IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
v.	:	
	:	CASE NUMBER 1:22-MJ-00051
GLADYS HARUN,	:	
	:	
Defendant.	:	

DETENTION HEARING - EXCERPTS
(Testimony of Gladys Harun and Court's Ruling)

BEFORE THE HONORABLE BRIAN K. EPPS
United States Courthouse
100 North Franklin Street
Dublin, Georgia
July 8, 2022

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P R O C E E D I N G S

(The testimony of Gladys Harun commenced at 11:27 a.m.)

THE COURT: Mr. Howell.

MR. HOWELL: I'd like to call Ms. Harun, Your Honor --

THE COURT: All right.

MR. HOWELL: -- to the stand.

(The witness, Gladys Harun, was sworn.)

COURT CLERK: You may be seated.

THE COURT: Mr. Howell, well, I'll --

Oh, go ahead.

COURT CLERK: Would you please state your full name for the record.

THE WITNESS: Gladys Harun.

COURT CLERK: Thank you.

THE COURT: Mr. Howell, before you begin, I informed her of her right to remain silent at the initial appearance.

Have you talked with her about this important right as well and explained to her the potential consequences of her opening herself up to testify at this hearing in terms of the cross-examination that may occur?

MR. HOWELL: No, Your Honor, not specifically. We discussed at the proffer about any evidence that she were to offer at the proffer. She was well aware of her right not to proceed, so I was going to actually ask her some questions on

the record on that issue to see if she's willing to testify concerning my questions and possible cross-examination.

THE COURT: Okay. Ms. Harun, I want to talk to you about that before he does.

THE WITNESS: Yes, sir.

THE COURT: At your initial appearance, I explained that you have the right to remain silent. And that right to remain silent is embedded in our constitution. It's absolute, and you have no obligation to testify today.

If you do decide to testify, though, all of what you're saying here is being recorded and can be used against you by the Government in this case. And in particular, today, you're opening yourself up to cross-examination by Mr. Howard about the topics that you testify about here today.

Do you understand that?

THE WITNESS: Yes, sir.

THE COURT: And it will, I'm sure, be a very full, thorough, and sifting cross-examination by the Government, and I'm going to allow him a lot of latitude to go into any topic that you talk about while you're on direct examination with your attorney.

Do you understand that?

THE WITNESS: Yes, sir.

THE COURT: And despite all those potential consequences and despite this absolute right that you have, do

you still want to testify?

THE WITNESS: Yes.

THE COURT: Okay. You may proceed, Mr. Howell.

MR. HOWELL: Thank you, Your Honor.

GLADYS HARUN,

having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HOWELL:

Q. Please state your name for the record.

A. Gladys Harun.

Q. Thank you. And where do you reside?

A. I stay in Byron, Georgia.

Q. What's your address?

A. 182 Amelia Drive, Byron, Georgia 31008.

Q. Thank you. Are you married?

A. I'm separated.

Q. Separated?

A. Yes, sir.

Q. Has a divorce been filed in Georgia?

A. Yes, it has.

Q. Okay. Have you appeared in the case?

A. No. I'm waiting to appear in court.

Q. Are you scheduled to appear in that case?

A. Not yet.

Q. Okay. How many children do you have?

A. I have six.
Q. Where do they reside?
A. They live in Byron with me.
Q. Okay. Could you give their names and ages for the Court.
A. The first one is called Emmanuel Gathinji. He is 14 years old. And the second one is Ann Wangui. She's 12 years old. The third one is Sharon Gathinji. She's 9 years old. The fourth one is Diana Harun. She is 5 years old. The other one is Mark Gathinji. He is 4. And the last one is Jacob Gathinji. He is 2.
Q. Okay. And who takes care of your children?
A. I do.
Q. Do you do that on a full-time basis --
A. Yes.
Q. -- or do you have any help?
A. I don't have any help. I just take care of them every day.
Q. Does your husband have any involvement with your children?
A. He barely comes. He doesn't support us financially. And he moved out. He lives in a motel. He barely comes home, maybe once a month or twice a month, (indiscernible) go back.
Q. Does he watch your children overnight on any frequent basis?
A. No, he doesn't.
Q. Okay. Who has your kids right now?

A. They are with my friends. My friends are taking turns to come in my house and watch them. I have, like, four Kenyan friends. They are taking turns coming to take care of them.

Q. Are you having a lot of contact with your children right now while you're incarcerated?

A. No. No, sir.

Q. Okay. Quick question about Government's Exhibit 10.

Is this your passport, Ms. Harun?

A. That's me, yes, sir.

Q. Okay. Thank you.

Do your children have passports?

