you're comfortable, you of course can keep your mask on all the time. If you're not vaccinated, your mask stays on. If you're not speaking, please wear your mask. All right?

Let's swear the interpreter in, please.

(Interpreter duly sworn.)

THE CLERK: Could you please state your name for the

record.

THE INTERPRETER: Nevine Ibrahim.

THE COURT: Are you certified interpreter of Arabic; is that correct?

THE INTERPRETER: I am proficient interpreter, Your Honor, towards the certification.

THE COURT: In Arabic, that's the language, correct?

THE INTERPRETER: Yes, yes.

THE COURT: Okay, you can have a seat, thank you.

THE INTERPRETER: Thank you.

THE COURT: We are here, as Mr. Riley said, on an appeal of a detention -- excuse me, a release order issued earlier today by Judge Hurson. The Government has appealed that, and of course the Court reviews the pretrial release order and any detention order de novo. I need to make an independent determination of whether or not there are conditions of release that will reasonably assure Mr. Sary's appearance and the safety of the community.

So let me just tell you what I have reviewed so far. I have reviewed Judge Hurson's release order. I have reviewed the Government's May 8 filing in this case, document 15. I have reviewed Ms. Reamy's submission, document 17. I have read the criminal complaint and the affidavit in support of the criminal complaint and the search warrant for various homes, the Pretrial Services report, and I have the Government's

exhibit and exhibit list from this morning.

So with that, Mr. Riley, I will hear from you.

MR. RILEY: Yes, Your Honor. I don't know that I have received a copy of Judge Hurson's detention -- release order in this case. It may have just been docketed. Obviously I was present at the hearing so I don't know that I -- the most important person to have a copy is you, Your Honor, but I will note that I have not received that. And we are moving pretty quickly here, given that the hearing before Judge Hurson was just a few hours ago. I did want to note that.

THE COURT: I can make you a copy if that is at all useful.

MR. RILEY: That would be helpful, Your Honor. I'm happy to, if Your Honor likes, if we get the copy made, if I could have even two minutes to review it --

THE COURT: Sure.

MR. RILEY: -- very brief period of time. I think I have a good sense of what the ruling was, but the actual written order, it would be nice to see that --

THE COURT: Absolutely.

MR. RILEY: -- I apologize.

THE COURT: No problem, we're moving fast.

Mr. Riley, Mr. Sary has been detained since April 29; is that correct?

MR. RILEY: Let me check my calendar here -- April

29, yes, that was Friday. Yes, Your Honor, that's correct. I would note this matter was originally set in for a detention hearing before Judge Copperthite on Wednesday last week. There was a continuance asked for by counsel, granted by the Court, which resulted in us being before Judge Hurson this morning.

THE COURT: Understood. Ms. Reamy, are the third-party custodians that were part of the release order, Ms. Sary and Ms. Derezinski, are they here?

MS. REAMY: Yes.

THE COURT: I see them raising their hand.

(Document tendered to counsel.)

MR. RILEY: Thank you, Your Honor. If I could have a couple minutes to review this quickly.

THE COURT: Of course.

MR. RILEY: Thank you.

(Pause.)

MR. RILEY: Thank you, Your Honor.

THE COURT: I'm ready to hear from you, Mr. Riley.

MR. RILEY: Thank you for your patience, Your Honor. I know Your Honor is reviewing -- for the record, Your Honor, I'm vaxed and boosted so I'll be removing my mask.

THE COURT: Okay. If we could all slow down one step. I'm reminding myself as well, so the interpreter can interpret us in real time.

MR. RILEY: Thank you, Your Honor. I do have a

tendency to speak quickly, so I'll do my best. Your Honor, the Government would ask this Court to revoke the release order entered earlier today and enter an order of detention. The Government is seeking detention on the basis of risk of flight as well as economic danger to the community. The Government also submits that there is a serious risk that this defendant will obstruct justice or attempt to obstruct justice.

Your Honor has reviewed the complaint, Your Honor has reviewed the Government's submission in support of detention. I don't want to belabor the points made and the facts in those documents, but I want to touch briefly on a couple of the 3142(g) factors that support detention here.

With respect to the nature and circumstances of the offense, Your Honor, this defendant is charged in connection with a sophisticated and far-reaching scheme involving the submission of numerous Paycheck Protection Program loans, Economic Injury Disaster Loans, both of which were provided in connection with the CARES Act in light of the pandemic. These were loans meant to help small business owners across the country.

The Government's investigation has revealed that this defendant submitted millions of dollars' worth of loans on behalf of various purported businesses, and then he received kickbacks as a result of his submission of these loans, sometimes amounting to as much as 30 percent of the loan

amount. These loans were obtained by purported businesses across the country, California, New York, New Jersey, Virginia, Texas, Maryland and so on. And this scheme involved multiple co-conspirators, multiple shell companies that were used to launder these kickbacks. The PPP loan applications submitted by this defendant were backed by fake documents such as fake bank statements and fake IRS forms.

The complaint references, Your Honor, 40 Paycheck Protection Program loans, 10 million -- amounting to $10 million worth of losses and $2.5 million in kickback payments paid to entities associated with this defendant, Your Honor, as well as entities associated with his co-conspirators.

Now from the Government's perspective, Your Honor, these 40 loans, this $10 million is the tip of the iceberg in connection with this fraud, in connection with this scheme, and based on the results of the search warrant executed on Friday two weeks ago, the Government has identified 54 EIDL applications that come back to an IP address associated with this defendant's purported business located at 1600 Hanover Street.

