

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION**

UNITED STATES OF AMERICA

v.

**GLADYS HARUN, a/k/a “GLADYS
CHEGE”**

CASE NO. 3:22-CR-09

MOTION TO RECONSIDER PRETRIAL DETENTION

COMES NOW, Defendant, Gladys Harun, by and through undersigned counsel, and moves this Court to reconsider its order for pretrial detention, showing as follows:

I. FACTS

1.

A detention hearing was held July 8th, 2022, and the Court’s order requiring Defendant’s detention was entered July 21st, 2022. See Doc. 22, Order.

2.

In its order, the Court noted the “nature and circumstances” of the alleged, non-violent offenses “does not weigh in favor of detention.” Id. However, the Court went on to outline several factors leading to its conclusion that “there is no bond condition or combination of conditions that would reasonably assure the safety of the community” or that “will reasonably assure Defendant’s appearance in court.” Id.

3.

Specifically, the Court relied on 1) Defendant’s purported dishonesty in filings with the Middle District of Georgia, with the Court’s probation officer and in her testimony (character); 2) Defendant’s ownership of twelve (12) Jackson Hewitt tax franchises which could theoretically create a danger to the community insofar as she could use those franchises to commit fraud (danger

to community); 3) Defendant's prior text messages showing alleged intimidation of a witness (danger to community); 4) Defendant's withdrawal of \$100,000 in May (risk of flight); and 5) Defendant's planned, annual trip to Kenya, which she made without informing her prior counsel (risk of flight). Id.

4.

Circumstances have changed since entry of the detention order, namely: 1) Defendant's franchises were terminated by Jackson Hewitt (danger to community and risk of flight); and 2) Defendant's bank accounts were seized (risk of flight). See exhibits "A" and "B," respectively.

II. DISCUSSION

Jackson Hewitt Franchises

5.

The Court put a lot of weight in Defendant's former ownership of the Jackson Hewitt franchises:

If Defendant truly owns twelve Jackson Hewitt tax franchises, she poses a serious and immediate threat to (1) taxpayers who entrust her company to maintain highly sensitive personal and financial information; and (2) the public coffers that are so easily manipulated by submission of fraudulent tax returns.

Doc. 22, Order, p. 9.

6.

This concern has now been removed, as Defendant no longer has those franchises. See exhibit A.

7.

Moreover, the shuttering of Defendant's business necessarily means a drastic reduction in

her income and resources, and thus, her theoretical ability to flee. Indeed, the Government even noted in the detention hearing that travel to Africa (where Defendant would presumably flee), is “quite expensive:”

[Q. Government] 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. [Defendant] Yeah. This is very expensive.

Doc. 25, Transcript, p. 24, ln. 1-5.

Seized Accounts

8.

In addition to loss of her prospective income, Defendant has also lost access to well over a quarter million dollars of her own money, which was seized by the Government. See exhibit B.

9.

This seizure serves two (2) functions relevant to our inquiry. First, as with the loss of the aforementioned franchises, it severely limits Defendant’s ability to make the “expensive,” one-way trip to Kenya, as the Court was concerned.

10.

Moreover, it also functions as an extraordinarily high bond already paid to ensure Defendant’s appearance at this Court’s future proceedings. Defendant’s only hope of ever recovering her money is to prevail in this case.

11.

Were she to flee, which she emphatically avers she will not, Defendant would lose the \$345,946 already seized by the Government.

III. CONCLUSION

12.

Defendant is charged with non-violent, so-called “White Collar” crimes. See Doc. 38, Superseding Indictment. Defendant can surrender her passport and in fact offered to do so at the detention hearing. See Doc. 25, Transcript, p. 9, ln. 5-9. As discussed above, Defendant now lacks means to flee to Africa and has effectively prepaid almost \$350,000 toward a bond.

13.

Of the Court’s initial concerns, only Defendant’s alleged prior dishonesty and text messages to a friend encouraging her not to speak with law enforcement¹ remain. In light of these new circumstances, bond is now appropriate.

14.

Defendant is a United States citizen and will gladly surrender her passport. With no passport, little money, her children residing in the United States, and hundreds of thousands of dollars already seized and at stake in this case, Defendant’s presence is assured at all proceedings going forward.

WHEREFORE, Defendant respectfully prays that this Court:

- a. Reconsider, in light of the changed circumstances, its order that Defendant be detained pending trial;

¹ In addition to pleas of friendship, one of the purported texts stated: “don’t take yourself to the slaughter house.” The most uncharitable reading of this message is that Defendant was violently threatening to “slaughter” her friend.

The more reasonable interpretation, given Defendant’s age, sex, stature and (lack of) criminal history, is that Defendant was warning her friend not to trust the agents who had just recently announced an investigation of Defendant in spite of her innocence, which claim she maintains to this day. Indeed, this is a version of the advice given to individuals by friends, family and criminal defense attorneys every day, all across the country.

- b. Grant a reasonable bond, taking into consideration the enormous amount of funds already seized and in jeopardy in this case; and
- c. Grant whatever other relief the Court deems just and proper.

Respectfully submitted this 14th day of November, 2022.

By: /s/ D. Robert Busbee
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Georgia Bar No. 186336
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CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the notice of electronic filing (“NEF”) which was generated as a result of electronic filing in this Court.

Respectfully submitted this 14th day of November, 2022.

By: /s/ D. Robert Busbee
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