EXHIBIT A

Transcript of Detention Hearing

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NOS. 26-MJ-02277 and 26-MJ-02278-CRIMINAL-ELFENBEIN

UNITED STATES OF AMERICA,
Plaintiff,
vs.
SNIDERS JEAN-JACQUES,
Defendant.

Miami, Florida
February 13, 2026
11:25 a.m.
Pages 1 to 75

DETENTION HEARING
(TRANSCRIBED FROM THE DIGITAL AUDIO RECORDING)
BEFORE THE HONORABLE MARTY FULGUEIRA ELFENBEIN,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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THE COURTROOM DEPUTY: Calling on Page 6 of Page 7, Case No. 26-MJ-2277 and 2278-Elfenbein, United States of America versus Sniders Jean-Jacques.

Counsel, please state your name for the record, beginning with the Government.

MS. GUZMAN: Yes, your Honor. Good morning. Maria Guzman on behalf of the United States.

THE COURT: Thank you, Ms. Guzman.

MR. BEATON: And good morning, your Honor. Marcos Beaton on behalf of Mr. Jean-Jacques, who is present with me and standing next to me.

THE COURT: All right. Good morning, Mr. Beaton.

And good morning, Mr. Jean-Jacques.

Before we go forward, I just want to -- I see that we still have our interpreter here. And I'm noticing, I don't think we need her services for the morning calendar.

My recollection is that Mr. Jean-Jacques is fluent in English. Am I correct, Mr. Beaton?

MR. BEATON: We don't need an interpreter.

THE COURT: Okay. Great.

In that case, Madam Interpreter, you are excused. I'm sorry you were here for the last hearing. I just looked over and I saw that you were there, and I figured that you probably have other places that you probably could be.

All right. Folks, good morning. We are here on a

removal hearing as well as a pretrial detention hearing. I recall that when Mr. Jean-Jacques was before me earlier in the week, he was still contemplating the possibility about whether or not he wanted to have the proceedings here or in the District of Massachusetts, where the charges are pending.

So, Mr. Beaton, are we going forward with the hearing here or what would your client like to do?

MR. BEATON: So this morning Mr. Jean-Jacques informed me that he would like to proceed with the detention hearing here.

THE COURT: Okay.

MR. BEATON: The removal he's going to waive, but the bail detention hearing we will have here.

THE COURT: Okay. Well, in that case, let's take up the one matter that's not contested. Let's take that one up first and then we'll do the detention hearing.

So let me ask him some questions. Has he already filled out the waiver for the identity hearing?

MR. BEATON: Not as to just identity.

THE COURT: Okay. There's a form.

[Inaudible], is it up there already?

THE COURTROOM DEPUTY: Yes.

THE COURT: If you look over there, my courtroom deputy has probably already pre-filled out just in case you needed it a document. Oh, yes. You need -- it's one for each case.

MR. BEATON: That's right.

(Confers with the Defendant privately.)

Mr. Jean-Jacques has signed both of them. May I hand them to the Court?

THE COURT: Yes, please.

THE DEFENDANT: Good morning, your Honor.

THE COURT: Good morning, sir. I'm going to ask you some questions about your decision to waive the identity hearing.

So, [inaudible], put him under oath, please.

THE COURTROOM DEPUTY: Please raise your right hand to be sworn.

(Whereupon, the Defendant was duly sworn.)

THE COURTROOM DEPUTY: You can put your hand down.

THE COURT: Okay, Mr. Jean-Jacques. I'm going to tell you what I tell everyone when I put them under oath: You are now under oath, so if you intentionally answer any of my questions falsely, that is a separate crime which is a crime of perjury that is punishable by up to five years in prison.

Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Okay. Why don't you tell me -- start off by telling me how old you are, sir.

THE DEFENDANT: I'm 38.

THE COURT: And how far did you go in school?

THE DEFENDANT: I went to college, [inaudible] associate and all of my [inaudible]. I went through. I got, like, 26 certificates from college. Your Honor, it's an A-track.

THE COURT: Okay. And you're able to speak and understand English. Am I right?

THE DEFENDANT: Yes. I speak seven languages.

THE COURT: Okay. Perfect.

Have you been diagnosed with any mental illness or any addiction to narcotics?

THE DEFENDANT: No, your Honor, but I do take seizure medication.

THE COURT: Okay. That's actually the next question I'm going to ask you.

THE DEFENDANT: And also I take -- I take the seizure medication. One of the side effects was, like, making me anxiety. So they gave me another medication for that.

THE COURT: Okay. So you take something for seizures and for anxiety?

THE DEFENDANT: Yes.

THE COURT: Have you taken any of those medications in the last 24 hours?

THE DEFENDANT: I took them last night and this morning for my seizure.

THE COURT: Okay. Do either one of those -- do you

know the name of the medications?

THE DEFENDANT: One of them is -- not off the top of my hand. I couldn't remember. One of them is Keppra, Keppra for seizure.

THE COURT: Okay.

THE DEFENDANT: The other one is -- I don't know, ma'am.

THE COURT: Okay. Do either one of those medications impact your ability to understand what's happening here in court?

THE DEFENDANT: No, your Honor.

THE COURT: Do you feel like you're thinking clearly this morning?

THE DEFENDANT: Yes, your Honor.

THE COURT: Okay. I want to make sure you understand that you have the right to force the Government to prove by a preponderance of the evidence -- that means more likely than not -- that you are the same Sniders Jean-Jacques that the grand jury indicted in the District of Massachusetts.

Do you understand that you have that right?

THE DEFENDANT: Yes, your Honor.

THE COURT: Okay. And have you had sufficient time to discuss with your lawyer whether you'd like to waive your right to an identity hearing?

THE DEFENDANT: Yes, your Honor.

THE COURT: And would you like to waive that right?

THE DEFENDANT: Yes, your Honor.

THE COURT: Okay. And your lawyer has passed up two documents. That's a waiver of Rule 5 and 5.1, removal/identity hearing, where it indicates you'd like to waive that hearing. These are -- there's one in Criminal Case 26-2277-MJ-Elfenbein and the other one is in 26-2278-MJ-Elfenbein. Did you sign both of these forms here in court?

THE DEFENDANT: Yes, your Honor.

THE COURT: Okay. All right. Well, having had the benefit of counsel and having colloquied you, I'm going to find that you have made a knowing and voluntary waiver of your right to an identity hearing done with the advice of counsel, and I will accept the waiver.

Okay. So, folks, my courtroom deputy has just reminded me that I neglected on the last case to go over the probable cause waiver with our last defendant. So I'm so sorry, but before -- that way, Mr. Fleischman doesn't have to wait this whole detention hearing for that.

I'm going to re-call that case briefly and then we're going to have your detention hearing. Okay, Mr. Jean-Jacques?

(Pause in the audio recording.)

THE COURTROOM DEPUTY: Re-calling Page 6 of 7, Case No. 26-MJ-2277-Judge Elfenbein and -- sorry -- 278 -- Sniders Jean-Jacques.

Counsels, state your name for the record, beginning with the Government.

MS. GUZMAN: Yes, your Honor. Maria Guzman on behalf of the United States on both matters.

THE COURT: Thank you, Ms. Guzman.

And I see Mr. Beaton is back along with Mr. Jean-Jacques.

So now we've handled the identity hearing. The only matter that remains is the detention hearing.

Are the parties ready to proceed?

MS. GUZMAN: The United States is ready, your Honor.

MR. BEATON: Yes, your Honor.

THE COURT: Okay. I'll be taking judicial notice of the Pretrial Services report as well as I've taken judicial notice of the indictments in both matters in the District of Massachusetts -- the indictments in -- let's see -- 20-MJ-2217 and the indictment in 26-2278-MJ.

Okay. Does the Government have an agent available for cross-examination?

MS. GUZMAN: We do, your Honor. We would like to proceed on testimonial evidence before the Court and also, if the Court will permit us, argument with regards to that testimony and then the Bail Reform Act.