Moreover, Your Honor, a search of an apartment, Apartment B at 1600 Hanover Street adjacent to this defendant's business, a search of that location revealed more than 90 files, hard copy files meticulously organized that reflected

businesses -- business submissions for PPP loans. These files contained numerous amounts of PII, copies of driver's licenses, Social Security numbers, bank statements, tax documents, as well as copies of checks and PPP application paperwork. Some of the files, Your Honor, contained doctored bank statements as well.

These files weren't located in this defendant's business address, Your Honor. They weren't located at 1600 Hanover Street. They were located in an adjacent apartment next to the business -- hidden, from the Government's perspective.

Based on the revelations from the search warrant conducted on the 29th of April, the Government is still wrapping its arms around the scope of this defendant's fraud, but it appears to be larger and more far-reaching based on those 90-plus files we obtained, Your Honor, than we had first suspected. So all of this is to say, Your Honor, that the fraud scheme at issue here, what's charged in this case, it's a far-reaching scheme involving many loans, involving potentially quite high loss amounts.

I note too, Your Honor, the fact that this offense involved fake bank statements, fake tax forms, this underscores not only the seriousness of this offense, but perhaps suggests a facility by this defendant to obtain other fake documents, either obtain them or create them, Your Honor. I will

acknowledge, Your Honor -- and Judge Hurson asked me about this this morning -- the Government did not find any holograms or any documents suggesting that he was creating fake passports or fake licenses, I acknowledge that.

The point I'm making, Your Honor, is there's at least some facility there or at least some facility to get in touch with the right person and get those potentially fake travel documents, like new driver's licenses, new passport and so on. The type of items that could facilitate flight from justice. And so too, Your Honor, is the fact that what was -- based on what was recovered during the search, this defendant had access to huge, a huge amount of PII, new Social Security numbers, numerous copies of driver's licenses, banking information and so on.

THE COURT: Is there any evidence that he stole that information, or was it provided to him by people who participated in this alleged fraud?

MR. RILEY: From the Government's perspective, we understand it to be the latter, Your Honor, that the potential loan applicants were arguably part of the scheme to defraud. I don't want to foreclose the possibility there might be a victim here or there, but that doesn't change the fact -- even if the loan applicants were involved in the scheme, Your Honor, there is applicant 1 referenced in the complaint who obtained a $250,000-plus PPP loan, paid out 25 percent plus in kickbacks

to this defendant, purchased a Mercedes, purchased a luxury apartment and so on. So it's possible, Your Honor, that some folks could be victims, but the Government has the latter understanding that Your Honor referenced.

The point I was making, Your Honor, is that this defendant had access to a huge amount of PII, and he may still potentially have access to it if he is released to his home.

I'd also note, Your Honor, that during the searches conducted on the 29th, law enforcement recovered numerous, numerous vehicle titles, original vehicle titles, and those titles were not all in this defendant's name, further underscoring this defendant's access to important documents, the type of documents that would potentially allow him or bespeak his ability to obtain or gain possession of a vehicle that law enforcement might not know about, further underscoring the risk of flight.

With respect to the weight of the evidence, the weight of the evidence is quite strong here, Your Honor, as set out in our detention submission. Entities that this defendant controlled, and that were at least on paper controlled by his associates, received numerous kickbacks from businesses that received PPP loans. I'll just give two examples for two purported entities tied to this defendant.

There's the Am Halal Meat company. Am Halal Meat received $301,000 approximately in kickback payments from 15

different entities that received PPP loans. AMEX Financial Group, another one of the defendant's purported businesses, received $758,341.15 worth of kickback loans from 32 different entities that received PPP loans. And there were multiple other entities involved in this case that, from the Government's perspective, we understand were used to launder these kickback payments

At times, as with applicant 1, Your Honor, there were kickback checks made out to just two entities. Certain other occasions, there were kickback checks made out to up to nine different entities to launder, to break up these proceeds.

I'd note as well, Your Honor, that law enforcement, during the search conducted of Apartment B, 1600 Hanover Street, located blank checks associated with two entities that weren't in defendant's name; that were in the name of defendant's associates, blank checks that were signed by authorized signatories but with the payee left blank and with the amount left blank, indicating, Your Honor, this defendant's control over some of those entities that weren't in his name that were used to launder funds.

THE COURT: So, wait, who were those blank checks signed by, according to you?

MR. RILEY: They were signed by authorized signatories on the accounts, not this defendant. So, for example, Your Honor, without getting into the specific name,

one of the entities used to launder funds, from the Government's perspective, received 173,000-plus in kickback payments from a number of PPP loan recipients. During the search for that purported business, law enforcement found checks that were signed by an authorized signatory, not the defendant, that were blank. No payee information --

THE COURT: Help me understand how that is evidence of fraud. Are you alleging that he forged their name?

MR. RILEY: I apologize -- no, I am not. I am suggesting this shows this defendant's control.

THE COURT: Okay, I understand.

MR. RILEY: So the entities that were in this defendant's name, his businesses, purported businesses like Am Halal, AMEX Financial Group, they received kickbacks from numerous entities. Other entities that weren't in his name received kickback payments.

THE COURT: Okay.

MR. RILEY: And two of -- for two of those entities, there were signed checks. Again suggesting that -- his sort of key role in this conspiracy even if his name isn't on the purported business. Is that responsive to Your Honor?

THE COURT: It is. I understand, I believe. I was looking at, I think, your exhibits, Exhibit 1 with various blank checks.

MR. RILEY: Yes, Your Honor. Those blank checks are

not what I was referring to. These blank checks actually play a different role in the scheme. Your Honor, I'll direct the Court to Exhibit 1.

Exhibits 1 through 3, Your Honor, all reflect checks from purported businesses that received PPP funds.

THE COURT: Okay.

