

**Appendix A**

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. ALBERT AIAD-TOSS, Defendant - Appellant.

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT  
2022 U.S. App. LEXIS 3665; 2022 FED App. 0070N (6th Cir.)  
22a0070n.06Case No. 21-3548  
February 8, 2022, Filed

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**Editorial Information: Prior History**

{2022 U.S. App. LEXIS 1}ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO. United States v. AIAD-TOSS, 2020 U.S. Dist. LEXIS 54539, 2020 WL 1514482 (N.D. Ohio, Mar. 30, 2020)

**Counsel** For UNITED STATES OF AMERICA, Plaintiff - Appellee: Rebecca Chattin Lutzko, Assistant U.S. Attorney, Office of the U.S. Attorney, Cleveland, OH.

For ALBERT SHOCKRY AIAD-TOSS, Defendant - Appellant: Gregory S. Robey, Robey & Robey, Cleveland, OH.

**Judges:** BEFORE: SUTTON, Chief Judge; GIBBONS and GRIFFIN, Circuit Judges.

**CASE SUMMARY** Court dismissed defendant's appeal because under 18 U.S.C.S. § 3014(a)(2) no part of his punishment exceeded the statutory maximum, his claims which fell within the scope of his appellate waiver, were knowingly and voluntarily waived. The instant appeal did not fall within the scope of either limited category that he reserved the right to appeal.

**OVERVIEW: HOLDINGS:** [1]-The district court dismissed defendant's appeal because under 18 U.S.C.S. § 3014(a)(2) the instant appeal did not fall within the scope of either limited category that defendant reserved the right to appeal. He challenged the district court's imposition of a \$50,000 fine, a \$40,000 special assessment under the Justice for Victims of Trafficking Ac JVTA, and a lifetime term of supervised release. None of these punishments were in excess of the statutory maximum or the sentencing Guidelines range maximum. The \$40,000 special assessment was the mandatory statutory penalty, and the sentencing Guideline for defendant's fine was \$50,000 to \$250,000. And, because no part of defendant's punishment exceeded the statutory maximum, his claims, which fell within the scope of his appellate waiver, were knowingly and voluntarily waived.

**OUTCOME:** Appeal dismissed.

**LexisNexis Headnotes**

***Criminal Law & Procedure > Guilty Pleas > Waiver of Defenses***

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**Criminal Law & Procedure > Appeals > Reviewability > Waiver > Validity & Exceptions**

**Criminal Law & Procedure > Guilty Pleas > Appeals**

**Criminal Law & Procedure > Guilty Pleas > Sufficiency of Allocution**

**Criminal Law & Procedure > Appeals > Right to Appeal > Defendants**

Criminal defendants may waive their right to appeal as part of a plea agreement so long as the waiver is made knowingly and voluntarily. A knowing and voluntary waiver of the right to appeal precludes appellate review.

**Criminal Law & Procedure > Sentencing > Supervised Release**

**Criminal Law & Procedure > Sentencing > Ranges**

The lifetime term of supervised release is at the upper limit of, but does not exceed, the maximum statutory sentence. 18 U.S.C.S. § 3583(k).

**Evidence > Procedural Considerations > Burdens of Proof > Allocation**

**Criminal Law & Procedure > Sentencing > Fines**

The Justice for Victims of Trafficking Act (JVTA) special assessment is not discretionary, and the defendant bears the burden of proving indigency. 18 U.S.C.S. § 3014(a)(2) provides that the court shall assess an amount of \$5,000 on any non-indigent person.

**Opinion**

**Opinion by:** JULIA SMITH GIBBONS

**Opinion**

JULIA SMITH GIBBONS, Circuit Judge. Albert Aiad-Toss pled guilty to seven counts of sex trafficking of minors and one count of production of child pornography. On appeal, Aiad-Toss challenges the district court's imposition of a \$50,000 fine, a \$40,000 payment under the Justice for Victims of Trafficking Act ("JVTA"), and a lifetime term of supervised release. He argues the judge selected a sentence based on erroneous facts, failed to adequately consider the Section 3553(a) factors, and imposed a sentence that is greater than necessary to comply with the purposes and principles of sentencing. When he pled guilty, Aiad-Toss waived his right to appeal except under limited circumstances, none of which apply here. Because Aiad-Toss waived the instant claims, we dismiss his appeal.