A. Some of them do. Some of them are expired.

Q. Okay. There's a question about your ability to appear as called upon in this court.

If you were scheduled for a court appearance, would you be willing to appear in the case?

A. Yes, sir.

Q. Okay.

A. I will come.

Q. You were asked earlier to meet with the prosecution in this particular case; is that correct?

A. Yes.

Q. Did you voluntarily do that?

A. I did.

Q. Did you know before you met with them that you had no

obligation to meet with them whatsoever?
A. Yes, I did.
Q. And you chose to do that anyway?
A. Yes, I did.
Q. Okay. If the Court were to ask you to, say, surrender your passport pending this particular case, would you be willing to do that so that you could go home and prepare your defense?
A. Yes, sir. I'll do that.
Q. Have you chosen to retain counsel to defend yourself in this action?
A. Yes.
Q. Okay. Do you understand the nature of the charges before the Court today?
A. Yes, I do.
Q. Okay. Were there any narcotics offenses, by any chance, raised in this case?
A. No.
Q. No?
Tell us a little bit about your community involvement.
Do you go to church?
A. Yes. I go to Assemblies of God in Byron, Georgia.
Q. Okay. And I asked you about your address.
Do you own your home there?
A. Yes, I do. I bought a home there in 2019. I live in my

own house.
Q. Okay. And prior to living there, did you live in Eastman, Georgia, and Marietta, Georgia, before you moved from Kenya?
A. Yes. I've been here 17 years in Georgia.
Q. And when were you naturalized?
A. In Atlanta.
Q. Okay. Was that approximately December 11th, 2011?
A. Yes, sir.
Q. Okay. Do you do any community service work in the state of Georgia?
A. Yes, I do. I participate in (indiscernible) activities in Byron. I also, in my -- in my business, Jackson Hewitt, I file free taxes for people. During the COVID, I was able to help approximately 700 people and 300 seniors who did not afford any money. So that is the charitable work I do in Georgia. For people who were sick with COVID and could not afford any fees, we filed their taxes for free. So every year, I do that to help people --
Q. Okay.
A. -- yes.
Q. Are you -- do you have a mortgage on your home?
A. Yes. I have a big mortgage (indiscernible).
Q. Are you current on the mortgage?
A. Yes, I'm current.
Q. So you're not in foreclosure or in forfeiture?

A. No. I'm good.
Q. Okay. In your respective business, do you have any employees of any kind?
A. I have a total of 55. It fluctuates, but I have a total of 55 every year, and I have some volunteers.
Q. Do your employees have family?
A. No, I don't have family.
Q. Do your employees have family?
A. Oh, they do have family, yes, sir.
Q. Okay. Do they rely on the paychecks you provide in order to provide for their families?
A. Yes, Your Honor. They work full-time for me. I'm actually supposed to pay them today. So this really was their payday, but they don't know I'm here.
Q. How are those families going to get paid if you're incarcerated today?
A. I don't know. I need to go home to pay them because I hadn't -- I wasn't aware I was going arrested -- get arrested, so I hadn't made any arrangements.
Q. Let's talk about that.
Tell me a little bit about where you were arrested.
A. I went to Savannah, Tybee Island on Monday. I went with my children. I had gone to take them to watch fireworks in the night. So we watched fireworks Monday night, 4th of July. It was good.

And then Tuesday morning, my kids told me to go and swim with them. We went to the beach again. We spent a whole day there. And then we came back to the hotel. I was cleaning my kids in the car. I was still in my swimsuit, and so -- you know, I was changing diapers, wiping their noses, and changing their clothes so we can head home.

And that is when Brian approached me and told me, "Do you remember me?"

I said, "Yeah, I remember you, Mr. Brian." I said, "What are you doing here?" You know, I was just friendly.

And he told me, "We have arrest for you -- we have a warrant for your arrest, and we are here to arrest you."

And I was begging him, "Let me change clothes because I'm so wet." And they allowed me to change clothes and call friends and everybody.

And I told him there was no need of that. I would have surrendered myself if they had told me that they needed me. You know, I've been cooperating with them the whole time.

I was to go to Kenya beginning of June, but I didn't go because we had a proffer with them on the 29th of June. So I've been respectful in the process. I've been forthcoming towards them, and I want (indiscernible). That's why I stayed here.

Q. Were your children upset when you got arrested in front of them on their vacation?

A. Oh, yes. It is very -- they've been crying ever since that day.

Q. Do they have any idea why you were arrested?

A. They have no idea.

Q. Okay. Let's talk a little bit about that proffer.

After the proffer, did we have a conversation concerning travel?