THE COURT: Oh, are you going to call him as a witness, not a proffer?

MS. GUZMAN: No. I'm going to call him as a witness.

THE COURT: I guess in the Middle District of Florida, is that how it was done?

MS. GUZMAN: Sometimes.

THE COURT: Okay. All right. I'm not used to any AUSAs proceeding by testimonial evidence. Well, you're welcome to do so. You don't have to proceed by proffer. But go ahead. However you wish to proceed.

MS. GUZMAN: Just for purposes of the record, I know this is probably established, but we're pursuing detention in this case pursuant to Title 18, 3142, indicating to the Court that we believe the Defendant is both a flight risk and a danger to the community with regards to both matters before the Court.

Also, also, before I put on a witness, I would like the Court to know that I have inquired of any potential *Jencks* evidence that we would be turning over to the Defendant and defense counsel prior to this hearing. There is none. So with regards to our responsibilities under the Federal Rule of Criminal Procedure 26.2 and Title 18, 3500, I would advise the Court that there are no such materials in existence to provide to counsel.

THE COURT: Okay. And tell me -- a couple of things that I ask on a preliminary basis before the AUSAs dive into their proffer.

If you could tell me whether there's a mandatory minimum, which I don't think would be on these charges; what the stat max is; and if there's any calculation as to what the guidelines would be.

MS. GUZMAN: Yes, your Honor.

MR. BEATON: Your Honor, can we sit down? We got the permission from the marshals.

THE COURT: Yes. Certainly. Yes. I know that Mr. Jean-Jacques has an issue with standing on his feet. So certainly.

MS. GUZMAN: So, your Honor, with regards to the first question, the indictment charges the Defendant pursuant to Title 18, Section 1349, which is a conspiracy to commit wire fraud, the wire fraud would have a 20-year statutory maximum.

In the indictment, it appears that they also include bank fraud. As the Court is aware, under that statute, there is a provision that if there is a financial institution that is involved, the statutory maximum can be increased to 30 years.

So I believe that the way that the District of Massachusetts pled it, it's a 30-year statutory maximum.

THE COURT: Okay. And do you have any preliminary estimate of what his guidelines would be?

MS. GUZMAN: Yes. The preliminary estimate provided to me by the District of Massachusetts based on his total offense level, which of course would be based on the total loss and his

criminal history, would be somewhere around the range of 121 to 151 months.

THE COURT: Is that before acceptance?

MS. GUZMAN: Before acceptance. That's correct.

THE COURT: Okay. All right. Well, at this point, if you're ready to call your agent, you may do so.

MS. GUZMAN: Thank you, your Honor.

The United States would call Agent Nelson Muñiz.

THE COURT: Nelson Muñiz? That's his name?

MS. GUZMAN: Yes.

THE COURT: All right. Come on up, Agent Muñiz.

MR. BEATON: Your Honor, while Agent Muñiz is doing that, the only thing that I will note for the record is that I would have an objection to testimony or argument on danger to the community. I believe this Court granted the hearing simply based on risk of flight, which was the Government's representation when we were before you initially.

THE COURT: I'll look at the docket.

The Government sought -- requested a hearing based on serious risk of flight, is what my notes are -- what the minute order reflects from his initial appearance two days ago.

So, Ms. Guzman, is the Government proceeding only in that case on -- based on risk of flight?

MS. GUZMAN: If that was the representation that was made to the Court at a prior hearing, and obviously the defense

relied on that representation to prepare for today's hearing, I would proceed only, then, on the issue of flight risk.

THE COURT: Okay. And that is consistent with my recollection. I remember that I heard Mr. Ustynoski give me a preliminary proffer on serious risk of flight, and there was no discussion of danger. So that is consistent with my recollection, too. But I just wanted to double-check the minute order, and the minute order reflects that as well.

MS. GUZMAN: Yes, your Honor.

THE COURT: Okay. So in that case, we'll be proceeding under risk of flight today.

Go ahead.

MS. GUZMAN: Thank you, your Honor.

May I approach the podium or --

THE COURT: Wherever you feel most comfortable. You can use the lectern; you can stay there.

MS. GUZMAN: Okay.

THE COURT: It's up to you.

MS. GUZMAN: All right. Thank you, your Honor.

THE COURTROOM DEPUTY: Sir, please raise your right hand to be sworn.

NELSON MUNIZ, GOVERNMENT WITNESS, SWORN.

THE COURTROOM DEPUTY: Can you state your name for the record and spell your first and last name?

THE WITNESS: Nelson Muñiz. First name is N-E-L-S-O-N.

Last name is M-U-N-I-Z.

MS. GUZMAN: May I proceed, your Honor?

THE COURT: Yes. Go ahead.

MS. GUZMAN: Thank you.

DIRECT EXAMINATION

BY MS. GUZMAN:

Q. Agent Muñiz, thank you. Good morning.

A. Good morning.

Q. Are you familiar with the facts involving an indictment out of the District of Massachusetts involving an individual by the name of Sniders Jean-Jacques?

A. Yes.

Q. First of all, how are you currently employed?

A. I'm a special agent with the Federal Housing Finance Agency Office of Inspector General.

Q. And are you based out of South Florida or are you based out of Massachusetts?

A. I'm based out of South Florida.

Q. You are, however -- let me ask you this: Are you aware of the indictment that was returned by the District of Massachusetts against this Defendant?

A. Yes.

Q. And are you aware of the facts underlying that particular indictment in the District of Massachusetts?

A. Yes.

Q. Okay. With regards to just the facts briefly in that matter, what is essentially the role of the Defendant in the indictment -- as illustrated in the indictment?
A. The Defendant coordinated a conspiracy to defraud banks by arranging fraudulent employment, income and documentation created to induce banks to issue loans and also for the purpose of leasing apartments.
Q. And with regards to -- I think you used the word "coordinated." Is that correct?
A. Yes.
Q. There are other individuals listed in the indictment; is that correct?
A. Correct.
Q. When you refer to others, are you referring to the individuals noted in the indictment?
A. Yes.
Q. Is it your understanding that Mr. Jean-Jacques held somewhat of a management or supervisor role with regards to these other Defendants?
A. Yes.
Q. Now, with regards to the amount of this potential loss, do you have a figure that is estimated?
A. There are two indictments. There was a PPP loan indictment and a mortgage and apartment indictment. The one with the mortgages, I believe the original intended amounts were about

6 million, and maybe three-point-something million was actually obtained. The PPP one I am not familiar with.

Q. Now, with regards to this case in the District of Massachusetts, was the Defendant in control or a proprietor of a business or establishment that was conducting or assisting in the fraud?

A. Yes.

Q. And what type of business was that?

A. The name of the business was Black Market Luxury. And it was his company.

Q. Is that company still open?

A. It's currently inactive, according to the Division of Corporations.

Q. Are you aware of whether or not Mr. Jean-Jacques had a prior criminal history?

A. Yes, he did.

Q. And what type of criminal history are you aware of that he had in Massachusetts -- or that he had?

A. It was another financial fraud. I believe it was around 2013 or 2014.

Q. Now, with regards to that particular matter and the current matter, do you know if there was any overlap between the period of the prior offense and the period during which, as you suggest, this fraudulent activity occurred?

A. I believe the -- for the prior offense, the supervised

release ended at the end of 2018, December 2018, I believe. And for this indictment, the conspiracy started in May of 2018.

Q. Now, are you familiar with Mr. Jean-Jacques's personal history?

A. (No audible response.)

Q. Is he a United States citizen? Do you know? If you know.

A. I believe he is. I'm not sure. I believe he is.

Q. All right. Were you involved or do you have knowledge of the events surrounding his detention to be brought over to federal court?