MR. RILEY: All of these checks were seized during the execution of the search warrant on the 29th. Take Exhibit 1, for example, Your Honor. This business, this purported business -- bear with me for one second, I apologize.

This purported business received $195,650 PPP loan, paid kickbacks amounting to 22 percent of the loan value to various entities, including AMEX Financial Group which is the defendant's purported business. But what we have here, Your Honor, is blank checks signed. We understand this to be an authorized signatory. Numerous blank checks: $15,000, $15,000, $4,000, $5,000, $5,000.

We understood that it was part of this defendant's scheme to assist loan applicants with getting the PPP loans and then request that signed checks with no payee information, with no pay information and no date, he left with that. And that he would be the one who would write out who -- the entities that would receive these checks. So we understand that the defendant was in control of the process to write out the kickback checks, get them deposited. And the Government's

understanding is supported by what applicant 1 referred to in the complaint said about the person who he knew as "Adam."

He said that Adam, he met Adam at the address at 1600 Hanover Street, that Adam submitted the PPP loan, that Adam told him to sign checks, to make out the checks but to leave payee blank.

THE COURT: Okay.

MR. RILEY: He saw those -- I'm sorry, Your Honor?

THE COURT: I understand now your point with these.

MR. RILEY: Okay. The same goes with Exhibit 2, another purported business. This business received a $421,000 PPP loan, paid kickbacks amounting to 10 percent loan amount, including Am Halal Meat, one of the defendant's businesses.

Exhibit 3, this entity received a PPP loan for over $950,000, paid kickbacks amounting to 19 percent of the loan amount, including over $70,000 to Am Halal Meat.

The pattern we've seen with respect to the kickbacks, these blank checks secured by law enforcement consistent with -- they corroborate our understanding of the scheme and they corroborate what applicant 1 told law enforcement when interviewed.

Applicant 2, not referenced in the complaint, explained a similar experience. He said similar things to applicant 1, Your Honor. His purported business received a loan in excess of $250,000, and he paid approximately $75,000

in kickbacks after receiving a loan. It's approximately 30 percent of the loan value. He said that he met someone named Adam at an address at Hanover Street and that he had never seen the loan application, never seen the supporting documents submitted with the loan application, such as a purported IRS Form 940.

The IRS, of course, confirms that they have no record of a Form 940 being filed in connection with applicant 2's business. Applicant 2 noted further, with respect to the kickback checks, that Adam told him to provide signed checks with the amounts filled in but with the payee blank and that he did so, again, consistent with what applicant 1 said and consistent with the results of the search and consistent with the flow of funds that we can see in connection with the kickback payments.

So all this is to say the scheme, the laundering of money is sophisticated, it involves multiple entities. This defendant's own entities --

THE COURT: Let me just, so I don't want to repeat, it's ten to 5:00. I want to cut to some things that I think are important.

MR. RILEY: Yes, Your Honor.

THE COURT: So I definitely want to get to why you think that he's a serious flight risk.

MR. RILEY: Yes, Your Honor.

THE COURT: But before we do that, as I read the complaint, clearly one of the concerns the Court has is whether or not an individual has stolen Social Security numbers, has lied about his own identity or Social Security numbers. I'm not at all diminishing the alleged fraud you described, but when I read this, I don't see that he's lied about his address or his Social Security number. Everything was submitted under his name. Is that right?

MR. RILEY: Or his own purported businesses.

THE COURT: Or his own purported businesses which I understand your view is those are either sham businesses or he lied about the nature of the businesses.

MR. RILEY: And those businesses were used to launder funds in connection with numerous other fraud --

THE COURT: For other fraudulent applications.

MR. RILEY: Yes, Your Honor. With respect to lies and perhaps omissions, I'd note that the Pretrial Services report references the defendant's -- just one purported business. There's a business called Sary Stars that the defendant says employs him. Sary Stars, Your Honor, is a business that received kickback loans in connection with this scheme, $218,857 from at least eight different entities that received PPP loans.

He didn't reference to Pretrial Services -- Ms. Jackson is not here -- didn't reference Am Halal Meat,

didn't reference to Pretrial Services his employment by Am Ex Financial Group. So those aren't lies, Your Honor, but they are omissions and material ones. Apart from the Sary Stars employment information, the Government is not aware of this defendant's other employment apart from being self-employed.

Now I want to talk about this defendant's history and characteristics which I think informs the Government's view about risk of flight. This defendant has multiple family members in Egypt. Over the past two years, he's taken seven trips to Egypt. He stayed there for at least two weeks. There's one one-month trip, there was a five-week trip, there's a seven-week trip. The defendant just returned from Egypt on April 9, 2022. Extensive travel to Egypt, extensive travel to Egypt during the heart of this conspiracy.

I appreciate what counsel said in her submission and the defendant's submission with respect to deaths in the family during this time period as well. I appreciate the desire to be with family during those times. But we're not talking about one or two trips, Your Honor. We're talking about numerous trips to Egypt.

I'd note as well, Your Honor, that the Government is very concerned about access to at least one international account. During a search of this defendant incident to his arrest, his wallet, law enforcement seized a bank card for a bank out of Egypt, in addition to numerous other bank cards.

THE COURT: Was that bank involved in this alleged fraud?

MR. RILEY: Your Honor, at this time the Government has no visibility into that account, so --

THE COURT: Okay. But the funds that were obtained weren't directed to that account as far as you know?

MR. RILEY: Not as far as I know, Your Honor.

THE COURT: All right, go ahead.

MR. RILEY: At this time I don't have visibility into that account. So I would submit, Your Honor, that the foreign bank account is troubling to the Government; this defendant's extensive travel to Egypt is troubling to the Government.