A. Yeah. We had a conversation that I will not travel without notifying you. And Mr. Howard had promised me that, you know, he was going to communicate to -- to me through you and tell me what's going to happen. I was under the impression that it was -- we would be negotiating and talking about the whole things back and forth.

Q. Did I specifically tell you not to make any plans to go out of the country without talking to me first?

A. Yes, you did.

Q. Okay. And you stated, before you made -- finalized any plans to go anywhere, you would run it through me, and I would have to, in fact, ask the Government for their permission before you traveled; is that correct?

A. Yes.

Q. Okay. Have you complied with that request?

A. Yes, I did.

Q. Do you have any travel plans currently to leave the country?

A. No, I don't.
Q. Do you -- can you promise to this court in front of this judge that you will not leave the country pending the resolution of this case?
A. No, I will not. I will not leave the country. I promise.
Q. Are you willing and able to comply with any stipulations the Court requires in order for your release today on bond?
A. Yes, I will comply with everything.

MR. HOWELL: Okay. No further questions, Your Honor.

THE COURT: Okay. Thank you.

Mr. Howard.

MR. HOWARD: Your Honor, may I approach the witness?

THE COURT: You may.

CROSS-EXAMINATION

BY MR. HOWARD:
Q. Ma'am, I've handed you the same exhibits that I provided to Special Agent Jack. We may go through those, but I wanted to make sure that you -- you had them so you could reference them.

At the initial appearance, you told the Court that you don't have family in America.

But that's not true, is it?
A. I don't have immediate family in America.
Q. You have six children; correct?
A. Yes.

Q. Are those six children in America?
A. Yes.
Q. Okay. Now, you are a dual citizen with Kenya as well?
A. Yes, sir.
Q. Do you have a Kenyan passport?
A. No, I don't.
Q. Now, with respect to this travel, you're represented by a different attorney in your divorce proceeding; correct?
A. Yes, sir.
Q. And did you tell that attorney in your divorce proceeding that you would be out of the country from -- beginning on July 6th?
A. We were planning on leaving, but we didn't finalize everything. My husband wanted to go, but we didn't -- we were just talking, and we didn't finalize anything because, you know, I can't travel without letting my attorney know. So it was just -- just talk. It wasn't really finalized or nothing.
Q. But my question --
A. Uh-huh.
Q. Did you tell your attorney that you were planning to be out of the country on July 6th?
A. I didn't specifically say July 6th. I told him I was going to talk to my attorney and I would specifically tell him the date I was going to leave.
Q. Would it surprise you to learn that your attorney in

the divorce proceeding emailed your husband's attorney in the divorce proceeding and said that you would not be able to make a court appearance because you planned to be out of the country from July 6th to August 6th? Would that surprise you?

A. Okay. First of all, you had told me, Mr. Howard, that I have some time, almost 2 months, before you -- you really decide what to do with my case. And we had talked with my attorney. And I didn't know you were going to arrest me or do all these things. I wasn't aware of these things.

I had -- I knew you had asked me for the permission and everything else and I was to go through my attorney and see if I can go see the school, like, 2 weeks and then come back here so we can go ahead and finalize everything. So I wasn't -- I didn't know you were going to arrest me today.

And I wasn't fleeing. Every year, we go to Kenya and come back, so it is just part of our lives. We've been going for the past 19 years. We go and come back here. It's not like I was trying to flee or anything. It's just that I didn't know the sequence -- the flow of things.

You know, I wasn't aware that I'm going to be here today and the seriousness of the whole thing. I didn't know I was going to have these kind of serious charges or stuff like that. When I came for the proffer, you didn't tell me the seriousness of the issue. And so I wasn't trying to flee or anything.

Q. I appreciate that, but that didn't answer my question.

My question is specifically: Would it surprise you to learn that your divorce attorney sent an email to your husband's divorce attorney on June 22nd of this year stating that "Ms. Harun is apparently going to be visiting family out of the country from July 6th through August 6th and will not be here for a hearing on July 29th"?

My question specifically is: Would it surprise you to learn that?

A. I'm not surprised because we had been talking about going to Kenya. And I had told Mr. Thomas, but we hadn't finalized everything. It was just talk, not finalized.

Q. And if somebody were to leave the country, they would need access to a lot of money; right?

A. Well, it's a lot of preparation. And during the proffer, you know, I didn't know all this was going to (indiscernible), you know. So I've been respectful to you, Mr. Howard. I was to leave to Kenya June the 1st, but you told me we were going to have a proffer on the 29th, so I had made arrangements then --

MR. HOWARD: Your Honor --

A. -- but I --

MR. HOWARD: -- I'm going to --

A. -- postpone everything.

MR. HOWARD: -- object as nonresponsive. We're sort of doing this where I have to repeat the questions. So I am

going to object, I think, for everyone's time, as nonresponsive to the question.