A. I'm sorry. Can you ask that again?

Q. Now, he was detained a few days ago -- is that correct? -- to be brought to federal court?

A. Yes. Sure.

Q. Were you involved in that arrest or detention?

A. I was involved in one of the other Defendants on the indictment.

Q. With regards to Mr. Jean-Jacques, had you become aware of the facts or instances involving his arrest?

A. Yes.

Q. Is it your understanding based on your review of other -- and speaking, I assume, to other agents -- whether this Defendant was cooperative at the time of his arrest?

A. No, not initially.

Q. Could you please explain that to the Court?

A. The arrest team originally went to the address shown on his driver's license, and he was not present. They discovered where he may actually have been. They went to that residence. And that is where he was. But he initially refused to come out.

Q. Now, when you indicate to the Court that he initially refused to come out, what happened when he refused to come out?

A. It took about 15 minutes before finally he presented himself, whatever, to the agents. That's a long time when you're trying to arrest somebody.

Q. Okay. So you've indicated that you did not believe he was cooperative, at least at that point?

A. Correct.

Q. With regards to this particular case in the District of Massachusetts, have these other individuals that are noted in the indictment also been arrested?

A. Yes.

Q. Were they all arrested the same day?

A. Yes.

Q. And are they all pending transfer to the District of Massachusetts at this time?

A. Yes.

Q. I'm not going to go through the specifics of the indictment. The Court has that. However, you indicated that at least during the course of the conspiracy -- which took

place from, I believe, 2018, May of 2018, and then on or about June of 2025. Is that correct?
A. Yes.
Q. So that was somewhat of a long period of time; is that correct?
A. Correct.
Q. Now, during that time period, is it your understanding based on your knowledge of this case that Mr. Jean-Jacques continued to -- with regards to the other Defendants, what was it that Mr. Jean-Jacques was doing or suggesting to the other Defendants?
A. There was -- one of the other Defendants would take individuals recruited by Jean-Jacques and connect their identities to people with good credit to help bolster their credit. One of the other Defendants, Mr. Jean-Jacques would coordinate with him on the creation of -- for altering actual bank statements to make fraudulent bank statements showing higher assets than they actually had, to make them appear more creditworthy, and then with a mortgage broker who would actually do the rest of the work of getting the loan issued by the bank.
Q. And I think you had stated this was all fraudulent activity; is that correct?
A. Correct.
Q. And when you suggest to the Court that Mr. Jean-Jacques

recruited the other Co-Defendants, what exactly do you mean by that?
A. I mean that they worked together. He communicated with them, provided them with actual documentation, received fraudulent documentation in return, which was used for the bank fraud.
Q. And are you aware what happened with the funds that were obtained as a result of this fraudulent activity?
A. No. I don't have that knowledge.
Q. With regards to this investigation, were you the main case agent or were you an assistant to the case agents in the District of Massachusetts?
A. No. I was helping the case agent in Massachusetts.
MS. GUZMAN: Your Honor, I have no further questions of this witness with regards to the issue of flight risk.
THE COURT: Are you going to have other questions for this witness on another issue?
MS. GUZMAN: No, your Honor. With regards to flight risk, I am relying on the bail report to the Court and base my argument on that, since we have limited it to only the issue of flight risk.
THE COURT: Okay. So in that case, you tender the witness?
MS. GUZMAN: I do.
THE COURT: Okay. Great.

Mr. Beaton, cross-examination.

MR. BEATON: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. BEATON:

Q. Good morning, Agent Muñiz. How are you?

A. Good morning.

Q. You and I have never met before?

A. No.

Q. We said hello to each other at the beginning of today's court session. This is the first time that we've met?

A. Yes.

Q. Agent Muñiz, did you do any substantive work in either one of these cases? And here's what I mean, just to get -- cut to the point. Did you interview witnesses, pull documents, execute subpoenas as part of the investigation in this case?

A. As to Jean-Jacques, no.

Q. And because this is a case that originates in Boston, you're standing in for [inaudible]?

A. Correct.

Q. So a lot of what underpins the indictment in terms of documents, records and interviews, you do not have personal knowledge of?

A. Other than reviewing the documentation, no.

Q. And when you have reviewed documentation, have you reviewed reports?

A. Yes.
Q. Have you reviewed anything else?
A. I've reviewed text message conversations between Jean-Jacques and other Defendants.
Q. And by whom were those provided to you?
A. By the agents in Massachusetts.
Q. So your colleagues sent you reports and some text messages to get you caught up to speed?
A. Yes.
Q. Other than what was sent to you, you have no personal knowledge of what happened in this case. Is that fair?
A. Yes, sir.
Q. And you're saying that I think your investigative agency is not involved in the PPP fraud case? That's a different agency?
A. Correct.
Q. You definitely don't have any personal knowledge on the PPP fraud case?
A. No.
Q. So let's talk about 26-Criminal-10030, which is the case that you testified about.
So Ms. Guzman made the point that in the indictment, Paragraph 19, it lists the conspiracy dates as May 2018 through June of 2025.
Do you remember that?
A. Yes.

Q. Do you have a copy of the indictment with you?
A. No.
MR. BEATON: Can I borrow yours?
MS. GUZMAN: Sure.
Your Honor, for purposes of the hearing, I would be happy to provide the witness with a copy of the indictment.
May I approach the witness?
THE COURT: Sure.
BY MR. BEATON:
Q. So if you need to refer to it, I want you to have it there and I want to move things along.
Would you agree with me that all of the acts in furtherance of the conspiracy identify dates in 2018, 2020, 2021 and two in 2023, but nothing else?
A. So 2024 and 2025 are nowhere to be found in the acts in furtherance of the conspiracy. Right. Correct.
Q. So that May '18 through June of 2025 indication is internally inconsistent with what's in the document.
A. What's in the document, yes.
Q. With regards to this case, you used the word "coordinated" as to Mr. Jean-Jacques. And I'm going to point you to, for example, Page 4, Paragraph 19-B. And you'll see where it says: On or about December 5th, 2020, Jean-Jacques instructed Pierre in substance to provide an apartment complex with a phone number for a fraudulent applicant.

Do you see that? At the bottom of the page.
A. Yes.
Q. We're going to do this. Do you have -- can you tell us what that substance is, what words were used?
A. No. I can't tell you what words were used.
Q. So let's move quickly. If you'll go with me to Page 6. Do you see Paragraph 5 at the top of the page, "in substance"? You see the same phrase, right?
A. Yes.
Q. Paragraph L, you'll see "in substance." Right?
A. Yes.
Q. Paragraph N, "in substance"?
A. Correct.
Q. And those are talking about messages attributed to Mr. Jean-Jacques.
You don't have any information about what the substance of that is, right?
A. The specific wording used, no.
Q. And I want you to look at Paragraph K. So the paragraph says: On or about June 13th, 2018, Kelly Michelle messaged Jean-Jacques at, quote, "All trade lines have closed in Boston, period," end quote.
You see that, right?
A. Yes.
Q. So you'll agree with me that when the language is quoted in

there, those are the actual words that were used. Right?
A. Probably. Most likely. Yes.
Q. And so the indictment does state what certain messages are word for word. Right?
A. Correct.
Q. But in most all other instances, it qualifies it with the "in substance" language. Right?
A. Yes.
Q. And you'll agree with me that "in substance" means, In summary, my summary of what this message said is XYZ. Right?
A. Correct. You take it into context with other communication.
Q. And the indictment in this case alleges that certain folks who are characterized as Borrowers 1 and 2 and Employees 1 and 2 submitted applications either for rents or for mortgages. That's one of the acts in furtherance. Correct?
A. Yes.
Q. There's no instance where Mr. Jean-Jacques submitted a mortgage application. You'll agree with me. Right?
A. Where he personally submitted? I don't know.
Q. And you'll agree with me that there's no instance where Mr. Jean-Jacques submitted a rental application. Right?
A. Submitted? No.
Q. The allegation is that essentially, in substance, to use the word that you guys used in the indictment, he assisted, you

guys are claiming, folks with these applications. Right?
A. Correct. He caused them to be submitted.
Q. And I see that word a lot. You took the next word. "He caused them to be submitted." And so we just talked about the fact that he didn't press any buttons to submit them. Right?
A. Not that I know of.
Q. He didn't walk over to any agency to turn them in. Right?
A. Not that I'm aware of.
Q. Okay. He didn't force anybody either by threat, coercion, depriving anything for them to submit these applications. Right?
A. Not that I know of.
Q. So your allegation is that Mr. Jean-Jacques helped or someone -- guided someone in the participation of these applications. That's the substance of the allegation. Right?
A. Yes. That he coordinated it and he provided the use of his business in order to further the conspiracy.
Q. And there's allegations in here as to another Co-Defendant about falsifying documents. Right? About actually taking, for example, bank statements and then switching them up. Right?
A. Yes. Yes.
Q. That's not Mr. Jean-Jacques. Right?
A. No. He provided the actual bank statements to that Defendant and then received the fraudulent ones in return.
Q. Well --