One of the questions that Judge Hurson had for me a few hours ago was, "Well, what is the current state of play with respect to this defendant's bank accounts?" I don't have up-to-date information, Your Honor, as to how much this defendant currently has in his bank accounts. What I have -- and I didn't have this earlier this morning -- is historical information.

I have one account, the ending date for this is June 2021, balance of $31,000 plus. Another account, the ending date is October 10, '21, balance of $41,500 plus. Another account, this is an account for Am Halal Meat business, ending date May 31, 2021, balance of $340,150.67. AMEX Financial Group, another account, another purported business, ending date

May 31, 2021, balance of $147,785. And there are accounts -- two accounts associated with his wife at different banks. One has just under $10,000, ending date October 19, '21; the other $9,500, ending date for which we have information October 4, 2021.

So, in addition -- again, this is historical information. I don't have updated information. We haven't gotten the subpoena responses back yet as to the current state of play. Those are not insignificant funds, not an insignificant amount of money. So that coupled with the international bank account that we, again, don't have visibility into, potentially suggests that this defendant has the resources to flee. And again, this is only the account the Government knows about, Your Honor.

THE COURT: You have in the complaint that the funds went into certain accounts, like an M&T account and other accounts --

MR. RILEY: Yes, Your Honor.

THE COURT: Do you have access to what's in those accounts and the current state of those accounts?

MR. RILEY: Currently, no, Your Honor. Those accounts that -- I gave Your Honor historical information and listed the last information that we have. I don't know what the current state of those accounts are.

THE COURT: Let me ask you this. When was, according

to you, that you know of, the last transmission of fraudulent funds into one of those accounts? It looks like it ended at the end of last year; is that correct?

MR. RILEY: Well, Your Honor, I don't know when the last transmission of funds is. I do know, Your Honor, that there was a submission or there were submissions of applications as late as December 30, 2021. Submissions for PPP EIDL loans. I can't speak to the flow after that, Your Honor.

THE COURT: Okay.

MR. RILEY: This defendant is a naturalized U.S. citizen. He had a U.S. passport. The Government seized his passport. I do understand -- this is Government's Exhibit 4 -- that among the items seized by law enforcement was an Egyptian ID card. I can't speak to this defendant's citizenship in Egypt. I inquired with Department of Homeland Security, with the State Department; they can't tell me whether he has a dual citizenship with Egypt. What we see from the ID card, it's some sort of formal relationship with the state of Egypt. The Government's not aware of any law that would prevent the Egyptian embassy from getting this defendant a new passport if he were to go --

THE COURT: Do you know if he -- this is not an Egyptian passport. This is an ID card. So do we know if he has an Egyptian passport?

MR. RILEY: I found out this morning when counsel noted that he has an expired Egyptian passport, so I can't speak to whether he has a current passport, and I can't speak to what would happen if he were to go and try to obtain an Egyptian passport.

THE COURT: Do we know if the Egyptian passport that's expired is from 25 years ago or if it's from two years ago?

MR. RILEY: I don't --

THE COURT: You don't know.

MR. RILEY: I think counsel said it expired in 2005? I'm sure she'll correct me. I've seen some nods here. That's old, Your Honor, but I think Your Honor -- I hope Your Honor understands my point.

I guess what I'm getting at, Your Honor, is there's no -- the fact that we have his American passport isn't dispositive in this analysis.

THE COURT: What about the fact that he has five American children here and a wife in the home? What do I do about that fact?

MR. RILEY: Certainly those are ties. Those are ties to Maryland, he simply wants to be with his family. I understand that. At the same time, Your Honor, he's looking at very significant punishment if he proceeds to trial, or if he pleads guilty, the offense is severe here. I can see incentive

to flee.

I can't speak to his relationship with his family. By all accounts, he's a loving father and loving husband, but the Government is concerned about --

THE COURT: So let me just understand. The basis for the proffer of the serious risk of flight is he's a naturalized citizen from Egypt, he has traveled to Egypt several times for significant periods over the last several years, he has an Egyptian ID card on him, and there were several hundred thousand dollars in various accounts as of last fall.

MR. RILEY: There's significant dollar amounts. I think probably if you add it up, we're getting pretty high up there in terms of the amount, the total amount. Probably north of 100, 150 -- I'm sorry, north of a half million dollars, Your Honor. That plus the fact that we have zero -- we are aware of a foreign bank account that unfortunately we have zero visibility into, and coupled with just the nature of this scheme, Your Honor --

THE COURT: Well, the nature of the scheme, the allegations are serious, without a doubt. What I'm trying to decide is if there are any conditions of release that will reasonably assure the safety of the community. I'm looking at whether or not I can trust Mr. Sary to report to Court. Indicia of not being able to trust someone is, in my view, certainly alleged fraudulent activity, there's deception,

there's the creation of I guess IRS documents.

But I don't see, as you've admitted, that there's a demonstrated or evidence of an ability to create a passport, a travel document -- I guess I'm just having a hard time detaining someone when they've got five children, a wife, a house that will be posted, no criminal history, no acts of violence, serious allegations of fraud against the Government without a doubt. But when the standard is reasonable assurance... I'm just not sure the Government has met its burden by a preponderance, that there's a serious risk of flight.

You mentioned obstruction of justice. Let me hear about that.

MR. RILEY: Yes, Your Honor. From the Government's perspective, there is a serious risk that at this defendant's release, that he will obstruct or attempt to obstruct justice. This case involves numerous co-conspirators, the folks who submitted -- who this defendant facilitated the submission of PPP applications for, as well as the various folks involved with the laundering of the money through these purported entities.