I.

In June{2022 U.S. App. LEXIS 2} 2019, Aiad-Toss sexually victimized six underage girls, aged twelve to fifteen, at hotels in the Ashland, Ohio, area. Aiad-Toss used Snapchat to make initial contact with his victims and later met them for sexual encounters. In exchange for performing sexual acts with Aiad-Toss and with each other, the victims were paid in cash and through Venmo, an online payment application; taken shopping; and given drugs and alcohol. He had sexual intercourse with three of the victims, including a twelve-year-old girl; watched and filmed the victims engage in sex acts with each other; inserted a sex toy into one victim's vagina; rubbed a vibrator on the genitals of two victims; and paid another victim to produce and send him explicit photos and videos

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of herself masturbating. Aiad-Toss had budgeted \$2,000 per month for illicit activities with minors and used digital payment applications to keep track of his payments to his victims. On July 5, 2019, Aiad-Toss was detained at the Fort Lauderdale International Airport in Florida.

In a federal grand jury's superseding indictment, Aiad-Toss was charged with three counts of sex trafficking of a minor under the age of fourteen in violation of 18 U.S.C. § 1591(a)(1), (b)(1); four{2022 U.S. App. LEXIS 3} counts of sex trafficking of a minor under the age of eighteen in violation of 18 U.S.C. § 1591(a)(1), (b)(2); and one count of production of child pornography in violation of 18 U.S.C. § 2251(a). After initially pleading not guilty, Aiad-Toss pled guilty to all eight counts of the superseding indictment pursuant to a written plea agreement. The parties agreed to several terms, including: a 264-month term of imprisonment, subject to the district court's acceptance of the plea agreement; an offense level of 50, with a three-level acceptance of responsibility reduction, resulting in a total offense level of 47; and a criminal history category to be determined by the district court following completion of a presentencing report ("PSR").

The plea agreement included a table listing the "Statutory Sentence Per Count" for each of the eight counts to which Aiad-Toss pled guilty. The agreement listed, for each count, both a maximum statutory fine of \$250,000 and a special assessment of "\$100 + \$5,000." DE 77, Plea Agreement, Page ID 353. In a paragraph entitled "Special Assessment," the agreement stated Aiad-Toss "has been deemed indigent" and must pay a "mandatory special assessment of \$100 for each count of conviction." *Id.* at 354.

The{2022 U.S. App. LEXIS 4} agreement also included a waiver of Aiad-Toss's appellate rights:

Defendant acknowledges having been advised by counsel of Defendant's rights, in limited circumstances, to appeal the conviction or sentence in this case, including the appeal of right conferred by 18 U.S.C. § 3742, and to challenge the conviction or sentence collaterally through a post-conviction proceeding, including a proceeding under 28 U.S.C. § 2255. Defendant expressly and voluntarily waives those rights, except as specifically reserved below. Defendant reserves the right to appeal: (a) any punishment in excess of the statutory maximum; or (b) any sentence to the extent it exceeds the maximum of the sentencing imprisonment range determined under the advisory Sentencing Guidelines in accordance with the sentencing stipulations and computations in this agreement, using the Criminal History Category found applicable by the Court. Nothing in this paragraph shall act as a bar to Defendant perfecting any legal remedies Defendant may otherwise have on appeal or collateral attack with respect to claims of ineffective assistance of counsel or prosecutorial misconduct.*Id.* at 359.

At his change of plea hearing, Aiad-Toss affirmed he understood he was waiving{2022 U.S. App. LEXIS 5} his rights to appeal except as listed in the plea agreement. He also acknowledged the factual basis for his guilty plea. The court informed Aiad-Toss that the statutory maximum punishments for his offenses included a life term of imprisonment, a \$250,000 maximum statutory fine for each of the eight counts, and a lifetime of supervised release. The court did not, however, discuss the \$5,000 per-count JVTA special assessment, noted in the written plea agreement, at the change of plea hearing.

