

Pretrial Services

On August 10, 2023, the Pretrial Services filed the Petition alleges the Petitioner Violated the Pretrial release Condition, the Court held that the explicit inclusion in 18 U.S.C §3148(b) of only the attorney for the Government was an express exclusion of all other to file such Petition. The Court reasoned that if Congress had intended to expand the list of Person to initiate a release revocation proceeding under 18 U.S.C §3148(b) to include Pretrial Services officers, it could have expressly done so in the Pretrial Service Act, 18 U.S.C §3152-§3156. The Court affirmed the Magistrate Judge's denial of Pretrial Services Officer's Petition, seeking to revoke the order releasing the defendant on bond, because only the attorney for the Government was authorized to file such a motion - United States v. Herrera, 29 F. Supp. 2d 756, Criminal No. 3: 98-CR-331-D

The Petitioner right to due process was violated by the Pretrial Services filed Petition alleges the Petitioner violated the Pretrial release Condition and lack of jurisdiction and procedural defect for such an act.

"NO CONTACT" PRETRIAL RELEASE CONDITION

The following Companies are Customers of the Interactive Computer Services Provider - Smooth Multi-Services Platform, Aside Technology Corporation with the Petitioner as the Primary Point of Contact and as an Interactive Computer Services Provider :

1. Preferred Oil and Gas Services LLC.

Point of Contact: Olabode Thomas Ajibola - Co-defendant

2. Kenng Sunny

Point of Contact: Kehinde Sunday Itiola - Co-defendant

3. B-Light Services

Point of Contact: Bright Nnamdi Uwadileke - Co-defendant

4. Victor Motor's LLC

Point of Contact: Victor Chibuike Nwuke - Co-defendant

5. Zubu Automobile

Point of Contact: Justice Nzube Ogueji - Co-defendant

6. Ejiro LLC

Point of Contact: Nnaemeka Emmanuel Ogueji - Co-defendant

7. S-O-Y

Point of Contact: Sabur Olawale Yusuff

8. Josephine Catering Service

Point of Contact: Dumbor Josephine Baribe - Co-defendant

The above Companies are interactive computer services users.

The above Companies requires the aids to ^{recover} ~~produce~~ ~~all~~ business Records and PPP Loans records from the Smooth Multi-Services Platform

and Ajide Technology Corporation as their Interactive Computer Services Provider Paid for the Accounting and Payroll Services, Tax services and outsourcing.

*[T]he government in order to sustain the order must show that the activity restrained poses a clear and present danger or a serious and imminent threat to a protected competing interest - Wood v. Georgia, 370 U.S. 375, 82 S. Ct. 1364, 86 Ed. 2d 569 (1962); the restraint must be narrowly drawn and no reasonable alternatives, having a lesser impact on first Amendment freedoms, must be available - Carroll v. President and Commissioner of Princess Anne, 393 U.S. 175, 89 S. Ct. 347, 26 L. Ed. 325 (1968), Shelton v. Tucker, 364 U.S. 479, 81 S. Ct. 247, 5 L. Ed. 2d 231 (1960)

Sherman test requires communication with the co-defendant must be found to pose a clear and present danger and available alternative, without infringing first amendment - Wheeler v. United States, 640 F. 2d 1116, United States v. Sherman, Supra at 1861

The no contact pretrial release conditions violate the Petitioner's first, Fifth and fourteenth amendment and due process.

The Petitioner was prosecuted for contact made from Nigeria by smooth Multi-services Platform to his customer out of

the Petitioner's Personal Jurisdiction and Public Comment, from Nigeria. In *Wheeler*, the Ninth Circuit adopted a two-part test to review the propriety of a court's a no-contact order imposed pursuant to its Inherent Powers. *Wheeler*, 640 F. 2d at 112. The *Wheeler* test requires a showing that the communication restrained posed "a clear and present danger or serious and imminent threat" and that no-contact order was "narrowly drawn" in contemplation of First Amendment right. It further test whether the restrained communications pose a clear and present danger or a serious and imminent threat to the co-defendants, or the administration of justice in general, and whether the order is narrowly drawn such that no reasonable alternatives with a lesser impact on First Amendment right are available - *Wheeler v. United States*, 640 F. 2d 1116 Case No. 79-2696

The no contact pose a clear and present danger and a serious and imminent threat which impact the First Amendment right and the right to continue business within the liberty and property concept of the Fifth amendment - *Greene v. McElroy*, 360 US 474, 79 S Ct. 1400, 3 L. Ed. 2d 1377 (1959), so also the fourteenth amendment of both the Petitioner and the co-defendants, as also an imminent threat to the administration of justice in general.