I want to talk about a phone call that was made to this defendant's wife on May 2, 2022, which is one of the primary -- I think this was one of the primary motivations from the Government's perspective in raising the risk of obstruction

of justice. During this call, essentially in substance, this defendant's wife asked about who she should tell about what happened to the defendant, presumably referring to his arrest and the fall-out of his arrest.

This defendant says, quote, "Nevine and Rehab and Mohamed, those are the people you need to keep close for sure," end quote.

Nevine is a reference to -- at least as the Government understands it, Nevine Kamel. Her purported business received a PPP loan of $104,000, and it also received kickbacks from at least 15 entities that received PPP loans in the total amount of $266,714.39.

Rehab, the Government understands is a reference to Rehab Saad; a number of her purported businesses received kickback payments too. One purported business received 15 payments from loan recipients totaling over $313,000. Another purported business received two payments totaling over $23,000.

The third person that the Government understands the defendant was referring to, the Mohamed, we understand was a reference to one of Mr. Sary's other associates, Mohamed Elessawy. One of his purported businesses received 17 kickbacks totaling over $173,000. Another received 18 kickback checks totaling over $276,000.

There may be an innocent explanation for "these are the people you need to keep close for sure," Your Honor, but

every single person referred to by this defendant is a potential co-conspirator in this case based on what I've just said. The use of their purported businesses to launder these kickback funds. So if conditions -- if the Court does not revoke the order set by Judge Hurson, we are relying on this defendant's wife to report honestly to Pretrial Services about contact with these witnesses, these potential co-conspirators. I don't think -- based on this phone call, I don't think we have a good basis to rely on her to report honestly to Pretrial Services.

The last point, Your Honor, kind of dovetails with my next point which is Ms. Sary is not a suitable third-party custodian for this --

THE COURT: Tell me why you don't think so.

MR. RILEY: To begin with, she hasn't been vetted by Pretrial Services.

THE COURT: Is Ms. Sary here?

MS. REAMY: Yes, Your Honor.

THE COURT: Okay, go ahead.

MR. RILEY: She was listed as a signatory on one of the bank accounts associated with this fraud scheme, Your Honor. That is the bank account tied to AMEX Financial Group, one of the defendant's purported businesses. This is the purported business that had, at least as of May 31, 2021, $147,785.82. So she's a signatory on the account. She's

part -- she's in the scheme, from the Government's perspective, and I don't think that she can be trusted to report violations to Pretrial Services.

I note, Your Honor, that when law enforcement went to this defendant and his wife's house, the defendant was not there, Your Honor. He was traveling with his son -- there was a reference to a 9-year-old son in counsel's letter. That's not right. The son was older than 18 years old. They were traveling to the hospital for nose surgery, I think it was. When law enforcement asked Ms. Sary, "Where's your husband?" she said, "I don't know." "I don't know." Lying to law enforcement.

She did eventually acknowledge that she lied to law enforcement, but the point I'm making, Your Honor, is that given -- given the charges, given the scheme, given that she was signatory on one of the accounts that received a large amount of fraud funds, given her misstatement to law enforcement, given the fact that she loves her husband and doesn't want him to be detained, she's not in a position to report honestly violations if this defendant wants to have contact with co-conspirators or witnesses. They could come to his house and visit. If she doesn't report it, we're not protected against that, Your Honor.

THE COURT: Let me ask you this. I understand one of the conditions that Judge Hurson imposed was -- I'm looking at

the release order -- 8(d), "Post with the Court the following proof of ownership of the designated property" and it refers to the -- is that Magie Street home?

MR. RILEY: Yes, Your Honor.

THE COURT: It's not clear to me if he was requiring the recording of a lien against the home as a secured property? Do you know?

MR. RILEY: That was my -- I agree, Your Honor, it's not clear from the record. That was my understanding, that the home, whatever equity the defendant has in the home be put up as security as a nonappearance bond, that he would risk losing his equity if he fled.

THE COURT: Do you have any reason to believe or disbelieve what's reported in the pretrial report which is that the residence is worth about 400,000 and there's $150,000 mortgage?

MR. RILEY: Well, I know that's -- I think that's self-reported information, Your Honor, so I do have a healthy skepticism of what the defendant has told Pretrial, given that he only told Pretrial about one of his purported businesses. Standing here right now, I can't speak to how much equity he has unfortunately.

THE COURT: I understand.

MR. RILEY: Your Honor, I'm happy to answer any questions if the Court has them.

THE COURT: Let me go to Ms. Reamy. Thank you very much, Mr. Riley. I'm trying to get to the right result and comply with the Bail Reform Act. Some of the things the Government is telling me is troubling as to whether or not I can trust -- Ms. Reamy, if you don't mind standing unless you need to sit. It's just easier for me to see you, thank you -- whether or not I can trust his wife as a third-party custodian. There seems to be a lot of money involved here and resources to flee.

So if you could just cut to the heart of your argument, address these more difficult questions, I would appreciate that.

MS. REAMY: Yes. Starting with Mrs. Sary, I had a discussion with her about what happened when the search warrant was executed, and she indicated to me that she did tell the officers she didn't know. She didn't know because she knew that Mr. Sary was going to be at the hospital for some part of the time --

THE COURT: Can you bring the microphone closer to you.

MS. REAMY: She knew her husband was going to be at GBMC with her son. That was an error on my part saying the 9-year old. It was the 20-year-old son that was having nasal surgery. She also knew he had planned to go to the office because the surgery was going to take a number of hours, so

that was what she meant in that situation. She was not lying to the agent. She did not know where he was at that time. This was early in the morning, she wasn't sure where he was. So her position is that she was never trying to mislead or lie to the officer. She just really did not know where he was and took the question quite literally.