The PSR calculated an adjusted offense level of 50 and subtracted three levels for acceptance of responsibility, resulting in a total offense level of 47, consistent with the parties' agreement. The total offense level, however, exceeded the Guidelines' top offense level of 43, so the PSR reduced the total offense level to 43. With no prior convictions, Aiad-Toss's criminal history score was zero, and his criminal history category was I. This corresponded to an advisory Guidelines range of a life term of imprisonment and a five-year to life term of supervised release per count. The PSR calculated the fine range under the Guidelines as \$50,000 to \$250,000. also noted that under the JVTA, 18 U.S.C.

§ 3014, the district<sup>{2022 U.S. App. LEXIS 6}</sup> court was required to impose a per count \$5,000 special assessment if it found Aiad-Toss was nonindigent.

The PSR included an analysis of Aiad-Toss's finances, which the district court discussed at length at sentencing. Aiad-Toss was an emergency room physician for over twenty-five years, making approximately \$200,000 annually for the duration of his career. After his arrest, he and his wife divorced, and he transferred large assets to her, like their home, which she sold. At sentencing, Aiad-Toss contended he did not have the ability to pay the financial penalties and noted the plea agreement characterized him as indigent. Over his objections, the district court determined Aiad-Toss had the ability to pay both a fine and the special assessment. It noted his lengthy tenure as a high-earning physician and, even discounting half of his net-worth of \$233,000 based on his divorce, "that is still \$116,500, and the fine and assessments would total less than that." DE 97, Sentencing Tr., Page ID 526-27.

After carefully considering each of the sentencing factors set out in 18 U.S.C. § 3553(a), the court accepted the parties' agreement. The court sentenced Aiad-Toss to 264 months' imprisonment on each of the eight<sup>{2022 U.S. App. LEXIS 7}</sup> counts, to be served concurrently, which was a downward variance from the applicable Guidelines range of life imprisonment. The court also imposed a \$50,000 fine, the \$40,000 JVTA special assessment (\$5,000 per count, for eight counts), an \$800 special assessment (\$100 per count, for eight counts), and a life term of supervised release.

## II.

The government argues that Aiad-Toss's appellate waiver bars this appeal. "Criminal defendants may waive their right to appeal as part of a plea agreement so long as the waiver is made knowingly and voluntarily." *United States v. Swanberg*, 370 F.3d 622, 625 (6th Cir. 2004); see also *United States v. Griffin*, 854 F.3d 911, 914 (6th Cir. 2017) ("A knowing and voluntary waiver of the right to appeal precludes appellate review."). Aiad-Toss does not contest the validity of his appeal waiver, so we "look to see if the claim[s] raised on appeal fall[] within the scope of the appellate waiver." *United States v. Toth*, 668 F.3d 374, 378 (6th Cir. 2012). We review this question de novo. *Id.*

Aiad-Toss's appeal is foreclosed. He waived his current claims when he pled guilty under the written plea agreement, in which he "expressly and voluntarily" waived all of his appellate rights "except as specifically reserved." DE 77, Plea Agreement, Page ID 359. He only reserved the right to appeal "(a) any punishment in excess of the statutory<sup>{2022 U.S. App. LEXIS 8}</sup> maximum; or (b) any sentence to the extent it exceeds the maximum of the sentencing imprisonment range determined under the advisory Sentencing Guidelines in accordance with the sentencing stipulations and computations in this agreement." *Id.* At the subsequent hearing, the court discussed the details of the plea agreement with Aiad-Toss, and he confirmed that he understood the appellate rights he was giving up. His waiver was therefore knowing and voluntary. See *Swanberg*, 370 F.3d at 625.

The instant appeal does not fall within the scope of either limited category that Aiad-Toss reserved the right to appeal. Aiad-Toss challenges the district court's imposition of a \$50,000 fine, a \$40,000 special assessment under the JVTA, and a lifetime term of supervised release. None of these punishments are in excess of the statutory maximum or the sentencing Guidelines range maximum. The \$40,000 special assessment is the mandatory statutory penalty, and the sentencing Guideline for Aiad-Toss's fine was \$50,000 to \$250,000. See 18 U.S.C. § 3014(a); U.S.S.G. §5E1.2(c)(3). The lifetime term of supervised release is at the upper limit of, but does not exceed, the maximum statutory sentence. See 18 U.S.C. § 3583(k).