A. And he asked the Defendant that the bank statement had to show a certain minimum balance, which is what was returned to him.
Q. And that kind of conversation is another "in substance." What words did Mr. Jean-Jacques use to say, "Here's the original one. Give me back a fake one"?
A. I don't remember the exact amount. But it was a text message. And he said, "The balance has to show at least around somewhere around $69,000." I remember he said that.
Q. So you're aware that Mr. Jean-Jacques -- one of the things that he does is he's a tax preparer. He has a tax preparation business. Right?
A. Yes.
Q. And so he assists some of those clients in some financial advice, as you understand it. Right?
A. Yes. He was a tax preparer. He does not have an active [inaudible], so he cannot prepare taxes anymore.
Q. Got it.
So you understand that certain mortgage companies have underwriting standards. Right?
A. Yes.
Q. And there are people that get hired to understand those underwriting standards. Right?
A. Yes.
Q. And one of those underwriting standards that the mortgage

companies have is an approximation of how much cash on hand you have. Correct?
A. Correct.
Q. So telling someone that, "Hey, bank XYZ is going to need you to have, you know, at least 70 grand if you want to qualify," that's kind of accurate advice. And I'm not saying that that may be clear, because I don't know what the number is. I have no idea what the numbers are. But that type of advice is things that mortgage brokers tell their clients all day.
A. Yes. But not when you provide somebody's actual bank statements that show a significantly lower balance and then receive altered bank statements in return reflecting the balance that was requested.
Q. I -- you're connecting dots that sort of just in isolation -- so giving someone advice based on an inadequacy that you see, there's nothing wrong with that statement. "You're never going to qualify." There's nothing wrong with that. Right?
A. That's right.
Q. And if somebody finds mom, dad, uncle, aunt to give them, you know, 50 grand or whatever -- I haven't bought a house for a million years, so I don't remember how this works. But they can submit the application when they think they're going to qualify. Right?

A. Yes.
Q. And there's no evidence that you have that Mr. Jean-Jacques went to a program, a computer, that he switched the numbers. Right? There's no evidence of that?
A. Somebody else did that for him.
Q. So the answer to my question -- and my question is: There's no evidence that he went to a program and that he changed those things himself. Right?
A. Not that I know of.
Q. So this -- this intended loss of 6 million and loss of 3.7 million, so I see that the indictment that you're responsible for -- I'm not going to ask you about the PPP fraud, because that's not yours.
That -- I see that we're talking about literally two borrowers and that we're talking about timeframes that span from -- as to Borrower 1, which is how the indictment is broken down, you're talking January 2021 through May, June; there's some dates in July; and then in September of 2021 as to Borrower 1. And then Borrower 2 is October 2021 through kind of August of 2021. It goes to August of 2022. And those are the only two borrowers that I see. So I have a hard time understanding where the $3.7 million number comes from. Can you explain?
A. I believe the $6 million would be the original intended amounts, all applications submitted. And the 3.7 is what was

actually issued.
Q. So, I mean, as to Employee 1, for example, we're talking about submitting an application for renting an apartment in Wynwood. As to Employee 2, we're talking about something that is sort of related to Social Security and proof of employment and has to do with another rental.
And then it's Borrowers 1 and 2 that we're talking about. So, I mean, these are the only two applications that are mentioned in acts in furtherance. Are you saying that collectively those two applications add up to $3.7 million --
A. No.
Q. -- in fraudulent proceeds?
A. No.
Q. So there's others that are not listed in the indictment?
A. That are part of the overall conspiracy, yes.
Q. So who are they? What evidence? Tell us what -- because the judge has to find by a preponderance of the evidence. It's a low standard, but it's not a no standard. Right?
So we don't have any evidence. We have Borrower 1. You have Borrower 2. The numbers we're talking about are balances -- I mean, you know, you're looking at probably, you know, $70,000 to $90,000 in a bank account. They're not buying $2 or $3 million homes. So putting those two aside, what others and what amounts are you talking about?
A. I don't have that information.

Q. So the only information that we have right now is what's in the indictment?
A. Yes.
Q. The last thing I want to ask you about is the circumstances of Mr. Jean-Jacques's arrest.
You said an arrest team went to execute the arrest to the original location and the second location. Were you a part of that arrest team?
A. No.
Q. You said based on what you've been told it took him about 15 minutes to come out?
A. Yes.
Q. Just so the Court's clear and we have it on the record, an arrest team is somebody who, at least generally speaking, they go knock on the door, say, Hey -- you know, they identify themselves as law enforcement, say who they're looking for, come out. Right?
A. Correct.
Q. And you weren't able to testify certainly to your personal knowledge, but you don't know what Mr. Jean-Jacques heard or saw inside the home. Right?
A. No.
Q. And the best estimate that you've been given is 15 minutes. Right?
A. Yes.

Q. And when law enforcement comes knocking on your door, would you agree with me that it's not an unreasonable thing to do to call, let's say, an attorney and ask for advice?

MS. GUZMAN: Objection to speculation on that question.

THE COURT: Overruled. He can answer.

THE WITNESS: I think you should open the door when the [inaudible].

BY MR. BEATON:

Q. I appreciate it. I'm sure you guys would prefer that. But you'll agree with me it's not an unreasonable thing to do for someone that has law enforcement at the door so they can't come out to call their attorney. It's not unreasonable?

A. You can call them afterwards.

Q. But my question is, it's not unreasonable? That's the only thing I'm asking.

A. I think it's unreasonable.

Q. You think it's unreasonable?

A. Yes.

MR. BEATON: Give me one second, your Honor.

THE COURT: Go ahead.

BY MR. BEATON:

Q. I appreciate you stepping in. I know you were put on the spot.

MR. BEATON: I have nothing further, your Honor.

THE COURT: All right. Any redirect?

MS. GUZMAN: No, your Honor. Just argument.

THE COURT: All right. So, Agent Muñiz, you may step down. Thank you, sir.

THE WITNESS: Thank you.

(Witness excused.)

THE COURT: All right. Ms. Guzman, does the Government have any other evidence it wishes to either proffer or any other witnesses it wishes to call?

MS. GUZMAN: No, your Honor. Just argument. Essentially --

THE COURT: Hold on. Before I get to that, let me turn to defense counsel to see if he wants to proffer anything or if he has any witnesses he wants to call.

MR. BEATON: No, your Honor. I'll proceed by argument.

It's half proffer, half argument. But there's just some facts, most of which are contained in the Pretrial Services report.

THE COURT: All right. Are you going to offer anything that's not in the Pretrial Services report? Only because I want to make sure that Ms. Guzman has an opportunity to respond to anything that's, like, outside the record that she might not know.

MR. BEATON: No. She has everything.

THE COURT: Okay. Great. So let's proceed to argument.

Go ahead, Ms. Guzman.

MS. GUZMAN: Thank you, your Honor.

Obviously, the one issue before the Court is the issue of the Defendant's potential flight risk. Under Title 18, 3142, we're not proceeding on danger to the community. So I'll narrow my arguments to that particular issue.