The passport, the Egyptian passport expired in 2005. Mr. Sary says that he does not have it --

THE COURT: Is your client an Egyptian citizen?

MS. REAMY: I believe he is. I believe he does have a dual citizenship, but he does not have a recent passport, it expired in 2005. He's never renewed another one -- he's indicating to me that he would not obtain a new passport.

But over the last 20 years, he's been making more -- he's been building deep roots in the United States. Again, as the Court said, he's got three children -- that's very distracting, I'm sorry.

(Discussion off the record regarding audio issues.)

THE COURT: Okay, Ms. Reamy.

MS. REAMY: Thank you, Your Honor. As I was saying, Mr. Sary has three children under the age of 10 who have always only known the United States as their home. The two older children, twin boys, 20 years old, they were naturalized as United States citizens in 2017. They both have their own lives here. One is enrolled in Salisbury State University, one is

enrolled in college of -- Anne Arundel Community College, the younger children are in school. He has significant ties to the community.

Now the references to bank accounts that have relatively large balances in the fall of last year, these are businesses. These are not personal bank accounts. So I don't think that it's necessarily unusual to find business bank accounts that have higher balances than what you would expect to see in a personal bank account.

We've explained the trips to Egypt, and they all surrounded his father's passing and then his mother's passing. She was steadily declining and very sick with diabetes, and then unfortunately she passed. Those trips all surrounded both of those deaths and dealing with the aftermath of those deaths.

Just a moment. I'm not sure -- can the Court help focus me? There's a lot that I can go over. The Government has been speaking for quite some time here so I'm trying to organize --

THE COURT: I'm going to tell you this. I need more information on the home and what the value is and what the mortgage is because, to me, I think that Judge Hurson was correct in requiring a posting of the house as security, and I believe that's what he intended to do. But I need more certainty that there's skin in the game in that home before I'd

be willing to release Mr. Sary, given some of the information that Mr. Riley has presented to me that I don't believe was presented to Judge Hurson, particularly about the bank accounts -- which I understand your view is it's a business account -- but from the Government's perspective, there are several accounts, some with hundreds of thousands of dollars in them as of last year.

So I'm going to need more information about -- perhaps there needs to be a title search done on the house to know what liens are on it and a bank statement of the mortgage.

In addition, I'd like to know more about his relationship or friendship with Linda Derezinski and her husband Dan. Are they here?

MS. REAMY: Yes, Ms. Derezinski is right here.

THE COURT: Okay. Your wife is not here, sir --

MS. REAMY: She's here.

THE COURT: Oh, she is --

MS. DEREZINSKI: I'm Linda; my husband is not here.

THE COURT: I'm sorry. Your husband is not here?

MS. DEREZINSKI: Correct.

THE COURT: I'm sorry. Just with the mask and you have short hair, I apologize, and far away from me.

How long have you known Mr. Sary?

MS. DEREZINSKI: 2006.

THE COURT: Can you come forward and speak in the microphone? Thank you. Thank you for being here. I know you were here this morning and here this afternoon.

MS. DEREZINSKI: Yes, Your Honor.

THE COURT: Can you tell me when you met Mr. Sary and how you know him.

MS. DEREZINSKI: I met him through his wife, Iza. Our son was born in 2005 in February and she was -- I've been working home, and she was watching my son while I was -- during working hours. Then I met Ahmed through her.

THE COURT: Were they married at the time?

MS. DEREZINSKI: They got married while I knew them.

THE COURT: You've known them as a married couple since then?

MS. DEREZINSKI: Yes, ma'am. They usually are with us for Thanksgiving, Easter, different holidays. My mother calls her "sister" and "son."

THE COURT: I'm sorry?

MS. DEREZINSKI: I said my mother calls her another daughter. My mother is their children's American grandmother.

THE COURT: Understood.

MS. DEREZINSKI: We know them very well.

THE COURT: You know them very well.

MS. DEREZINSKI: Yes, ma'am.

THE COURT: Would you say you interact with them on a weekly or monthly basis?

MS. DEREZINSKI: I mean sometimes because of kids, lately maybe I won't talk to them for a month or two. But then we might talk every day, you know, it's just -- our son is 17 and, you know. With each kid, it gets complicated.

THE COURT: Would you be willing to house him in your home pending trial if I --

MS. DEREZINSKI: If that needs to be. I prefer him to be home, but yes, ma'am. Because of their youngest having diabetes, you know, Ahmed has the touch with the girls.

THE COURT: I understand. Thank you very much. Thank you for being here.

MS. DEREZINSKI: Yes, ma'am.

MS. REAMY: Your Honor, I do want to address the Government's allegations, and we did this with Judge Hurson as well, regarding this recorded jail call. The Government has its interpretation, but I can tell you -- it does track conversations that I had myself with Izabela Sary which is that they are very embarrassed about this. What she's essentially asking is that she doesn't want to just share all of their business; this is a very embarrassing situation for them with anyone in the community.

So I believe that's really the nature of the

conversation, that there are certain people that they would trust because they're going to have to rely on some individuals for some help while this is -- while he's detained. She's managing all these children by herself. It was not anything more than that kind of discussion which was --

THE COURT: I think the Government has conceded some limitations in its interpretation of that call. I think that your interpretation is fair, perhaps their interpretation could be fair. At this point I really don't place much sort of credit on that call without more in order to show that there's a serious risk of obstruction of justice. I don't know exactly what that call said or what was meant by it. What, frankly, at this point I'm most concerned about is whether or not there are conditions that will reasonably assure me that Mr. Sary will appear in court. Here's -- go ahead.

