UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	:	
	:	
	:	
v.	:	Docket No.: 26-cr-10030-RGS and
	:	26-cr-10031-RGS
	:	
SNIDERS JEAN-JACQUES	:	

DEFENDANT'S MOTION FOR IMMEDIATE RELEASE AND OPPOSITION TO GOVERNMENT'S MOTION FOR REVOCATION OF RELEASE ORDER

Mr. Jean-Jacques opposes the government's motion for revocation of the magistrate judge's release order. The government, quite simply, misinterprets the Bail Reform Act in arguing that Mr. Jean-Jacques must be detained because of the danger he poses to the community. In an economic crimes case such as this one, dangerousness is not an available ground for pretrial detention. *See United States v. Ploof,* 851 F.2d 7 (1st Cir. 1988). The law requires that Mr. Jean-Jacques be released pending trial, and it is only if the government proves by a preponderance of the evidence that 1) Mr. Jean-Jacques poses a serious risk of flight, or serious risk to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror; *and* 2) that there is no possible combination of conditions of release that would "reasonably assure the appearance of the person as required and the safety of any other person and the community," that Mr. Jean-Jacques can be jailed pretrial under 18 U.S.C. §3142. For the reasons set forth below, under this proper legal framework, the magistrate judge was correct to order Mr. Jean-Jacques' release subject to a number of conditions. Mr. Jean-Jacques asks this Court to reach the same conclusion and not to revoke the magistrate judge's order of release.

I. PROCEDURAL HISTORY

Mr. Jean-Jacques was arrested on February 9, 2026 in Florida, where he resides. He appeared in front of a magistrate judge in the Southern District of Florida the next day, at which time the government moved for his detention, citing only §3142(f)(2)(A). Tr. at 11.[1] Pretrial services interviewed Mr. Jean-Jacques and prepared a bail report, in which they recommended release subject to a number of conditions. *See* Exhibit B (filed under seal).

A detention hearing was held on February 13, 2026. The government called one witness at the detention hearing in Miami: Special Agent Nelson Muñiz of the Federal Housing Finance Agency Office of Inspector General. At the hearing, the agent described the allegations in the indictments, including the potential loss amounts. Tr. at 14-15, 18-19. He described the fact that Mr. Jean-Jacques had previously been convicted of a fraud offense in the District of Massachusetts, and that the conspiracy alleged in the instant indictment was alleged to have begun a few months before the end of his supervised release. Tr. at 15-16. He also testified that when agents went to a residence to arrest Mr. Jean-Jacques, he was "not cooperative" and refused to come out for fifteen minutes before presenting himself to the agents. Tr. at 16-17.

In arguing for Mr. Jean-Jacques' detention, the prosecuting attorney in Florida cited the fact that Mr. Jean-Jacques was a "recidivist" who was still on supervised release at the time the instant conspiracy began, Tr. at 33, that he faces significant penalties, Tr. at 34, that he refused to answer questions by pretrial services about his international travel, Tr. at 35, that his brother was unable to corroborate some of his personal history, *Id.*, that he was born in Haiti (although a United States citizen), Tr. at 36, that he has a mental health history, *Id.*, and that it took him 15 minutes to surrender himself to agents, Tr. at 37.

[1] A copy of the February 13, 2026 detention hearing transcript is attached as Exhibit A. References to the transcript will appear as "Tr. at __."

At the conclusion of the hearing, after considering the arguments by both the prosecutor and the defense attorney, the magistrate judge explained the legal standard applicable to the hearing and its reasoning in ordering release subject to conditions. Tr. at 42-46. After careful consideration, the court ordered Mr. Jean-Jacques' release with the following special conditions:

- $100,000 unsecured bond, co-signed by Mr. Jean-Jacques' mother;
- Report to Pretrial Services as directed;
- Surrender passport and do not apply for any other travel documents;
- Participate in a mental health assessment and treatment, if necessary, or continue participation in current treatment;
- Do not work in any job with access to credit cards or the personal identification information of other individuals;
- No contact with co-defendants in either case;
- Refrain from possessing a firearm or any other dangerous weapon;
- Cosigner of bond cannot encumber, mortgage or hypothecate in any way any real property that they own;
- Travel restricted to Southern District of Florida and to the District of Massachusetts only court appearances. Notify Pretrial Services officer in advance of any travel to Massachusetts; and
- Standalone electronic monitoring.