In this particular case, the Court -- the Defendant was charged by an indictment. These are indicted cases that were presented to a federal grand jury.

The Defendant is facing a potential maximum of 20 years on a conspiracy to commit wire fraud, potentially up to 30 years on the issue of whether a financial institution was used during the commission of the conspiracy to commit wire fraud.

So the statutory maximums are significant for this Defendant. I believe that the fine amounts for Title 18, 1349, are somewhere in the range of a million dollars. So they are significant penalties that the Defendant is facing.

The Defendant is a recidivist. So with regards to his potential to flee, not only is he facing significant penalties if convicted, but he's also a recidivist, as the Court note -- heard, not only in the testimony of the agent, that the Defendant had supervision on a prior case that was discharged in December of 2018, which would have been during the timeframe of the conspiracy.

But moreover, the charge itself, which is on Page 4 of

the Pretrial Services report, was a charge out of Boston where the Defendant was convicted of theft of public money.

The Defendant received a sentence on those two counts of 24 months' imprisonment and three years of supervised release and a $200 special assessment. Again, as noted, his supervision was discharged in 2018 after the time period commenced in the indictment.

It is safe to suggest that that prior criminal history is also going to affect his potential guidelines and obviously an additional incentive for him to flee.

As is noted in the Pretrial Services report --

THE COURT: You're saying because he's not a Criminal History Category I, but he's going to have three points, and so he'll be Criminal History Category II?

MS. GUZMAN: Correct.

THE COURT: Okay.

MS. GUZMAN: He's going to have an enhanced penalty range than just a Criminal History Category I, which means that that will obviously elevate his guidelines potentially even more.

THE COURT: But the estimate that you gave me, the 121 to 151 months, that accounts for Criminal History Category II, does it not?

MS. GUZMAN: I believe it does.

THE COURT: Okay.

MS. GUZMAN: I do believe it does. I think that that was taken into account by the District of Massachusetts when they came up with their guidelines.

I would also note with regards to the flight risk issue, which is the only issue before the Court, in the Pretrial Services report, the person that was contacted to corroborate the Defendant's personal history was his brother, Christopher Johnson. He indicated that he was not willing to cosign a bond. Although he was contacted by Pretrial Services, he indicated he was not willing to cosign a bond. There are several instances during the course of the report where he indicates that he couldn't corroborate information. He just didn't know the information.

So it appears that there's just a lot of gaps and a lot of unverified, uncorroborated information in the Pretrial Services report, which is worrisome.

The Defendant also --

THE COURT: Like what?

MS. GUZMAN: Well, foreign travel. The Defendant indicated that he had a valid United States passport and that the Defendant himself declined to provide any of his foreign travel history.

THE COURT: So does he have foreign travel that you want to proffer to me?

MS. GUZMAN: I do not know whether he does or does not.

THE COURT: Wouldn't that burden be on the Government to come here and show me that he has ties outside of the district in foreign travel?

MS. GUZMAN: I can only say that he declined to provide that information. I cannot say whether he traveled. I can only say that in the Pretrial Services report he declined to provide that information.

I note that also, which is worrisome, the Defendant indicated that he has had mental health issues as reflected on Page 3, that he had admitted himself to a local Miami hospital sometime in August of 2025, that he was diagnosed with anxiety and he is being prescribed medication.

There are other issues here, I think, that relate more to the Defendant's danger to the community, but I'm not going to address those, because those are not, obviously, before the Court.

The Defendant, as is reported here in the Pretrial Services report, apparently has -- by his own account has family in Haiti, has contacts to Haiti, which -- he is an American citizen. He was born in Haiti, became a United States citizen. However, he indicates that, you know, obviously, there is information in the Pretrial Services report that he still has ties to the country of Haiti.

And as the Pretrial Services report indicated itself, I think, when assessing their concern with regards to the flight

risk issue, there was the offense charged, which is why I briefly put the agent on. I think it was important for the Court to hear from the agent and the circumstances of his arrest. Whether the Court deems that cooperative or not cooperative, that's for the Court to determine. However, I thought it was important that the Court hear that in fact the Defendant didn't simply just surrender when approached by law enforcement.

Obviously, as the Court knows, he does have possession of travel documents. He has the family in Haiti; he has the ties to Haiti, the mental health history.

And then the two most important ones for purposes of the Court determining whether or not he's a flight risk, again, his criminal history and then he has a prior failure to appear. It appears that in -- with regard at least to one case in 2006, as reflected on Page 4, he had a failure to appear --

THE COURT: Well, but the disposition in that case is unknown.

MS. GUZMAN: Correct.

THE COURT: So we don't know. He could have been acquitted of that. It's an accusation; it's not a conviction for failure to appear.

MS. GUZMAN: Correct. And I'm not -- I am not asking the Court, quite frankly, to look at the first three, because the first three all appear to be unknown. So with regards to

his prior criminal history, the one concern -- and whether I deem or term him as a recidivist, it is only based on the 2014 offense.

THE COURT: Well, but let me ask you, the 2014 case, did he have a bond? Did he violate the bond? Or was he detained pretrial?

MS. GUZMAN: I do not have that information, your Honor.

THE COURT: Okay.

MS. GUZMAN: I do not have that information.

So with regards to this case, again, being limited only to the flight risk issue, I think those are the pertinent issues that I would suggest to the Court, that the nature of the offense, his ties to other countries, his possession of travel documents would be something that the Court should look at, address and deny him conditions of release on that issue, since I'm not in a position to argue the danger to the community.

THE COURT: Okay. All right. Mr. Beaton?

MR. BEATON: Thank you, your Honor.

First of all, obviously, Mr. Jean-Jacques is a United States citizen. He has resided in Miami since 2006. He has significant family ties, including his father, his mother, several siblings and four children.

As the Court is --

THE COURT: All residing in Miami. Correct?

MR. BEATON: They do reside in Miami.

As the Court is aware, the burden that the Government must carry under 3142 --

THE COURT: Is preponderance.

MR. BEATON: -- is preponderance. But it's a preponderance that there are no conditions or combination of conditions that will reasonably secure his appearance.

THE COURT: Correct.

MR. BEATON: So they must exclude all conditions or combination of conditions.

And notably, Pretrial Services did recommend a bond in this case with conditions that your Honor and other courts in our district commonly impose, report to Pretrial Services to surrender -- as directed, surrender passports, continue with current mental health provider, avoid contact with Co-Defendants. And you'll see the list there. I'm not going to read it out for the Court.

And the Court, I think, had its finger on the right questions. I'm asking the Court not to consider any of those priors identified in the Pretrial Services report. There is no evidence of what they are. There's not even case numbers with which to verify them.

And I will also note, as the Court noted, that there were no violations in the 2014 case. Also, the --

THE COURT: Do you know if your client was out on bond during that 2014 case prior to trial?

MR. BEATON: I don't know.

(Confers with the Defendant privately.)

What I'm understanding from Mr. Jean-Jacques is that he waived the pretrial detention hearing in that case and the case was resolved relatively [inaudible].

THE COURT: Okay.

MR. BEATON: But yeah. So --

THE COURT: When you say no violations, there was no petition to revoke his supervised release while he was on supervised release in the 2014 case. Is that what you mean?

MR. BEATON: That's correct. And I apologize.

THE COURT: Okay.

MR. BEATON: So -- and, your Honor, as to the weight of the evidence -- and I think the weight of the evidence is one of those factors that is not at the top of the list -- the evidence on this record is that -- there's almost no proof of the loss amount. There's no proof as to Mr. Jean-Jacques, of things that he said or did. There's characterizations, and I think that's what the record establishes.

With regards to coming to the door, 15 minutes is -- and I respect law enforcement's perspective. I have law enforcement in my family. They prefer everybody come to the door. But I know what I tell my clients, is if that happens,

call me. And so the fact that there's a 15-minute delay while someone does that internally is not unreasonable, and I don't think it suggests risk of flight.