MS. REAMY: I would also tell the Court that we surrendered five passports this morning to the Court. I just received a receipt. All of the minor children's passports were initially offered, and then the two 20-year-old boys also offered their passports which were all surrendered in Judge Hurson's courtroom earlier this morning. As I indicated to Judge Hurson, Mr. Sary is certainly never going to leave his family.

This was a gesture to impress upon the Court how serious he is about his understanding of what his obligations

would be and hopefully a showing that he has no intention of fleeing this case. His children are very important to him, and it's obviously taking a huge emotional toll on him. Particularly the youngest one with the diabetes. I did want the Court to know that gesture has been made.

THE COURT: The five passports are Mr. Sary's, his wife's and his three minor children?

MS. REAMY: No, Mr. Sary's passport was seized by law enforcement. Mrs. Sary's passport is expired, she doesn't know where it is. She looked for it in advance of today's hearing. She thinks maybe the officers took it but doesn't know where it is. It has expired and she's agreed she would not get another passport. The five passports turned over to the Court this morning were the two 20-year-old twin boys and the minor children.

THE COURT: The children's passports.

MS. REAMY: All the children's passports --

THE COURT: Understood.

MS. REAMY: -- were turned over. A lot of this is laid out in the letters, but I do think the Court -- is there anything else the Court would want me to address specifically?

THE COURT: No, I don't believe so. Just give me one moment, please.

Mr. Riley, is there anything else you want to add in response to my discussion with Ms. Reamy?

MR. RILEY: Very briefly, Your Honor, with respect to Ms. Derezinski. The Government is concerned that if Ms. Derezinski is working from 7:00 a.m. to 3:00 p.m., even if Your Honor were to put Mr. Sary in the custody of Ms. Derezinski, because she's working, she's not going to be in a position to monitor this defendant closely --

THE COURT: Mr. Riley, it's impossible to find an absolute -- a person who's going to stand by someone 24/7. That's just unrealistic.

MR. RILEY: I understand, Your Honor.

MS. REAMY: Judge, she works from home so she's in the home.

THE COURT: Thank you for that.

All right. This case is before me on the Government's motion for review of a release order that Magistrate Judge Hurson issued today, May 9. Under 18 United States Code § 3145(b), this Court reviews the magistrate judge's pretrial detention decision de novo. That's a cite against *United States against Clark*, 865 F.2d 1433 at 1436, Fourth Circuit, from 1989. I make an independent determination of the proper pretrial detention or conditions of release. That's from *United States against Stewart*, a 2001 Fourth Circuit case, 19 Federal App'x 46 at 48.

Under the Bail Reform Act, the Government bears the burden of proving by a preponderance of the evidence that no

condition or combination of conditions will reasonably assure Mr. Sary's appearance. I won't go into safety of the community because the Government has not sought detention based on safety of the community, although economic harm is a factor that I must consider as I analyze the Bail Reform Act factors and any potential conditions of release.

The Bail Reform Act requires that I consider the following factors:

The nature and circumstances of the offense charged. Here the charged offense is by criminal complaint. It's wire fraud and money laundering, so I have to consider whether the offense involves a crime of violence. Of course, it does not. A federal crime of terrorism, it does not. A minor victim, it does not. A controlled substance, firearm explosive or destructive device, it does none of those things.

I have to consider the weight of the evidence against Mr. Sary, and the weight of the evidence appears to be strong. Mr. Riley has proffered the evidence; I have reviewed a summary of the nonexhaustive evidence that is in the criminal complaint. There was a search warrant conducted at an apartment adjacent to his property which apparently yielded corroborating evidence of the alleged fraud scheme. So the weight of the evidence is in favor of the Government. I think it's no surprise that that's almost always the case in federal court.

I have to consider the history and characteristics of Mr. Sary. That includes his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and his record concerning court appearances. Let me address those factors in reverse order.

Mr. Sary, according to the Pretrial Services report, is 43 years old and has no criminal history, no prior arrests, no interactions with law enforcement that are reported by Pretrial Services or the Government. Therefore, there is no history of appearing at court appearances or problems of failing to appear. There appears to be no drug or alcohol problem.

With respect to length of residence in the community, community ties, this factor, I think, weighs in favor of Mr. Sary. In that regard, he has been a United States citizen for some time. He came to this country, according to Pretrial Services, in his early 20s -- perhaps at 21 years old -- from Egypt; he's a naturalized citizen. He has been married to -- I believe Ms. Sary is an American citizen -- to an American citizen since the mid 2000s. They have three young children. They have owned a home since 2015 here in Baltimore where they live as a family. There is a family friend here who has known them for, looks like, at least 15 years and has interacted with

them on a regular basis and observed their family and corroborated those family and community ties.

On the other side, as Mr. Riley points out, Mr. Sary has traveled to Egypt several times in the past couple years. That, frankly, does not trouble me too much because it makes sense he would travel to Egypt several times in the past few years with parents falling ill and ultimately dying. People don't just go for funerals. They go when people are sick and ill, and he does have siblings there.

Having said that, I can't ignore the fact that there is another country that he would feel comfortable in if he were fearful of a long prison sentence. It is a factor I have to consider. I think, however, that I can address that particular fact with conditions because really what the concern here is are there conditions that will reasonably assure me that he will appear in court. I don't have the crystal ball into the future. I cannot guarantee -- and the Bail Reform Act does not require me to guarantee -- appearance, although I take very seriously that I have to reasonably assure that he will -- myself that he will appear in court. So the ties to Egypt, while not troubling, are certainly a relevant factor as I consider conditions of release.