We also note that, although Aiad-Toss's plea agreement characterizes<sup>{2022 U.S. App. LEXIS 9}</sup> him as indigent, this does not impede the district court's ability to find him nonindigent and impose the

mandatory JVTA special assessment. Nor does this affect Aiad-Toss's waiver of his appellate rights. "[T]he JVTA special assessment is not discretionary," and the defendant bears the burden of proving indigency. *United States v. Wandahsega*, 924 F.3d 868, 889-90 (6th Cir. 2019); see also 18 U.S.C. § 3014(a)(2) ("[T]he court shall assess an amount of \$5,000 on any non-indigent person . . . ." (emphasis added)). The district court determined **Aiad-Toss** failed to carry his burden and found him nonindigent. Moreover, in the section titled "Statutory Penalties," the parties' agreement lists the offenses to which **Aiad-Toss** entered a guilty plea, all of which carry a "special assessment" of "\$100 + \$5,000." DE 77, Plea Agreement, Page ID 353-54. Unlike *United States v. Fowler*, 956 F.3d 431, 437 (6th Cir. 2020), in which we declined to enforce an appeal waiver in connection with a JVTA special assessment claim because the "special assessment was not mentioned in the plea agreement," the parties' plea agreement expressly lists the JVTA special assessment as a penalty. DE 77, Plea Agreement, Page ID 353-54.

Because no part of Aiad-Toss's punishment exceeds the statutory maximum, his claims, which fall within the scope of his appellate{2022 U.S. App. LEXIS 10} waiver, were knowingly and voluntarily waived. We therefore dismiss Aiad-Toss's appeal.

## **Appendix B**

UNITED STATES OF AMERICA, Plaintiff v. ALBERT AIAD-TOSS, Defendant  
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN  
DIVISION  
2020 U.S. Dist. LEXIS 54539  
CASE. NO. 4:19-CR-00521  
March 30, 2020, Decided  
March 30, 2020, Filed

**Counsel** {2020 U.S. Dist. LEXIS 1}For Albert Aiad-Toss also known as Albert Shockry Aiad-Toss, Defendant: Jerome A. Milano, LEAD ATTORNEY, Katelyn M. Pruchnicki, Milano Law, Rocky River, OH.  
For United States of America, Plaintiff: Ranya Elzein, LEAD ATTORNEY, Bridget M. Brennan, James L. Morford, Office of the U.S. Attorney - Cleveland, Cleveland, OH.

**Judges:** Pamela A. Barker, Judge.

**Opinion**

**Opinion by:** Pamela A. Barker

**Opinion**

**MEMORANDUM OPINION AND ORDER ON DEFENDANT'S MOTION FOR HEARING ON PRETRIAL DETENTION**

Currently pending is Defendant's Motion for Hearing on Pretrial Detention filed on March 23, 2020 ("Defendant's Motion"). (Doc. No. 46.) On March 25, 2020, the Government filed an Amended Response In Opposition to Defendant's Motion. ("the Opposition"). (Doc. No. 48.) For the reasons set forth below, Defendant's Motion is DENIED.

On August 28, 2019, a federal grand jury returned an indictment charging Defendant Aiad-Toss with four counts of Sex Trafficking of a Minor, in violation of 18 U.S.C. § 1591(a), and one count of Production of Child Pornography, in violation of 18 U.S.C. § 2251(a). (Doc. 5, PageID # 16-21.) On September 18, 2019, Defendant Aiad-Toss waived his right to a detention hearing and consented to being held without bail pursuant to Title 18 U.S.C. § 3142(c) and (i), but "reserve[d] the right{2020 U.S. Dist. LEXIS 2} to raise the issue of detention at a later date should circumstances change." (Doc. No. 20, PageID # 57.) On November 19, 2019, a federal grand jury returned a superseding indictment adding three charges of Sex Trafficking of a Minor, in violation of 18 U.S.C. § 1591(a) against Defendant Aiad-Toss. (Doc. No. 28 PageID # 94-101.)