I think there is a bond that the Court can impose with other conditions, maybe electronic monitoring, that would help assure the Defendant's appearance as required.

And that's it, your Honor.

THE COURT: Okay. Rebuttal?

MS. GUZMAN: Your Honor, I have no additional rebuttal. I obviously have made my argument to the Court with regards to our position as to, again, only flight risk. And I don't have anything else to add.

THE COURT: Okay. Mr. Beaton, I neglected to ask before when you were discussing proposed bond conditions, is there a cosigner who is willing to cosign on a bond for him?

MR. BEATON: So I have -- I have been in some communication with the family. I've spoken with one brother. They weren't here this morning because we had anticipated not proceeding this morning on it. I cannot confirm for the Court that I have spoken with someone that is willing to cosign.

Mr. Jean-Jacques has indicated to me, however, that he spoke with his mother last night, who did tell him that she would agree to cosign the bond.

THE COURT: Okay. But you anticipated that you were not going to have this detention hearing this morning, that it

was going to be held in the District of Massachusetts, and you didn't make the phone calls to find out before today's hearing? Is that what I understand?

MR. BEATON: That is -- yes, Judge.

THE COURT: Okay. And if he were released on bond, Mr. Beaton, where would he live?

MR. BEATON: He would live with his mother, your Honor.

THE COURT: Okay. All right. The Court must determine whether the Government has met its burden of proving that no condition or combination of conditions will reasonably assure the Defendant's appearance as required. As to appearance in court, the Government's burden is by a preponderance of the evidence, meaning that it is more likely than not.

The Court first assesses the extent of any risk and then turns to whether any condition or combination of conditions would reasonably mitigate that risk.

Looking to the nature and circumstances of the offenses here, other than what is alleged in the indictment involving the PPP loan, we know other information has been proffered to me as to the -- or provided through testimony or evidence as to the circumstances involving that criminal conduct. And as it relates to the -- what I'll call the mortgage fraud indictment, there was certainly more information that was proffered. And certainly both offenses are serious offenses.

But I will note that a mortgage fraud -- the overt acts

seem to be older conduct, although the conspiracy does range through 2025.

And looking at the weight of the evidence against the Defendant, there was really very little outside of what's in the indictment that was actually proffered here in court.

It's very difficult for the Court to assess based on the current record established here in court whether or not the weight of the evidence against this particular Defendant is strong.

Certainly I think on cross-examination, there were some points that were brought out as to indicate that perhaps this is a case where it is a defensible case. And there wasn't anything outside of, really, the four corners of the indictment that was presented here to me to indicate whether or not this is a -- it's uncharacteristic for a detention hearing to proceed in this manner. I'm used to this proceeding by proffer where the Government provides a ton of details about the investigation. But this is not a case where we see a ton of details about the investigation to really understand how strong the Government's case is or not.

So on that particular -- in that regard, I find that the evidence is not particularly strong and that factor does not particularly weigh in favor of finding that he will not abide by the terms of any bond that I could impose.

Turning to his history and characteristics, I actually

find the Defendant has mitigating factors as well as factors that weigh against him in his personal history and characteristics. Certainly he has a prior conviction for theft of public funds that is 12 years old for which he was convicted and he served 24 months' imprisonment. And that is a significant factor to consider.

He was on three years of supervised release, that he was not -- Probation did not seek to violate him for that period -- during his period of supervised release.

Nonetheless, I do recognize that there are allegations here from the Government that at least in the last seven months or so of his supervised release he was already engaging in this conspiracy.

And so those factors do weigh against the Defendant.

Looking to his family ties to the community, though, I do find that there are many mitigating factors here. You know, he's a United States citizen. He's been a naturalized citizen since 2016. Although he was born in Haiti, his roots here in this country date back to, according to the Pretrial Services report, 1996. So he's actually lived in the United States for 30 of his 38 years.

And he's been rooted here in Miami since 2006. That's 20 years that he's been rooted here in Miami. And he has a lot of family ties here in Miami. His mother lives here and owns a residence here; his father lives here; he has multiple siblings

who live here; and he's got his children who live here as well in Miami.

So I recognize that he has significant family ties here in this jurisdiction, even though he does have some family located in Haiti.

I have considered the Government's proffer and testimony related to his 15-minute delay in coming to the door. And while that is a delay, he didn't immediately present himself to law enforcement is an indication that perhaps he was not immediately cooperative. This is not a situation as far as the evidence I was presented where he barricaded himself in or law enforcement had to go in and get him, where he took off from the residence and tried to flee from law enforcement.

So I don't think that a 15-minute delay in coming to the door is particularly concerning as to whether or not he's going to appear here in court.

With regard to his foreign travel, although the Government pointed out that he declined to provide information about his foreign travel, the burden here is not on the Defendant. The burden here is on the Government to provide me evidence. And the Government had the opportunity and could have pulled his travel records and told me anything about his foreign travel.

Based on the current record, I don't have any information that he's traveled in the last ten years out of the

United States. And the burden's on the Government to do so.

Now, on balance here, based on the current record, I think there are bond conditions that I can impose in this case that can reasonably assure his appearance in court and that he will appear in the District of Massachusetts.

But I recognize that his brother for whatever reason indicated that he was not willing to be a cosigner, but Mr. Beaton has indicated to me that his mother is willing to serve as a cosigner. And the Pretrial Services report reflects that the brother did report that the mother would possibly be willing to be a cosigner, and that is consistent with what Mr. Beaton has proffered here in court.

I would like, however, Mr. Beaton, to get the mother on the phone so that I can colloquy her and make sure that she understands what she'd be agreeing to by being a cosigner.

So, Mr. Beaton, can you please get her on the phone?

MR. BEATON: I can try.

(Pause in the audio recording.)

MR. BEATON: As the Court heard, it went to voicemail.

THE COURT: Okay. Well, here's what we're going to do: I'm going to require that the mother be a cosigner or another person who is acceptable to the Government, where he will not be able to bond out until he has the cosigner who has signed.

Typically, I have the cosigner here in court. I understand that there was a belief that you were not going to

have this hearing here this morning, and that's why family members were not here in court, according to Mr. Beaton.

But I'm going to require that the mother, Nirva Jean-Jacques, be a cosigner; or alternatively, if for whatever reason she's not willing to be a cosigner, that another family member cosign on the loan. But the Government must agree to the alternative cosigner.

Okay. So let's talk about bond conditions in this case. And, Ms. Guzman, let me hear from you as far as what are bond conditions that the Government would like me to consider. Would you like me to -- are you asking me to consider the possibility of a percentage bond versus a personal surety bond? Let me hear from you on that.

MS. GUZMAN: I am not --

THE COURT: And then we'll talk about special conditions, too. Right now, I'm just talking about the actual bond itself.

MS. GUZMAN: I'm not asking for a surety bond. I don't know that the Defendant has the resources for an actual surety bond. It looks like --

THE COURT: No. A personal surety bond. So in our district -- I know the Middle District does it differently -- a personal surety bond is, I think, maybe what you all call an unsecured bond.

MS. GUZMAN: Oh, okay.

THE COURT: A [inaudible] bond.

MS. GUZMAN: Yes. I'm sorry.

THE COURT: This is a percentage bond.

MS. GUZMAN: Correct.

I think probably something along the lines, because of the loss amount, if the Court would consider at least a $25,000 surety bond.

THE COURT: Personal surety?

MS. GUZMAN: Personal surety. Correct.

THE COURT: Oh, it's going to make -- it's going to be more than 25,000.

MS. GUZMAN: Okay. At least 25,000, based on the loss.

We would also suggest to the Court that perhaps some kind of -- I don't know if it's termed "electronic monitoring" here in the Southern District of Florida, but some type of electronic monitoring perhaps would be appropriate in this case.

He apparently is currently seeing a mental health provider. Probation -- Pretrial recommends that he continue seeing his mental health provider. I think that that would be an appropriate condition for the Court to consider.