Tr. at 55-58. At the conclusion of the hearing, the government requested a stay of the release order, which the Court allowed. On February 17, 2026, the prosecuting attorney in this district filed an Emergency Motion to Stay and Revocation of Release Order. Following Mr. Jean-Jacques' arrival in this district, this Court scheduled a hearing on the government's motion for April 7, 2026.

II. LEGAL FRAMEWORK

At the detention hearing, the magistrate judge noted that the government only moved for Mr. Jean-Jacques' detention under 18 U.S.C. §3142(f)(2)(A), and did not allow them to argue for detention on the basis of dangerousness. The court was correct to do so. Even so, the government now asks this Court to detain Mr. Jean-Jacques on the basis of dangerousness. However, where

Mr. Jean-Jacques is charged only with economic crimes, and not one of the crimes specified in 18 U.S.C. §3142(f)(1), dangerousness is not an available ground for pretrial detention. *See United States v. Ploof*, 851 F.2d 7 (1st Cir. 1988).

In *Ploof,* the defendant was charged with economic crimes, but also had a history of domestic violence. The magistrate and district court held, after a hearing, that there was no combination of conditions that would reasonably assure the safety of the community and ordered the defendant's pretrial detention. The First Circuit held that dangerousness was not a proper basis for detention in an economic crime: "where detention is based on dangerousness grounds, it can be ordered only in cases involving one of the circumstances set forth in § 3142(f)(1)." *Id.* at 11. *Ploof* remains the law in this Circuit. *See, e.g.*, *United States v. Garcia-Oquendo*, 2025 U.S. Dist. LEXIS 44732 at *5 (D.P.R. March 10, 2025) (holding, in bank fraud case, that "it is well-settled that where 'detention is based on dangerousness grounds, it can be ordered only in cases involving one of the circumstances set forth in § 3142(f)(1).'"); *United States v. Salgado*, 2020 U.S. Dist. LEXIS 147866 at *9 (D.R.I. Aug. 17, 2020).

The government cites several out-of-circuit cases for the contrary position that detention can be authorized based on economic danger. *See* D.E. 18, Gov't Emergency Motion for Stay and Revocation of Release Order, at 11-12. However, the cases cited by the government do not support this position, nor do they contradict the holding of *Ploof*. For example, in *United States v. Cook*, 880 F.2d 1158, 1161 (10th Cir. 1989), the Court considered dangerousness in the context of a revocation under §3148, a different standard than §3142. In that case, the Court did note that dangerousness meant more than "the mere danger of physical violence," and specifically that "the risk that a defendant will continue to engage in drug trafficking constitutes a danger to the 'safety of any other person or the community.'" Likewise, in *United States v. Carpenter,* No. 04-

10029-GAO, 2014 U.S. Dist. LEXIS 71034, at *10 (D. Mass. May 232014), the Court considered economic danger posed by defendant in his request for bail pending appeal under §3143(b) – not pretrial release under §3142. The court noted the different standard for bail pending appeal, specifically that "even when the conviction does not involve a crime of violence or drug offense, detention (following conviction and sentencing) is mandatory," unless the standard for exception is met.

In *United States v. Schenberger*, 498 F.Supp.2d 738 (D.N.J. 2007), another case cited by the government, the Court was considering pretrial detention in a child pornography case, i.e. a case involving an offense listed in 18 U.S.C. §3142(f)(1). There, the Court noted that "danger to the community does not only include physical harm or violent behavior. The concept of 'safety' may include non-physical harm." *Id.* at 742. However, the Court specifically mentioned that "[t]he government may move for detention on the basis of danger to the community only for an offense that is listed in 18 U.S.C. § 3142(f)(1)(A) to (E)," consistent with the holding of *Ploof*. *Id.* at 741.