In Defendant's Motion, Defendant requests a hearing on the issue of his pretrial detention and ultimately requests that this Court order his release from the Mahoning County Jail in Youngstown, Ohio where he is presently detained, subject to any conditions deemed appropriate. 18 U.S.C. § 3142(a)(2). Defendant sets forth the factors to be considered in determining "whether there are conditions of release that will reasonably assure the appearance of [Defendant] as required and the safety of any other person and the community" pursuant to 18 U.S.C. § 3142(g), but addresses only subsections (3) and arguably, (4), i.e., "the history and characteristics of the person", and "the nature

and seriousness of the danger to any person or the community that would be posed by the person's release." (Doc. No. 46, PageID # 170-171.) Specifically, Defendant asserts that he is 52 years old, has been a practicing board-certified emergency medical physician{2020 U.S. Dist. LEXIS 3} for the past 24 years without incident or complaint, and has no prior arrests or other criminal history. He has had his medical license suspended indefinitely as a result of the charges against him. He is a naturalized U.S. citizen, and his passport has already been seized by law enforcement and he did not previously renew his Egyptian passport nor register with the Egyptian Embassy in the U.S. He submits that he will reside with his wife in Canfield, Ohio if he were released where home detention with electronic monitoring would reasonably assure his appearance while protecting the safety of other persons and the community under 18 U.S.C. § 3142. *Id.*1

The only "change in circumstance" that Defendant Aiad-Toss identifies since he executed the waiver of a detention hearing and consented to being detained pending trial is the "circumstances involving the current COVID-19 outbreak". (Doc. No. 46, PageID # 171.) Specifically, Defendant Aiad-Toss points out that the Mahoning County Sheriff's Office has implemented an indefinite suspension of inmate visitation and, while conceding that it does not currently encompass attorney visitation, notes that his counsel is 68 years old and therefore considered to be{2020 U.S. Dist. LEXIS 4} at high risk for severe illness by the CDC should he be exposed to the COVID-19 virus. (Doc. No. 46, Page ID # 171.) According to Defendant, his release from pretrial detention would enable he and his counsel to "more meaningfully confer for purposes of preparing for Trial in this case." (Doc. No. 46, Page ID # 172.)

As the Government correctly notes in its Opposition, under 18 U.S.C. § 3142(f), a detention hearing may only be reopened after a "judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community." (Doc. No. 48, PageID # 187.) According to the Government, defense counsel's current inability to visit Defendant Aiad-Toss in jail due to the COVID-19 virus is not a change in circumstances related to Aiad-Toss's risk of flight or danger to the community." (*Id.*) The Court agrees with the Government.

First, Defendant himself admits that the Mahoning County Jail's suspension of inmate visitation does not encompass attorney visitation. Indeed, the Government{2020 U.S. Dist. LEXIS 5} points out that the Mahoning County Jail's COVID-19 restrictions do not appear to preclude access to videoconferencing, citing <https://mahoningsheriff.com/index.php/inmate-info>. (Doc. No. 48, Page ID # 191.) And, Defendant Aiad-Toss has not identified any limitations to communication by phone, videoconferencing, or writing. Moreover, releasing Defendant to home detention and electronic monitoring creates its own risks and undue burden on pretrial services. Location monitoring is not a limitless resource, nor is its installation and monitoring by United States Pretrial Services officers without risk to those personnel (who must be trained and certified to install location monitoring) given the current recommendations regarding implementation of social distancing.

Independent of and in addition to the fact that Defendant has not demonstrated a change of his circumstances to warrant a detention hearing, consideration of the factors set out in 18 U.S.C. § 3142(g) demonstrates that Defendant Aiad-Toss has not rebutted the applicable presumption in favor of detention, i.e., he has not presented sufficient evidence that he does not pose a danger to the community or a risk of flight, and the Government has met{2020 U.S. Dist. LEXIS 6} its burden of persuasion that he should be detained.

The charges pending against Defendant Aiad-Toss involve six separate minor victims. There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the

appearance of Defendant as required and the safety of the community if there is probable cause to believe that he committed one of the offenses listed in section 3142(e)(3), which includes offenses involving a minor victim under 18 U.S.C. §§ 1591 and 2251. 18 U.S.C. § 3142(e)(3)(E).<sup>2</sup> The presumption also applies under Section 3142(e)(3)(D), which provides for a presumption of detention where there is probable cause to believe that Defendant committed "an offense under chapter 77 of this title for which a maximum term of imprisonment of 20 years or more is prescribed," which includes 18 U.S.C. § 1591. See 18 U.S.C. § 3142(e)(3)(D); Title 18, United States Code, Chapter 77.