Obviously, surrender all passports, if he has a U.S. passport, to surrender his passport during the pendency of this matter. And obviously, not obtain any additional travel documents during the pendency of this matter.

One of the conditions suggested by Pretrial that I would certainly urge the Court to consider is that he not be employed where there's access to credit cards or where the Defendant has any type of PII, or any type of personal identifying information, available.

Obviously, there are Co-Defendants in this case. So any -- to avoid any contact with additional Co-Defendants during the course of this case, except through counsel. Obviously, there may be meetings with counsel for other matters.

They've also indicated here to refrain from possessing a firearm, destructive device or other dangerous weapon. He's not charged with a violent offense in this case. However, that would not be a bad condition.

There is a restraining order, as the Court noted -- as I note in the Pretrial Services report. We didn't argue it, because we weren't arguing danger. But there is apparently an existing restraining order that was filed by a girlfriend and that applies to the girlfriend and his child that I think is still applicable.

So I think a condition that he refrain from any firearms or destructive devices or dangerous weapons would be an appropriate condition.

And then of course travel. If the Court would restrict his travel from the Southern District of Florida to the

District of Massachusetts. I don't know exactly how the Court would do that in the Southern District of Florida. I mean, obviously, he's going to have to appear for court appearances in Boston in the District of Massachusetts, so he's going to have to travel there either by vehicle or plane.

THE COURT: What it typically is is that you restrict their travel, but -- to go to court up in Massachusetts. But obviously, the plane has to fly from here to Massachusetts.

MS. GUZMAN: Right.

THE COURT: Well, he's allowed to --

MS. GUZMAN: Right.

THE COURT: -- to cover all those jurisdictions by plane or by rail or by car, however he gets there. But it's only going to be for driving from here to Massachusetts to go to court and then back.

MS. GUZMAN: Yes, your Honor. Thank you.

And that would be another condition that we would think would be appropriate in this case.

THE COURT: Okay.

MS. GUZMAN: Other than that, and as the Court has noted, a co-signature with either his mother or another individual that would be appropriate, I think is also an appropriate condition.

THE COURT: All right. And the electronic monitoring request, is that -- are you asking for him to have a curfew or

any restrictions that are tied to the electronic monitoring?

MS. GUZMAN: I mean, I think that a curfew would be appropriate. I don't know, again -- please excuse, your Honor, because in the Middle District of Florida usually Pretrial Services is at the hearings and they advise the Court.

THE COURT: They are here.

MS. GUZMAN: Oh, they are here.

THE COURT: Officer García is here.

MS. GUZMAN: I did not know. Thank you. I'm sorry.

Whether any type of electronic monitoring would be feasible or appropriate in this case. I mean, it would add an additional layer to the Defendant remaining within the jurisdiction and not traveling, unless it's obviously to go to court. We would urge the Court to consider that, if feasible, and something that is feasible with U.S. Pretrial.

If not, then certainly at least a curfew would be something that we would urge the Court to include in his conditions.

THE COURT: Okay.

MS. GUZMAN: Other than that, I think I have covered pretty much the conditions we think that would be appropriate and also mirror what U.S. Pretrial has suggested in the Pretrial Services report.

THE COURT: All right. Mr. Beaton, let me hear from you on any proposed bond conditions.

MR. BEATON: It is interesting how just a district away that things are so different.

THE COURT: Yes.

MR. BEATON: And I do get a chance to practice in other places, and it's almost a different language.

So what we would propose is a $100,000 personal surety bond, cosigned by the mother or by some other person that is acceptable to the Government.

When I heard the Government say travel restrictions between the Southern District and the District of Massachusetts, fair. Surrender travel documents, fair. Continue mental health treatment, appropriate.

But I think the Court wanted to address now the meat of the monetary amount. And if you have any other questions, I'm happy to answer them.

THE COURT: Sure. Was there anything else you wanted to address with regard to the bond?

MR. BEATON: In terms of bond amount, I think that's it. If the Court is inclined to impose electronic monitoring, I'm happy to address that.

THE COURT: Yes. You actually proposed electronic monitoring when you were --

MR. BEATON: I did.

THE COURT: -- in your argument.

MR. BEATON: So if you're going to accept our proposal,

then what has worked with Pretrial Services -- and Officer Garcia is the best person to speak to this -- but there is a monitoring that leaves it to their discretion on the technology to be used. And to the extent the Court is going to impose electronic monitoring, that's what I would propose.

THE COURT: Okay. Officer García, let me hear from you on the electronic monitoring issue. Obviously, I know that's not something that Pretrial Services recommended in their report. But it is something that I'm inclined to order in this case in light of the fact that, you know, the brother seemed hesitant about cosigning on a bond, and so that gives me a little bit of pause. And I would like a little bit more assurances and -- in light of the fact that he does have the prior federal conviction.

So -- but I do want to hear from Pretrial Services in terms of what they would recommend for electronic monitoring for him.

THE PRETRIAL SERVICES OFFICER: Judge, we're not recommending any type of electronic monitoring. But we would like a cosigner to execute the bond prior to release.

Now, that's our position. And it is -- to answer the Government's question, it is feasible. We handle location monitoring, we call it, or electronic monitoring in cases all the time. So we can do that if the Court does order it.

But that's not our recommendation. But we would like a

cosigner.

THE COURT: Yes. No. There's definitely going to be a cosigner.

THE PRETRIAL SERVICES OFFICER: Absolutely.

THE COURT: But my question about electronic monitoring -- I'm going to impose it. So my question is: I know typically you don't do standalone electronic monitoring, because usually it's tethered to a curfew or some other conditions.

THE PRETRIAL SERVICES OFFICER: Right.

THE COURT: So what would your recommendation, practical recommendation, be in that regard?

THE PRETRIAL SERVICES OFFICER: Your Honor, actually, the bond papers in the Southern District were recently changed in the past couple of years. And it does include now standalone monitoring. So basically, standalone monitoring is no restrictions other than the fact that we could track if he were to flee the district. That's really the only restrictions. No real restriction.

So in that case, if you were -- if the Court were asking what type of monitoring, I would say standalone monitoring with the technology to be determined by us. And that recommendation is coming from the fact that we frankly didn't recommend the monitoring, but I was glad to answer the Court's question.

THE COURT: Okay. All right. Well, thank you. I appreciate that. And I understand that that wasn't one of the recommendations. That is something that I am recommending to myself.

So here's what the bond is going to be: It's going to be a $100,000 personal surety bond. I do think that that is an appropriate amount for a personal surety bond in this case. Given the potential exposure in this case with the guideline range, I think it's important that there be a more substantive bond in the amount of $100,000 in this case.

Also, for further assurances that he will appear in court as required, I'm going to require that his mother be the cosigner unless for whatever reason she cannot cosign. Then there's going to be another family member that will be acceptable to the Government.

So, Mr. Beaton, obviously, you'll have to talk to the mom first. And if for whatever reason, you can talk to one of the other siblings or family members and check with the AUSA and make sure that that is acceptable.

He will not be able to bond out, though, until the bond paperwork is returned with the signatures of the cosigners.

So, Mr. Jean-Jacques, I want you to listen closely to what your standard conditions of your bond and your special conditions are to make sure you don't violate any of them.

All right. So first of all, standard conditions of

your bond: You are not to violate any state, local or federal laws while you are out on bond.

If DNA collection is required by law, you are to participate in DNA collection.

You must -- you will be living at -- let me ask you this. The address is on the Pretrial report, 801 Northeast 156th Terrace. Is that your mom's house or is that a different location?

THE DEFENDANT: That's my mama. That's my location. Yes.

THE COURT: That's your mother's house?

THE DEFENDANT: Yes.

THE COURT: Okay. So then you will continue residing at that address that is on the Pretrial report while you are out on bond.

Also, I need to advise you that if you fail to appear at any required court appearances, that is a separate federal offense for failure to appear and it is punishable by up to five years in prison and a fine of up to $250,000.