THE COURT: I'm going to let her finish her explanation, and then, if you could, reask the question.

MR. HOWARD: Will do, Your Honor.

THE COURT: Go ahead, Ms. Harun.

A. So June 1st, we had planned to go to Kenya, and -- my husband always wanted to go to Kenya.

And so I talked to Mr. Thomas, and he said, "No. Don't go until we do the proffer on the 29th."

So I postponed everything. But I've been talking and shopping for airlines and everything. And my divorce attorney, I had told him we wanted to leave in June.

But later on, I said, "Well, something came up. I'm going to have to postpone everything."

So they knew I was, you know, going to leave in June. And then we kept on postponing, postponing because I want to abide with what you want me to do on this case.

BY MR. HOWARD:

Q. You know, I forgot my question, but I may remember it. And if I do, I'll come back to it.

Let's look at some documents. You talked about in your direct the number of employees you have, so let's look at some documents.

Looking at -- specifically at Government Exhibit 2, do you

recognize that?
A. I'm looking for it. Yes, sir.
Q. Okay. So looking at Government Exhibit 2, the first page, it lists a business phone there ending in 3301.
That's your number; correct?
A. That's my business number.
Q. Yes. It lists an email address there of harungladys@yahoo.
That's your email address; correct?
A. Yes, sir.
Q. It lists a business of Embrace Africa d/b/a Jackson Hewitt Tax.
That's your business; correct?
A. Yes.
Q. Gladys C. Harun, owner 100 percent, that's -- that's you, isn't it?
A. Yes, sir.
Q. And looking at Page 2 of that exhibit showing that it was submitted April 17th, 2020, you submitted a PPP application; correct?
A. Yes, sir.
Q. Okay. And that -- that's -- PPP application that's reflected in Government's Exhibit 2, that was to Wells Fargo that you submitted; right?
A. Yes, sir.

Q. All right. And looking at Government's Exhibit 3 -- I'll give you a minute to turn there.

Have you had a chance to see Government's Exhibit 3?

A. I'm looking at it.

Q. Okay. And do you recognize -- the business phone, the email address, the business name, and the contact, do you recognize that all as your information, your business, and, indeed, yourself as the contact?

A. Yes, sir.

Q. Okay. And this corresponds to another PPP application that you submitted to Wells Fargo; correct?

A. Yes.

Q. Indeed, you submitted several Wells Fargo PPP applications; right?

A. I just did one. I don't remember doing several.

Q. The second one -- were you ever denied a PPP application from Wells Fargo?

A. They denied my second one because 2019, I had very few employees. But by the grace of God, in 2020 and 2021, my business has grown, so I had many employees. And they felt like I have many employees than I had said in 2019, but that's normal for business.

Q. Yeah. So the gross pay -- so the year 2021, that's when your business grew?

A. Even 2020. I had more employees in 2020.

Q. 2020. And then it grew in 2021 as well; right?
A. Yes, I believe so.
Q. And just to be clear, I had asked you if you submitted multiple PPP applications to Wells Fargo. You said you only remembered one, but then you said, "They denied my second one." So I want to be absolutely clear.

Did you submit just one PPP application to Wells Fargo, or did you submit more than one?

THE COURT: I'm going to stop this there. I think -- I mean, I -- she's here to testify with respect to the Bail Reform Act and the factors that apply to determine whether she should be released or not.

She did touch on the number of employees during her initial testimony, but I don't want us to stray at all from the topics that she addressed there. I want to stay very -- stick very closely to them and only, really, as it relates to the bond determination.

I feel like we're getting probably away from the bond, the purpose of the hearing --

MR. HOWARD: Sure.

THE COURT: -- and more to the merits of the case. And I'm uncomfortable having a defendant on the stand anyway so early in the case. For those reasons, if we could just stick very narrowly to the scope of her direct examination, I think we --

MR. HOWARD: Understood, Your Honor.

BY MR. HOWARD:

Q. And specifically, Ms. Harun, going to Exhibit 10, the passport photo, that's your passport photo; correct?

A. Hold on. Yes, sir.

Q. Yeah.

A. That's me.

Q. Not somebody else?

A. (No response.)

Q. Not somebody else? It's you?

A. No. That's me, yes.

Q. Now, the -- you have heard some testimony and some statements regarding Lotsie Gordon.

Was that her name?