In *United States v. Persaud*, No. 05-cr-00368, 2007 WL 1074906 (N.D.N.Y. Apr. 5 2007), the Court considered the danger of economic harm in setting appropriate conditions of release; it did not cite the danger of economic harm as a basis for detention. *See also Ploof,* 851 F.2d at 11 ("Danger to the community present in the likelihood defendant would continue to commit offenses involving false identification could be considered only in setting conditions of release") (quoting *United States v. Himler,* 797 F.2d 156, 160 (3d Cir. 1986)); *United States v. Harris*, 920 F.Supp. 132, 133 (D. Nev. 1996) (considering risk of economic harm in fashioning defendant's conditions of release).

Finally, in *United States v. Giordano*, 370 F.Supp.2d 1256 (S.D. Fla. 2005), a 35-count economic crimes case, the court ordered release and adopted the reasoning of *Ploof*:

> notwithstanding the Government's stated concession during the hearing that it understood it could not seek to detain the defendant strictly based upon danger to the community, it appears that the thrust of the Government's case was still based upon that perceived danger rather than a real serious risk of flight. The evidence of risk of flight was sparse and conclusory, while the evidence submitted showing the alleged pattern of fraudulent conduct on the part of this defendant was more identifiable. The statutory scheme as currently constructed, however, does not support the stronger part of the Government's case that the threat of continuing economic fraud triggers a right to detention.

370 F.Supp. 2d at 1258. The court noted "even in a case involving serious economic crimes that may have been financially lucrative," "section 3142 presumes that this defendant is eligible for bond." *Id.*

Accordingly, the only available grounds for Mr. Jean-Jacques' detention are under §3142(f)(2). There is a presumption of release. The Court must engage in a two-step analysis in considering release. *United States v. Butland*, No. 25-mj-03231-JDH, 2026 U.S. Dist. LEXIS 174463 at *3 (D.Mass. Sept. 8, 2025) (noting the government's "dual burden" in seeking pretrial detention). First, it must determine whether the government has proven that Mr. Jean-Jacques presents a serious risk of flight or a serious risk of obstructing justice or intimidating witnesses. If the Court finds that he does pose such a risk, then the Court must consider conditions of release to mitigate that risk. Mr. Jean-Jacques may only be detained if the government has proven that there exist no possible combination conditions of release that would *reasonably* assure Mr. Jean-Jacques' appearance. Pretrial detention is a last resort. *See United States v. Salerno*, 481 U.S. 739, 755 (1987) ("In our society liberty is the norm, and detention prior to trial

or without trial is the carefully limited exception."); *United States v. Motamedi*, 767 F.2d 1403, 1405 (9th Cir. 1985) ("Only in rare circumstances should release be denied…Doubts regarding the propriety of release should be resolved in favor of the defendant.").

III. ARGUMENT

A. The Government Has Not Shown That Mr. Jean-Jacques Presents a Serious Risk of Flight or a Serious Risk of Obstructing Justice or Intimidating Witnesses.

The government's first hurdle is proving by a preponderance of the evidence that Mr. Jean-Jacques is either a serious risk of flight or a serious risk of obstructing justice or intimidating witnesses. While the government offers various reasons in support of their position, ultimately those reasons are either speculative or misconstrued. Mr. Jean-Jacques is not a serious risk under either 18 U.S.C. §3142(f)(2)(A) or (B), and should be released.

The government argues that the fact that Mr. Jean-Jacques faces a significant sentence weighs in favor of detention. In their motion, they assert that his guidelines are 188 to 235 months, while at the detention hearing they asserted they were 121 to 151 months. Tr. at 11. The government has repeated the allegations in the indictment, and asserted loss amounts without evidence to support it. In fact, at the detention hearing in Florida, the only loss amount that was described in any detail are two transactions described in the indictment that were likely less than $100,000. Tr. 29-30.