Now let's go over the special conditions of your bond. You are to report to Pretrial Services as often as the officer directs you to report. You are to surrender your passport. So that U.S. passport that you have, you need to turn it over to the Pretrial Services officer. And while you are out on bond, you cannot apply for any other travel documents. Do not apply

for any passports, visas or anything while you are out on this bond.

You are also to participate in a mental health assessment and treatment, if necessary, or continue participating in that treatment.

With regard to employment, I'm going to give you an employment restriction. You may continue working. However, you cannot have any jobs where you have access to credit cards or the personal identification information of other individuals.

You are to avoid having contact with the Co-Defendants for both cases. Right? Because I think you have different Co-Defendants in each case. So in one case, let me see -- yes. You have different Co-Defendants in your cases. So you cannot have any contact with any of the Co-Defendants either in Criminal Case 26-MJ-2277 or in 26-MJ-2278.

You are to refrain from possessing a firearm or any other dangerous device. So to the extent that you have any kind of device like that, you need to make sure that you -- make sure it is not in the home where you reside.

Also, none of -- whoever the cosigner is on the bond cannot encumber, mortgage or hypothecate in any way any real property that they own. So if your mom is the cosigner and your mom owns her house, which according to the Pretrial Services report she does, your mom cannot get a second mortgage

on the home; she cannot sell the home or cannot do anything to encumber the title on that home, as would be true for any other cosigner who may be -- cosign your bond in lieu of your mother.

Your travel also is going to be restricted from the Southern District of Florida to the District of Massachusetts. And you can only travel to the District of Massachusetts for the purpose of appearing in court. And you'll have to notify your Pretrial Services officer anytime you're going to leave the district to go to Massachusetts for court. If you have any questions about what the geographic boundaries are of the Southern District of Florida, ask your Pretrial Services officer to make sure you don't go outside the boundaries of the Southern District of Florida.

And then the last requirement that I'm going to impose is that you have standalone electronic monitoring. And the standalone electronic monitoring is going to be determined, the -- the technology will be determined by the Pretrial Services officer, which means you're going to have some kind of GPS or ankle monitor that's going to monitor your whereabouts at all times.

But you will not have a curfew or other restriction as to what time you need to be back at your mother's residence.

All right. Ms. Guzman, did I leave out any other conditions?

MS. GUZMAN: No, your Honor.

THE COURT: Okay. Mr. Beaton, anything further on the subject of bond?

MR. BEATON: No, your Honor.

THE COURT: Okay.

MR. BEATON: And did I hear you say to report to Pretrial Services as directed?

THE COURT: As directed. Correct.

MR. BEATON: Okay.

THE COURT: And, Officer García, did I leave anything out?

THE PRETRIAL SERVICES OFFICER: Did the Court order him to appear in the District of Massachusetts?

THE COURT: Oh, yes. He would have to appear -- but let me ask Ms. Guzman, do we have any information about when he has an initial appearance?

MS. GUZMAN: Your Honor, I do not. I did not get that from the assistant United States attorney in Boston. I did ask. She did not have it.

And perhaps this is not the appropriate time, but she also asked that if the Court did consider conditions of release in this case, whether the Court would consider a one-week stay for her to appeal to the district court in Boston. That was her request.

THE COURT: So is she -- well, is she intending to appeal?

MS. GUZMAN: She indicated to me that if the Defendant were to receive conditions of release, which she understood could happen if he had a hearing, that she was requesting that the Court consider a one-week stay because she intended to appeal it to the Court in the District of Massachusetts.

THE COURT: Well, I'm not -- we don't give a one-week in this district.

MS. GUZMAN: Okay.

THE COURT: She can have until close of business on Tuesday to file that notice of appeal. And if she doesn't file it by close of business on Tuesday, then we'll assume that the District of Massachusetts has chosen not to appeal the ruling and the decision to grant the Defendant a bond.

So at that point in time -- and in either event, we're going to be waiting for the cosigner to sign the paperwork.

But -- well, hold on. Today's Friday. Monday's a holiday. She has until close of business on Wednesday. I'm sorry. I usually give -- I give two business days for it. So it will be stayed until close of business on Wednesday, which is February 18th.

MS. GUZMAN: Thank you.

THE COURT: Okay. February 18th. Yes.

All right. So, Mr. Jean-Jacques, what that means for you is that the Government is considering appealing my ruling, which they'll have to do in the District of Massachusetts. My

ruling is going to be stayed from now until Wednesday at 5:00 p.m. If the Government appeals me, then the District of Massachusetts will have to take up the decision. If the Government chooses not to appeal me, then your bond will go into effect; and as long as you satisfy all the bond conditions and you have the cosigners, under those circumstances you would be able to bond out. Okay?

You will be required, if you are able -- if -- assuming they don't appeal me and my order stands, you're going to be required to appear in court in Massachusetts. Right now, we don't have a date for that. So the United States is going to have to be in contact with your attorney and Pretrial Services to notify them of when you need to appear in court in Massachusetts for your initial appearance. Okay?

All right. Mr. Beaton, make sure -- we're going to need one bond for each case. So make sure you have two bond forms prepared.

MR. BEATON: I'm doing that now.

And this may not be the appropriate venue in which to ask, but it raises an issue for me that if the Government does appeal, I am appointed under a magistrate number by you for purposes of this removal hearing. I continue on that representation on that appeal or do I -- or does someone in Massachusetts take over that representation? And by -- I don't know the answer either.

THE COURT: I don't know the answer to that, because you're here as CJA.

Officer García, you're nodding your head. Do you know the answer?

THE PRETRIAL SERVICES OFFICER: No, Judge. I was saying, good point. I've never seen this before.

THE COURT: You know what? We're going to have to find out. I don't know if your appointment here would include the appeal to the District of Massachusetts, because you're also -- I don't know if -- are you barred up there? Can you even appeal up there?

MR. BEATON: I'm not, but I mean, I'm *pro hac vice* in other places. So it creates -- it creates a little bit of a conundrum.

THE COURT: Here's what I suggest. It does happen. I've never had -- I haven't had it happen before me. My suggestion is perhaps inquire over at the Federal Public Defender who's in charge of the CJA panel, and I'm sure they have seen this come up. I just don't know what the answer is --

MR. BEATON: I don't either.

THE COURT: -- to tell you right now.

MR. BEATON: I know that is an issue, and I wanted to make sure that Mr. Jean-Jacques had somebody to help him in the event that --

THE COURT: Yes. Yes. Certainly. That is important. He needs to have counsel. But I'm sure that the folks who oversee the CJA have seen this come up and can immediately give you the answer to that. But we will need to make sure that he has representation should an appeal be filed. Yes.

MR. BEATON: Yes, ma'am.

THE COURT: Okay. All right. Is there anything further before we recess?

MS. GUZMAN: No, your Honor. Thank you.

THE COURT: All right. So can I enter the order of removal now or do I need to wait until after with regard to if they're going to file the appeal? I should probably wait.

THE COURTROOM DEPUTY: [Inaudible] hold off.

THE COURT: Okay. So I'm not going to enter the removal order just yet. I'm going to wait until close of business on Wednesday to enter the removal order, because after that we lose jurisdiction over the case and I'm staying my order. So I'm going to hold on to entering the order of removal until that happens and until I get the bond paperwork so that I can continue to have jurisdiction over this case. Okay, folks?

MS. GUZMAN: Yes, your Honor.

THE COURT: And as soon as I see whether or not the Government is appealing my ruling, then I'll make sure that I sign the removal order, and that way they can -- the whole case

can be transferred up to Massachusetts, and that way the judge in Massachusetts can do whatever he or she is going to do with regard to the ruling.

Okay, folks. Well, thank you so much. Have a lovely weekend. We'll be in recess.

MS. GUZMAN: Thank you.

THE COURTROOM DEPUTY: All rise. Court is adjourned.

(Proceedings concluded.)

C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter produced to the best of my ability.

_____
DATE

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