A. Yes.

Q. Okay. And you saw the email in Government's Exhibit 11?

A. I see it.

Q. Okay. And you recognize that as having sent that email; correct?

THE COURT: Well, what does that have to do with her direct examination?

MR. HOWARD: Sure, Your Honor. So she's going into what she testified was -- and has testified thus far about her company's success, her charitable endeavors, the fact that she did free tax returns for people, all of these benefits that she

is providing to others, the business, the number of employees of the business, the veracity of the information that she's provided, how she's provided truthful information to the Government.

THE COURT: I'll stop you there. I mean, she didn't talk about Lotsie Gordon and this email, and this hits on exactly what I warned you about a while ago. So let's stick very closely to what she testified about and testing the veracity of that and not -- let's not stray off into the merits of the case.

MR. HOWARD: Understood, Your Honor. There is one further -- well, two further topics that I do want to touch upon, and those were -- go towards witness tampering, which is directly relevant to the bail determination, and those are the text messages in Exhibit 12. Before asking her those questions, if that's something that the Court deems to be out of bounds, then so be it.

THE COURT: I believe it is, yeah, because she didn't -- you proffered that, but she's not testified about it.

MR. HOWARD: Understood, Your Honor.

BY MR. HOWARD:

Q. Now, I did ask before, ma'am -- and it was the question that I thought that I forgot. But that -- the question that I asked -- and you have testified earlier about your travel, your plans, your intent to flee.

The question I had asked -- that if you're going to fly out of the country, you need -- you need a lot of money to do that, particularly to Africa where flights are quite expensive; correct?

A. Yeah. This is very expensive.

Q. And you were interviewed by special agents back in May of this year; correct?

A. Yes, sir.

Q. And do -- those two special agents that sit in this courtroom today, they came, and they interviewed you; right?

A. Yes, sir.

Q. And then the same day that they interviewed you, you went to the bank, and you withdrew $100,000 in cash from your bank account; correct?

A. Well, I have a school in Kenya. I send them money and everything. I was going to wire them some money for the feeding program, and I did that in another bank. Sometimes I do that.

Like, wiring money in Africa takes some time. Sometimes I go to Wells Fargo. They tell me it's going to take 10 days. And I want the orphans to get the money in 2 days, so I will withdraw cash and then go to SunTrust and then send it to Africa.

Q. Just to be clear, after your interview, indeed, the same day that you were interviewed by the agents, you went to -- is

it Truist Bank? Is that your bank?
A. I don't remember doing that that same day. I don't remember that.
Q. But you do recall that the same day that the agents interviewed you, you went to your bank account, and you withdrew in cash $100,000; is that right?
A. I don't think it's the same day.
Q. Well, you testified about the need -- that you withdrew that money in order for that money to go to Africa; correct?
A. Yes.
Q. And so you withdrew money from your U.S. bank account and withdrew that money in cash to get that money to Africa; is that right?
A. No, sir. I said sometimes I do that. And I can provide you with documentation. Sometimes I withdraw cash from Wells Fargo and go to SunTrust and wire transfer that money because sometimes Wells Fargo gives me trouble -- a lot of trouble doing international transfers.
Q. You don't recall -- and you said you didn't think it was the same day that the agents interviewed you; is that right?
A. No. I normally do that, so it's part of what I do every day. I will withdraw sometimes even 40,000 and then go to another bank and send it to Africa depending on -- if they tell me -- like, if I send today, when is the money going to be available for the school? If they tell me it's going to be

immediately, then I go ahead and do it. If they tell me no, then I go to another bank and do it for quicker service.

Q. So are you saying it's a normal part of what you do of -- withdrawing $100,000 in cash from your bank account?

A. No. I didn't say $100,000. But I said this year was different because we had -- we -- I had, like, a charitable thing I wanted to do in the school. I've been saving this money since -- for a whole year, saving money, raising donations, and everything. So it was money that I had put aside for a certain project in the school. So that's all.