The government also cites Mr. Jean-Jacques "foreign ties." While it is true that Mr. Jean-Jacques is an immigrant born in Haiti, who continues to care for the people of Haiti as they suffer through political, economic, and natural disasters, he has lived in the United States since he was a child and is a naturalized citizen. Most of his close family resides in the United States, including his mother, siblings, and children. And while on supervised release for three years, he

never traveled outside of the jurisdiction without permission. The government also speculates that Mr. Jean-Jacques could "live underground" in the United States, alleging that he has done so before, when there is absolutely no evidence that he has lived "underground" at any point in his life. The government asserts that Mr. Jean-Jacques has no stable residence and no means of employment, both of which are simply untrue. Mr. Jean-Jacques intends to return to work for Lyft, as he did during his period of supervised release. *See* Exhibit C (Memorandum from Probation). He will live with his mother, who owns her own home in Florida, and is also willing to co-sign a bond in this case. This is the same residence at which Mr. Jean-Jacques resided during his period of supervised release. *Id.* While the government attempts to implicate Mr. Jean-Jacques' family in his alleged criminal activity, these accusations again are based on nothing more than speculation.

The government also points to the circumstances of Mr. Jean-Jacques' arrest, and claims that he "barricaded" himself inside his house when police came to arrest him. This issue was discussed at length at Mr. Jean-Jacques' detention hearing. Ultimately, the judge there concluded: "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." Tr. at 45. The Florida court's finding about the significance of Mr. Jean-Jacques delay in coming to the door is correct and properly supported by the evidence.

The government also alleges that Mr. Jean-Jacques was engaged in the criminal acts alleged in the indictment during his period of supervised release. However, the only support for this are the dates stated in the indictment and a single sentence, that states, "On or about May 15,

2018, Kelly Michel messaged Jean-Jacques a listing of available tradelines and the cost of each." Docket No. 26-cr-10030-RGS, D.E. 1 at ¶19a. The fact that Mr. Jean-Jacques received this message in May 2018 does not mean he was engaged in criminal activity at that time. There is nothing to indicate he actually did anything illegal during his period of supervised release.

Lastly, the government speculates that Mr. Jean-Jacques has access to an "influx of cash" without providing any financial records to substantiate this claim. Mr. Jean-Jacques, as the government also notes, has no current employment, and has now been detained for almost two months.

In addition, despite not moving for Mr. Jean-Jacques' detention under §3142(f)(2)(B) at his initial appearance or at his detention hearing, the government now asserts that Mr. Jean-Jacques should be detained because he presents a serious risk of intimidating witnesses or obstructing justice. The government points to several incidents, none of which have resulted in a criminal conviction, and most of which were unsubstantiated and uncharged.[2] None of them involve the violation of a court order, and none of them involve interference with a criminal investigation. *Cf. United States v. Courture*, No. 21-10172-NMG, 2022 U.S. Dist. LEXIS 29911, at *4 (D. Mass. Feb. 11, 2022) (detaining defendant under both §3142(f)(2)(B) and §3148 where he violated condition of release not to contact witnesses and attempted to influence witness testimony).

In short, Mr. Jean-Jacques is a United States citizen with family support and significant ties in the community. He has serious medical and mental health needs that keep him tied to his treatment providers in the community. He has a perfect track record of being able to comply with conditions of supervised release, *see* Exhibit C, and no history of fleeing court or not appearing

[2] For example, despite claims made by unnamed witnesses that Mr. Jean-Jacques possessed a firearm, no firearm has ever been found in Mr. Jean-Jacques possession.

when required. Serious risk of flight cannot be based on speculation or made-up scenarios. "Serious risk of flight has been defined by some courts as more than mere ordinary risk and is certainly different than risk of non-appearance. It requires intentional and active movement outside the jurisdiction or within the jurisdiction to avoid appearing in court." *Garcia-Oquendo*, *supra*, at *8-9. It has been described as "a great risk—beyond average—that the defendant will intentionally and actively move within or outside the jurisdiction to avoid court proceedings or supervision." *Id.* (citations omitted). Mr. Jean-Jacques does not present this sort of "great risk" warranting pretrial detention, nor does he pose any similar sort of risk of interfering in the criminal investigation and prosecution against him.

