

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

UNITED STATES OF AMERICA	)	
	)	CASE NO. 3:22-CR-09
v.	)	
	)	
GLADYS HARUN	)	

**UNITED STATES' RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION TO RECONSIDER PRETRIAL DETENTION**

The United States opposes Defendant's Motion to Reconsider Pretrial Detention (doc. 71). Defendant's third bite at the apple to be released on bond fares no better than her request at the July detention hearing or her August objection and appeal of the detention order, doc. 21. The United States requests that her Motion be denied.

"Reconsideration of a previous order is an extraordinary remedy, to be employed sparingly." *Geyser v. Brown*, No. CV 119-081, 2020 WL 2067426, at *1 (S.D. Ga. Apr. 29, 2020); *United States v. Kelly*, No. 2:18-CR-22, 2019 WL 5328722, at *2 (S.D. Ga. Oct. 18, 2019). Though not specifically authorized by the Federal Rules of Criminal Procedure, courts have permitted parties to file such motions in criminal cases. *See Serrano v. United States*, 411 F. App'x 253, 255 (11th Cir. 2011) (citing *United States v. Phillips*, 597 F.3d 1190, 1199–1200 (11th Cir. 2010)). "In deciding such motions, courts rely on the standards applicable to a motion for reconsideration filed in a civil case pursuant to Rule 59." *United States v. Faller*, No. CR 119-078, 2020 WL 1502983, at *1 (S.D. Ga. Mar. 24, 2020) (citation omitted). Under that standard, to prevail, a movant must show "(1) an intervening change in controlling

law; (2) the availability of new evidence; or (3) the need to correct clear error or manifest injustice.” *Id.* Furthermore, “the moving party must set forth facts or law of a strongly convincing nature to induce the court to reverse its prior decision.” *Burger King Corp. v. Ashland Equities, Inc.*, 181 F. Supp. 2d 1366, 1369 (S.D. Fla. 2002).

Defendant now points to two facts that she contends justify her release. First, she notes that Jackson Hewitt severed ties with her and shuttered her tax franchises. Doc. 71 at 2. Yet, far from alleviating the risk of flight, this exacerbates it. With her business shuttered, Defendant—who is a native of and frequent traveler to Kenya—is now less financially and professionally tethered to the United States, and her reasons for remaining in the United States are lessened. *See United States v. Turner*, No. 19-8173-DLB, 2019 WL 1893109, at *3 (S.D. Fla. Apr. 29, 2019) (noting the fact that defendant’s “fraudulent business has been seized and evicted” bolstered his flight risk).

Second, Defendant contends that her means and motive to flee is diminished since she “would lose the \$345,946 already seized by the Government.” Doc. 71 at 3. Fatal to this argument, however, is that it is factually untrue. Although the seizure warrant concerning Defendant’s Wells Fargo accounts authorized the seizure “[u]p to” amounts that total \$345,946 (doc. 71-2 at 1), the United States was only able to seize \$41,147 from the accounts, since that was the total amount in them at the time. *See Ex. A.* This amount is less than what Defendant reported to Probation she made in one month. *See Doc. 10 at 1.* Notably, Defendant had taken steps to prevent the

United States from seizing more; the same day she was advised she was a target of a federal investigation, she went to Wells Fargo and withdrew \$100,000 before the United States was able to execute a seizure warrant on the account. Doc. 33-1. Thus, Defendant does not face the financial penalty for flight that her Motion would suggest.

Detention is more, not less, appropriate today than it was when first ordered in July. At her detention hearing, she was charged in a two-count complaint; when she objected to her detention order, she faced a one-count indictment. Now, the grand jury has indicted her in a seven-count Superseding Indictment that carry statutory penalties of up to 75 years in prison. Her sentencing exposure is more not less than it was. And, faced with a possibly lengthier sentence at trial, Defendant's shuttered business means she has less reason to stay in the United States.

As Defendant's Motion does not set forth facts to justify the extraordinary remedy of reversing the Court's prior detention order, the United States requests that the Court deny Defendant's Motion to Reconsider Pretrial Detention (doc. 71).

Respectfully submitted,

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