Q. And if that's true, there would be a corresponding wire of $100,000 shortly thereafter --

A. Uh-huh.

Q. -- the withdrawal?

A. Yes, sir. I did wire that money.

Q. And what bank did you use to wire that money?

A. SunTrust.

Q. SunTrust?

A. Yes.

Q. And that -- your recollection is it was just a coincidence and that it happened --

A. Yeah, it was a coincidence.

Q. Let me finish the question.

A. Sorry.

Q. It was just a coincidence that you're withdrawing so much

money in cash shortly after the agents interview you; correct?
A. I don't remember withdrawing money after -- after Brian left my office. I don't remember doing it that day.
Q. And at the end of that interview, the agents notified you from a -- in a letter from the U.S. Attorney's Office that you were a target of a federal grand jury investigation, didn't they?
A. Yes, they did.
Q. You also talked about your business, which has grown.
I guess it grew in 2020, and it grew in 2021; correct?
A. Yes.
Q. Looking at Government Exhibit 13, when we talk about that growth of that business . . .
A. On this particular one, I had lost a lot of money. I had paid an attorney almost $11,000 to represent a case, and then he flee to Texas. And so I didn't have no money -- my personal money, not my business money, because I'm a business owner. I have money for myself, but I don't -- I didn't have any money for me to do this because an attorney had robbed me of money. And (indiscernible) told (indiscernible) about it. I had paid him $11,000 to represent me in the case, and he flee the state, and so I didn't have no more money at all with me.
Q. Ma'am, I haven't asked a question about this document yet.
The first question I have as to Government's Exhibit 13 -- looking at Page 2, there's a signature.

Is that your signature?

A. Yes, sir.

Q. You filed this document that's reflected in the first two pages of Government's Exhibit 13; correct?

A. Yes.

Q. And in that document, you wrote, on Page 2, "I cannot be able to pay an attorney." You just described attorneys are expensive. You didn't have the money to do it. But then you say "I am not employed now."

Do you see that?

A. I'm (indiscernible). I'm not employed.

Q. Okay.

A. Yeah, I do. I'm not employed.

Q. Okay.

A. Yes.

Q. You have a business, which you talked about grew in 2020. It grew in 2021. And this was filed in late 2021.

But you not only represented to the Court in asking for a free attorney that you didn't have a business but also that you weren't employed; is that right?

A. My business is charity. And so when you talk about Embrace Africa, there are so many lives that depend on leaders of charity, so I don't see it really as a business. It's more of a nonprofit. And we have so many activities that sometimes if we go off the budget, we will not be able to feed children

in Kenya.

Q. Your business is charity? Your -- is that what (indiscernible)?

A. We are nonprofit. We are basically nonprofit.

Q. And that's Jackson Hewitt Tax; correct? That's your business?

A. Jackson Hewitt supports Embrace Africa. So, basically, the money that we raise there is for nonprofit purposes mostly.

Q. You represented to the -- and you were truthful in your representations to the pretrial officer; correct?

A. Yes.

Q. Yeah. And you represented to the pretrial officer that you started a business, and your employer name is Jackson Hewitt Tax service; correct?

A. Yes.

Q. Do you own 12 locations as a franchise owner?

A. Yes.

Q. And when somebody walks into Jackson Hewitt Tax Service, is there a big sign that says "Jackson Hewitt," or is there a sign indicating that this is a charity?

A. We have some that say "Embrace Africa" somewhere. I don't know if it is visible.

Q. Okay. Do you have some signs indicating that it's Jackson Hewitt?

A. Yes.

Q. Okay. Now, you talked about that you -- it's a charity that you're running, but you represented to the pretrial officer that your monthly income -- your monthly income is $66,666.67.

Is that what you represented to the probation officer?

A. Which probation officer? I'm confused. Which one?

Q. The one that sits to your right.

THE WITNESS: Did we discuss that? I don't remember discussing that with you.

BY MR. HOWARD:

Q. Were there discussions about your monthly income?

A. I remember him asking me about my business income for the whole year, but I don't remember, really, discussing my own money.

Q. Okay. So when he wrote "Monthly Income, $66,666.67," that doesn't accurately reflect your income? Is that what you're saying?

A. I don't remember that discussion.

Q. Well, I'm not asking if you remember your discussion.

I'm asking you specifically: Is your monthly income -- you, not your business -- your monthly income for this charity that operates under a tax service name $66,666.67?

A. No, it's not.

Q. No, that's not accurate. Okay.

Well, let's talk about the -- and I don't know if you have

a copy of the pre- -- of the report. I can give you mine so you can look at it.

MR. HOWARD: Your Honor, may I approach?

THE COURT: You may.

BY MR. HOWARD:

Q. Ma'am, I'm handing you a copy of the pretrial report. It's my copy. I apologize if there's writing on it.

But do you see a little box there that talks about time with employer? It's in the middle of the page a little bit to the right. It talks about time with employer. It mentions 6 years and 6 months.

Do you see that?

A. I don't remember stating this kind of money, but I remember telling him how much I make, like, the whole year.

Q. Okay.

A. I don't -- I don't remember this.

Q. Okay. Well, is it accurate that you've been employed for 6 years and 6 months through that Jackson Hewitt Tax Service charity?