B. Even if the Court Finds That Mr. Jean-Jacques Does Present a Serious Risk of Flight or of Obstructing Justice, Conditions Can Be Fashioned to Reasonably Assure His Appearance and the Safety of the Community.

The magistrate judge in Florida found that Mr. Jean-Jacques did pose a serious risk of flight, but held that there were conditions of release that would mitigate his risk of flight and assure the safety of the community. Even though a District Court considers detention *de novo*, the Court should defer to the Magistrate Judge when that judge issues a careful and considered decision. *See United States v. Simone*, 317 F. Supp. 2d 38, 42 (D. Mass. 2004) ("In reviewing the magistrate judge's detention orders, the court must undertake an independent review, giving her decision such deference as the care and consideration manifested by the magistrate judge warrant.") (Wolf, D.J.). Magistrate Judge Fulgueira Elgenbein applied thorough care and consideration here. She held an evidentiary detention hearing, carefully considered the arguments of counsel and the recommendation of Pretrial Services, and issued an order of release on conditions with a detailed basis for her order provided orally at the conclusion of the hearing. *See*

Ex. A at 42-58. On this record, the Court should defer to the Magistrate Judge (and Pretrial Services), affirm her decision, and release Mr. Jean-Jacques.

Where the Court finds there is a serious risk, conditions must be considered "to see if they will serve as a reasonable guard." *United States v. Patriarca*, 948 F.2d 789, 791 (1st Cir. 1991). It is in this context that the court may consider any potential economic danger Mr. Jean-Jacques poses in fashioning appropriate conditions of release. *See, e.g., Persaud*, *supra* at 5. Reasonable conditions can be fashioned to "reasonably assure the appearance of the person as required." These conditions include a $100,000 appearance bond, co-signed by Mr. Jean-Jacques' mother, with whom he will reside; a requirement that he reside with his mother and not change his residence without probation's prior approval; that he surrender his passport and not obtain a new travel document while the case is pending; that his travel be restricted to the Southern District of Florida, and to the District of Massachusetts only for the purposes of meeting with his attorney or attending court; regular reporting to probation; continued engagement with mental health treatment; and standalone electronic monitoring. Likewise, conditions can be fashioned to reasonably assure "the safety of any other person and the community," such as continued engagement in mental health treatment; a prohibition against possessing any dangerous weapons; a prohibition against contact with any co-defendants or witnesses in the case, except in the presence of counsel; and restrictions on employment to ensure Mr. Jean-Jacques is not in a job where he has access to financial or personal identifying information of any person.

IV. CONCLUSION

Pretrial detention is a last resort and an "interference … with the important and fundamental right of liberty, despite the presumption of innocence pending trial." *United States v. Butland*, No. 25-mj-03231-JDH, 2025 U.S. Dist. LEXIS 174463, at *4 (D. Mass. Sep. 8, 2025) (citing *United States v. Powell*, 813 F. Supp. 903, 906 (D. Mass. 1992) (cleaned up)). Here, both

the magistrate judge and Pretrial Services believe Mr. Jean-Jacques should be released subject to certain conditions. This Court should reach the same conclusion, where there is a presumption of release and conditions that can be fashioned to mitigate any risk Mr. Jean-Jacques poses.

Respectfully Submitted,
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Dated: April 4, 2026

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on April 4, 2026.

/s Jane F. Peachy
Jane F. Peachy