I also have to consider financial resources. Mr. Riley has brought to my attention several bank accounts that are associated with Mr. Sary that as of at least six or

seven months ago had significant balances in them. I am confident Ms. Reamy and Mr. Sary have an explanation for that, but the fact is there are several hundred thousand dollars, or there were at least six or seven months ago, in bank accounts that Mr. Sary had access to. I don't know what the status of those bank accounts is. I don't know how much is in them now. I don't know if Mr. Sary would use that money in some way to try to flee, but, again, it's a factor I have to consider. I do think that I can address that factor with conditions of release.

I have to consider his employment. He has reported working for and being self-employed with Sary Stars, a music and entertainment business. I understand Mr. Riley's point which is he did not report the other purported businesses that he was associated with in connection with his application for government loans, but it does appear that there has been consistent employment. He supports his family, he owns a home. I see no reason -- evidence that he's not had consistent employment history.

I have to consider physical and mental condition. There's no evidence of mental illness and his physical health seems fair, although I do note some potential heart issues.

I also have to consider whether at the time of the offense Mr. Sary was on probation, parole or any other order of release pending trial. He was not, he has no criminal history.

And I have to consider the nature and seriousness of the danger to any person or the community that would be posed by his release.

First, let's address the obvious. The Government appropriately, of course, has not alleged that Mr. Sary poses any physical danger, that he's a violent person. There's no evidence of that, that's not an issue here. I do believe, and I think Mr. Riley was correct, that I have to consider and I should consider the potential economic harm to the community or any other person, and in this regard, I have considered seriously the allegations against Mr. Sary. Mr. Riley, I think, summarized them well.

The allegations are that Mr. Sary was the head of a multibusiness, multibank account, multiperson alleged scheme to defraud the federal government in applying for relief associated with the CARES Act. Mr. Sary apparently submitted applications on his behalf and on behalf of other businesses, some of which were not actual businesses, and in doing so, he allegedly defrauded the Government out of over $10 million, and he and others he's associated with allegedly received about $2.5 million in what Mr. Riley has characterized as kickbacks. This is a serious scheme if it's proven to be true.

The question for me, though, on whether or not release conditions can be set is whether or not I think that Mr. Sary will continue to pose an economic harm to either the

government, and at this point -- I understand there are no more particular loans available -- we can also -- I will certainly restrict his access to any bank accounts.

What I did not hear from Mr. Riley, and I appreciate his candor, is there were not, for instance, manufactured driver's licenses or manufactured passports that to me would suggest a willingness, ability or propensity to flee.

So for all of those reasons, I do find that there are conditions of release that will reasonably assure me of Mr. Sary's appearance in court and certainly the safety of the community, but I'm not going to set a release order just yet. I need to know more about the home. I want to know that the home will be security that will reasonably assure me that Mr. Sary will not flee. So at this point, I think we need to continue the hearing to allow Ms. Reamy and her family -- Ms. Reamy and Mr. Sary's family to find the documentation that I need.

Ms. Reamy, is that something you and your client's family can get together, and if it can be done sooner than when you return, I'm happy to consider the submission and not have a hearing? Do you need a moment to talk?

MS. REAMY: Yes, Your Honor, I do need a moment if I could.

(Defendant conferred with his counsel.)

MS. REAMY: May I step back a moment to speak with

his wife?

THE COURT: Please, yes.

(Pause.)

MS. REAMY: Your Honor, the answer is I don't know. We would certainly -- I will do everything I can to try to get this together and get the documents by tomorrow morning. I don't know that that's going to be possible.

THE COURT: Meaning by tomorrow morning or not possible to find documents?

MS. REAMY: By tomorrow morning.

THE COURT: I'd be surprised if you could do it by tomorrow morning because actually I think you'd need to go to the land records.

MS. REAMY: Probably.

THE COURT: Are you saying tomorrow morning because you go on vacation?

MS. REAMY: I'm leaving tomorrow afternoon, so yes, if we could miraculously pull all the documents together that the Court needed, but I think it's unlikely.

THE COURT: Okay, I'll wait to receive the documents. If you can get them to me by midday, I'll review them. If I'm comfortable with them, I can issue a release order while you're away and work with Pretrial to have him released.

Here's ultimately where I'm at. To make me reasonably assured, I need to know that the property has some

equity in it, and that's what I'm comfortable with.

MS. REAMY: I understand.

THE COURT: Okay? So there is an order of detention right now, the stay in the execution of the release order remains.

Let me ask the marshals, do I need to do anything right now?

MARSHAL: I'd just ask Your Honor if you'd like us to have him brought over tomorrow?

THE COURT: Why don't we do this. I will enter a detention order; it will just be in effect. I think right now the operative order is a release order. Mr. Riley, is that your understanding?

MR. RILEY: Correct, Your Honor. The Government did move to stay that, but correct, Your Honor.

THE COURT: All right. I will enter something on the docket that indicates there is a stay in the release order so he remains detained. I will not order him returned to the courthouse until I know that I am comfortable issuing a release order which will require me to review the documents. I'll be in touch through chambers with Pretrial Services and the marshals about when we want him brought over. Is that fair, Marshal?

MARSHAL: Yes, ma'am.

THE COURT: Mr. Riley, anything else from your

perspective? Then, Ms. Reamy, I'll turn to you.

MR. RILEY: No, thank you, Your Honor.

THE COURT: Thank you very much for your presentation. Ms. Reamy?

MS. REAMY: No, Your Honor. Thank you.

THE COURT: Thank you all.

THE CLERK: All rise. This Honorable Court is now adjourned.

(Proceedings concluded at 5:41 p.m.)

I, Patricia G. Mitchell, RMR, CRR, do hereby certify that the foregoing is a correct transcript from the stenographic record of proceedings in the above-entitled matter.

Dated this 12th day of May 2022.

Patricia G Mitchell

_____

Patricia G. Mitchell
Official Court Reporter

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