A. Are you asking the part of my business income that I get myself?

Q. I'm not asking anything about your business income.

A. Okay.

Q. My question --

A. Uh-huh.

Q. -- didn't ask anything about income. It was specifically -- I'm looking at a pretrial report -- now you're looking at my copy -- where it says your time with the employer is 6 years and 6 months.

What I was trying to figure out -- have you been with Jackson Hewitt --

A. Yes.

Q. -- Tax Service --

A. That's right.

Q. -- for 6 years and 6 months?

A. Yes, sir.

Q. That's your employment? That's how you've been employed?

A. Yes.

Q. Yes. But yet, going back to Government Exhibit 13, in September of 2021, you told a federal judge, declaring that your answers are true and correct with your signature, as you've acknowledged, that "I am not employed now" as you're asking the Court to provide you with an attorney for free of charge.

Can you explain that inconsistency between you being employed for 6 years and you saying a couple of months ago that "I'm not employed. Give me a free attorney"?

A. First of all, Jackson Hewitt is a seasonal -- is a seasonal business. Even though I've been with them, like, 6 years and 6 months, we -- we stay months and times without

employment. I don't remember specifically when I was asking the Court for that. But we don't work year-round. We're only there for 4 months.

But I remember the reason why I did that -- I had paid an attorney $11,000, and he let a whole case crumble and went out of state. In my pocket -- my money had fluctuated. I didn't have any money. And I don't remember having any income at that time, and that's why I had asked the Court to help me. I wasn't having an income at that time.

MR. HOWARD: Your Honor, I have no further questions for this witness.

I don't know if Counsel has any other witnesses. I do have a rebuttal witness given some of the testimony that she's provided today.

If I could reclaim the pretrial report and the exhibits . . .

THE COURT: Sure.

All right. Mr. Howell, any follow-up questioning for this witness?

MR. HOWELL: No, Your Honor.

THE COURT: Okay. All right. You may step down and rejoin Counsel at the table.

(The testimony of Gladys Harun concluded at 12:03 p.m.)

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(The Court's ruling commenced at 12:54 p.m.)

THE COURT: All right. After careful consideration of everything that I've heard here today during the hearing and the exhibits submitted as well as the original complaint and affidavit in support, I do find that she should be detained pending trial. I do believe she's a flight risk.

And I want to touch on a couple of the things that leads me to this conclusion. I mean, first of all, certainly, she has the strongest ties imaginable to a foreign country in that she was born in Kenya and has family there and visits often. And, you know, far more important to me than that is I just can't find any morsel of support for believing that she's going to follow what I tell her to do and that she'll report honestly to the probation officer her conduct.

I look back at that August 2021 filing that she gave to Judge Self in the Middle District of Georgia, and it really stands out to me because, there, she says to him categorically I have no job; I cannot work because I'm disabled; and I have very little money such that I cannot afford to hire an attorney. None of those things were true.

And so if she will lie to a district judge in the context of a civil action, then how can I trust what she's telling me here today?

And certainly, those statements she made to Judge Self stand very much in contrast to the statements that

she gave to Mr. Wright White (phonetic) the probation officer, in that bail report. And in my conversation with him, it is very clear that she reported income of $800,000 a year and testified on the stand today that her business has been thriving over the last 2 years. And so I can't square that with what she told Judge Self. They're diametrically opposed presentations of the facts.

And, certainly, there is strong evidence here, in addition to her strong ties to Kenya, that she had plans to travel. I've never heard, in 9 years on the bench, of someone being interviewed by agents about -- and told that they're a target and, on the same day, withdrawing $100,000 not to transfer to another account but in cash.

And so automatically when you hear that, you think, "Boy, might she be wanting to leave to go somewhere?"

It could be an American citizen with no ties to a foreign country engaging in that same act, and you'd still raise the question, I think legitimately, "Does this person have plans to flee the country?" because they've met with federal agents who told them, "You're under investigation, and you are a target of the federal government."

And on top of that, you not only have the withdrawal in cash of such a large amount of money, but you also have a statement from her attorney that -- she expressed no surprise to hear him saying this -- a statement from her civil attorney

to another attorney that she was unavailable for court proceedings in that case for an entire month of July because she planned to be in Kenya.

And at that moment in time, she admitted on the stand that, yes, she was in the general stages of planning such a trip. But certainly no one had reached out to Mr. Howell or, more importantly, to Mr. Howard to talk about plans for such a trip.