APPENDIX A

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PRE-TRIAL REVOCATION HEARING

In violation of Rule 26 of Federal Rule OF Criminal Procedure-" In every trial the testimony of witness must be taken in open court, unless otherwise provided by a statute or rules adopted under 28 U.S.C §2072-§2077", the Government abuse the immunity, falsely testified intentionally under the oath that the Co-defendant Sabur Olawale Yusuff had no prior knowledge of 2770 messenger on behalf of the Co-defendant Sabur Olawale Yusuff who could be easily available to testify upon court order but was not presented for his testimony- "Agent Rennie testified that Co-defendant Sabur Olawale Yusuff("C-defendant Yosuff") informed law enforcement that he received WhatsApp text messages from two phone numbers-+234 706 376 2770 and +234 901 935 1185-both of which were UNKNOWN to him"-Crim. No.4:23-CR-136-ALM-KPJ-1,Page 3, despite the forensic evidence with the review of prior contacts and knowledge of 2770 messenger by the Co-defendant Sabur Olawale Yusuff-"...Agent Rennie testified that forensic review... the 2770 messenger was identified in a group chat with other Co-defendants"-Crim.No.4:23-CR-136-ALM-KPJ-1,Page 5.

The truth is, only the Co-defendant Sabur Olawale Yusuff among all the Co-defendants that is in the WhatsApp group chat with 2770 messenger.The government mislead with the deceptive use of the word "Co-defendants".

The Government indirectly used remote witness and hearsay deceptfully with Agent Rennie as a medium, knowing the limited ability of witness to testify remotely.Remote witness(es) are the witness(es) that use medium to testify and are not physically present as a witness but remotely using medium such as technology and a person as an instrument, which is an inadmissible hearsay when such medium is a person.

Sabur Olawale Yusuff did not testify, but the government introduced his oral confession.

The oral confession should not have received in evidence against the Applicant, it was inadmissible hearsay, violate the Applicant's Sixth Amendment right to cross-examine witness against the Applicant and due process.

This procedural misconduct further violate the Applicant's sixth amendment right to confront the witness and due process.

The Government presented evidences during the pretrial release revocation hearing were incomplete record of communication in violation of Federal Rule of Evidence 106, Unconstitutional vague and irrelevant to the accused Act, in violation of Federal Rule of Evidence 401.

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The Government presented WhatsApp messages during the pretrial release revocation hearing were incomplete under Rule 16, despite the forensic review of prior contacts between the 2770 messenger and the Co-defendant Sabur Olawale Yusuf-Crim.No.4:23-CR-136-ALM-KPJ-1, Page 5.

First, the WhatsApp messages omit any messages exchange occurring prior to June 24, 2023, second, the WhatsApp messages do not show date/time stamp, third, the WhatsApp messages fail to produce audio or messages between the 2770 messenger and the ^{petitioner} ~~Applicant~~ in any form that could possibly link the ^{Petitioner} ~~Applicant~~ to the communication between the 2770 messenger and the Co-defendant Sabur Olawale Yusuff.

The WhatsApp messages and the microsoft word documents shared between the 1185 messenger and the Co-defendant Sabur Olawale Yusuff are incomplete record of the communications and inadmissible, Federal Rule of Evidence 106 provides "if a party introduce all or part of a writing or recorded statements, an adverse party may required the introduction, at that time, of any other part or any other writing or recorded statement-that in fairness ought to be reconsider at the same time". "The purpose of Rule 106...is to permit the contemporaneous introduction of recorded statements that place in context other writings admitted into evidence which, viewed alone, may be misleading"-United States V. Jamar, 561 F. 2d 1103, 1108 (4th Cir. 1977), "Portions of a document often must be read in context, requiring consideration of the entirety of the record"-Buffington V. Nestle Healthcare Nutrition Inc. No SACV 18-0016-JVC9JDEX) 2019 U.S DISTLEXIS 130971, 2019 W2 3069014, at "69 C.D. Cal. Apr. 18, 2019).

the extension of the "no-contact" pretrial release condition beyond the Petitioner's personal Jurisdiction to include Smooth Multi-Services Platform Nigeria that otherwise the Petitioner would have prevented.

The Camera View of the third Party Contact messages did not warn the Co-defendants or threaten the Co-defendants not to speak with law enforcement nor create a false narrative but to remind the Co-defendants of their Constitutional rights, Self-Incrimination Clause, right to do business and the Messages are not false narrative but the truth.

The Camera View of the forensic review clearly identified the Co-defendant Sabur Olawale Yusuff Prior knowledge of the 2770 messenger. The Government's knowingly use of false testimony to acquire a Conviction Violates due process and the Government knowingly used false testimony, creating a false impression of material fact could be established - United States v. Briscoe, 2024, case No. 23-4013

B. Public Comment

The Messages shared with the Co-defendant Yusuf through Intermediaries - Exhibit 001, Opinion and Order Crim. No. 4:23-CR-136-AM-KPJ-1 Page 4-6, does not specifically mention any of the Co-defendant's name. The Messages are Public Comment

A Single Justice of Supreme Judicial Court (the "SJC"), the Honorable Francis Spina, held that the "No Public Comment Condition" is so broad that on its face it includes comment that would not amount to direct or indirect contact with the alleged victim, but would include comment that is protected by the First Amendment to the Constitution and art. 16 of the Declaration of Rights. As such, the "No Public Comment" Condition is a Prior restraint on protected speech and must be stricken - Commonwealth v. Afraisiabi. No. SJ-2015-0483 (Mass. entered Dec. 25, 2015) (Internal Citation Omitted)

On the other hand, Justice Spina observed that "no Contact" Condition was Permissible and concluded that it was unclear from the trial Court's order whether if considered the email (in this allegation, the WhatsApp sharing of word document through third Party intermediaries who is located in Nigeria with Co-defendant Yusuf) to have been indirect Contact. Therefore, Justice Spina vacated the orders revoking Pretrial release and detaining the defendant.