The nature and circumstances of the offenses and the nature and seriousness of the danger to any person or the community posed by Defendant Aiad-Toss's release are serious and weigh in favor of detention. According to the Government, Defendant Aiad-Toss victimized six girls ranging from 12 to 15 years old by coercing, and sometimes physically forcing them, to engage in sex acts with him for money. It{2020 U.S. Dist. LEXIS 7} is alleged that Defendant coerced one victim to perform sex acts for him in exchange for money, victimizing her without even meeting her in-person. He coerced and paid these victims using his phone through Snapchat, CashApp, and Venmo. While the location monitoring that Defendant proposes may offer useful information about where he is, it would provide little useful information about what he is doing. The ready accessibility of smart phones and digital communication devices would make it all too easy for him to commit the same types of crime(s) that he is accused of committing with other young, vulnerable girls.

Neither Defendant Aiad-Toss or the Government has provided information to this Court to allow it to evaluate the weight of the evidence against Defendant. While Defendant Aiad-Toss points to his lack of a criminal history and long-standing medical practice and ties to his community in support of his request for release, the Government points to the fact that he has the financial means to flee - he earned approximately \$300,000 per year as an emergency physician and his wife sold their home for \$782,500 after his detention. The Pretrial Services Report also indicates that at{2020 U.S. Dist. LEXIS 8} the time of his interview on September 13, 2019, Defendant Aiad-Toss admitted to having a 401k account with an approximate balance of \$300,000 and owning other real estate. And, while Defendant Aiad-Toss does not have his passport and has not renewed his Egyptian passport or registered with the Egyptian Embassy, this does not mean he could not flee to somewhere in the United States and not appear. Indeed, the Pretrial Services Report indicates that after the Complaint was filed and a warrant issued on 7/1/2019, Defendant Aiad-Toss was located in and transferred to Ohio from Broward County, Florida. And, as the Government contends, any restrictions imposed by the response to COVID-19 are not necessarily a deterrent to flight for Defendant Aiad-Toss who is facing substantial charges and the potential for lengthy incarceration if he is convicted of the charges.

The Court does acknowledge that conferring with counsel by means of videoconference, telephone or in writing is not as meaningful as conferring in person and the Government appears to concede this fact when it notes that since the trial is not scheduled until June 1, 2020, "any prejudice that Aiad-Toss may suffer from not being{2020 U.S. Dist. LEXIS 9} able to meet his counsel in-person is minimal at this time."<sup>3</sup> Indeed, Defendant Aiad-Toss has filed a motion to continue the trial setting forth three separate bases for the request: his inability to meaningfully meet and confer with counsel because of the COVID-19 pandemic; defense counsel is still in the process of obtaining and reviewing his full file and complete discovery from Defendant's prior counsel; and Defendant Aiad-Toss anticipates filing a motion to suppress related to his custodial interrogation and needs to retain an expert for purposes of same. The Government has not yet responded to that motion to continue the trial.

Since the COVID-19 pandemic and impact on counsel's ability to confer with Defendant Aiad-Toss, as well as the Court's ability to conduct hearings and trials is a fluid situation, the Court can and will

evaluate any continuing inability to meet personally with Defendant in the context of a motion to continue the trial. But, in the context of Defendant's Motion which is the subject of this Memorandum and Opinion, the current inability of defense counsel to meet and confer with Defendant in person is not a change in circumstance warranting granting Defendant's {2020 U.S. Dist. LEXIS 10} Motion and releasing him.

For the reasons stated herein, Defendant's Motion is **DENIED**.  
**IT IS SO ORDERED.**

/s/ Pamela A. Barker 3/30/20  
Judge Pamela A. Barker

#### Footnotes

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All of this information set forth by Defendant Aiad-Toss was known to him at the time he waived the  
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detention hearing. See 18 U.S.C. § 3142(a).

As asserted by the Government, the grand jury indictments established probable cause to believe  
that Defendant Aiad-Toss committed the crimes listed in section 3142(e)(3) with which he is charged  
and therefore, the Government fulfilled its burden of establishing the presumption in favor of  
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detention. (Doc. No. 48, PageID # 189, citing *United States v. Stone*, 608 F.3d 939, 945.)

Doc. No. 48, PageID # 191.

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