When you look at the other factors under the Bail Reform Act, I think that they certainly support detention as well. I do think that the weight of the evidence here is strong as we reviewed it this morning through the agent's testimony.

And I do think she presents a danger to the community. And when you think about danger, often, people think about stabbings and shootings and things like that. But danger to the community is really the risk that someone's going to commit a crime and -- of any nature, including a financial crime.

And the fact that she owns 12 of these franchise tax businesses means that there is significant opportunity there for financial fraud to continue to occur. And so I do believe -- given the fact that I don't think she's credible and the fact that she owns these businesses, when you compare that with the exhibits submitted this morning, I do think that

there's strong evidence that she's a danger to the community as well.

Now, I do want to explain to you that while you are being detained based on the reasoning I just gave that this analysis of the case that I'm conducting right now has -- is completely separate from the process of determining whether you're guilty or innocent of the crimes that you've been charged with.

I hope you understand that you are presumed innocent of those charges under our Constitution. And that presumption of innocence is firmly in place today. I'm not telling you you're guilty of these things, but I do have to make a decision about what to do with you in this critical period -- I see you raising your hand, but you had a chance to testify today, and, also, your counsel has made arguments on your behalf, so there's -- at this time, we've closed consideration of any new facts that you may want to provide.

You're presumed innocent. But the fact of the matter is a grand jury did convene with a prosecutor and not -- without the benefit of you being in the room. The grand jury reviewed the evidence that the Prosecution has and made a preliminary determination that you probably committed these crimes, not that you actually did. Well, actually, that's -- I'm sorry. Scratch that. We've not had a grand jury proceeding yet.

But I have reviewed the affidavit of the agent, and I've made a finding that you probably committed these offenses. And so we have to -- while you're under suspicion of committing a crime when you've been formally charged, as you have, during this interim period of time between now and the time of your jury trial, we have to decide what to do with each person that is presented.

And my determination today that you should be detained pending that trial has nothing to -- no bearing whatsoever on what a jury might do with this case at trial. The Government has a very high burden at your trial. They have to prove by -- beyond a reasonable doubt to the satisfaction of 12 jurors that you actually committed these offenses.

And so we're a long way away from that. And I don't want you to take from what I'm saying today that that's any indication of ultimate guilt or innocence. That's reserved for the jury at the trial of your case down the road.

Is there anything further from the Government's perspective we need to address today in this hour -- in this matter, Mr. Howard?

MR. HOWARD: Not with respect to detention, Your Honor. I think the outstanding issue of a preliminary hearing -- I don't know if the Court wants to quickly do that today. It would be -- indeed, I think I could, alternatively, either rest on the evidence that's been put forth already,

because there's a lot of overlap between the preliminary hearing and the evidence that this Court heard from the Government with respect to detention, or -- you know, I'll sort of defer to the Court and to Defense Counsel, but I guess one option I wanted to propose is, again, the Government to sort of rest and resubmit the evidence that's been provided so that the Court can consider that with respect to the prelim hearing.

THE COURT: Okay. Thank you for reminding me about that.

We've heard probably 98 percent, it sounds like, of the evidence that the Government would submit in support of the probable cause hearing. After hearing that evidence --

MR. HOWELL: I agree, Your Honor. And I actually talked with Mr. Howard about that, and I thought it would be okay to proceed as he suggested --

THE COURT: Okay.

MR. HOWELL: -- today.

THE COURT: Well, that's up to you. You now have a much better picture of what the Government is presenting. And you really have two options -- three options from here.

Number one, we can go ahead right now and wrap up that evidence and have you cross-examine the agent. We could postpone that until Monday. Or, based on the evidence that you've heard today, it may be that she wants to waive her right to a preliminary hearing. You may have reached a point where

you feel like there's no good faith argument to the contrary in terms of probable cause.

Do you need a minute to talk to your client about that?

MR. HOWELL: Just a moment, yes, please.

THE COURT: Take the time you need. And y'all need some privacy.

Can we take them in -- out of the courtroom into a private room for them to have that conversation?

UNIDENTIFIED SPEAKER: Yeah. I'll take her downstairs.

THE COURT: Okay.

All right. We'll take a short recess until then.

COURT SECURITY OFFICER: All rise.

(The Court's ruling concluded at 1:02 p.m.)

C E R T I F I C A T E

I, Victoria L. Root, Certified Court Reporter, in and for the United States District Court for the Southern District of Georgia, do hereby certify that the foregoing transcript of the requested excerpts from the proceedings held in the above-entitled matter were transcribed to the best of my ability from the Court's electronic recording system and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

WITNESS MY HAND AND SEAL this 19th day of July, 2022.



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