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APPENDIX B

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CASE NUMBER 4:23CR136
	§	
OLAMIDE OLATAYO BELLO (1)	§	

ORDER DENYING MOTIONS

Before the Court are multiple *Pro Se* pending motions, as follows: Dkt. #174 *Pro Se* Motion to Compel the Production of Excludable Time Periods and Reasons, Dkt. #182 *Pro Se* Application for Writ of Habeas Corpus by Olamide Olatayo Bellow, Dkt. #185 *Pro Se* Motion to Dismiss Counsel, *Pro Se* Motion Requesting Affidavit of Search Warrant, Dkt. #186 *Pro Se* Motion Requesting Affidavit of Search Warrant, Dkt. #187 *Pro Se* Motion to Reconsider or Reopen a Detention Hearing, Dkt. #188 *Pro Se* Motion to Compel Discovery of Exculpatory Evidence, Dkt. #189 *Pro Se* Motion for Access to Grand Jury Minutes and Testimony, Dkt. #190 *Pro Se* Motion for Notice of Government's Intent to Use, Dkt. #191 *Pro Se* Motion to Compel Immunity, Dkt. #192 *Pro Se* Motion to Compel On-Site Inspection, Dkt. #193 *Pro Se* Motion to Reconsider Suppression of Evidence, Dkt. #194 *Pro Se* Motion to Revoke Pre-Trial Detention Order, Dkt. #195 *Pro Se* Motion to Strike Surplusage. Even though Defendant Bello is represented by retained counsel, he has filed these motions *Pro Se*. Because Bello is represented by counsel, these motions cannot be accepted for filing, and therefore will be stricken from the record. Having considered the Motions, the Court is of the opinion that said motion should be **DENIED**.

On September 7, 2023, an Unopposed Motion to Substitute Attorney was filed requesting the Court substitute for retained counsel, Mark Watson. The Court granted the request and entered an order on September 8, 2023 (Dkt. #142). Since that time, Mark Watson has consistently

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represented Bello and has not withdrawn as counsel. Bello cannot simultaneously proceed *pro se*.

Bello does not have a “constitutional right to hybrid representation.” United States v. Ogbonna,

184 F.3d 447, 449 n.1 (5th Cir. 1999) (citation omitted). Therefore, the Court will not accept

Bello’s *pro se* motion for filing in this case. See, e.g., United States v. Alvarado, 321 F.App’x

399, 400 (5th Cir. 2009) (*per curiam*) (“Because Alvarado was represented by counsel in the

district court, he was not entitled to file a *pro se* motion on his own behalf.”); United States v.


Ruston, No. 3:04-CR-191, 2006 WL 8441626, at *2 (N.D. Tex. July 24, 2006) (declining to accept

pro se documents where defendant was represented by counsel).

It is therefore **ORDERED** that Defendant’s *Pro Se* Motions (Dkts. 174, 182, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195) are **DENIED**.

IT IS SO ORDERED.

SIGNED this 14th day of February, 2024.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION
101 East Pecan
Sherman, Texas 75090
903-892-2921

APPENDIX C

March 18, 2024

Re: United States v. Olamide Olatayo Bello
Case No. 4:23-cr-136

Mr. Bello:

We are returning your document to you. Please refer to document 196, Order denying motions.

Thank you.

Deputy Clerk

APPENDIX D

2019

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

January 23, 2024

Mr. Olamide Olatayo Bello #65100510
Fannin County Jail
2389 Silo Road
Bonham, TX 75418

Dear Mr. Bello,

I am returning your petition, complaint or other papers for the following reason(s):

We do not accept original petitions for habeas corpus. File your petition with the appropriate U.S. District Court. You must exhaust all available state remedies, as well. You may request habeas corpus forms from the U.S. District Court.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Monica R. Washington, Deputy Clerk
504-310-7705

Enclosure(s)

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APPENDIX E

~~1055~~

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

OLAMIDE OLATAYO BELLO (1),

Defendant.

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Crim. No. 4:23-cr-136-ALM-KPJ-1

OPINION AND ORDER

On August 10, 2023, Pretrial Services filed a Petition for Action on Conditions of Pretrial Release (Dkt. 122) (the “Petition”). On August 22, 2023, the Court held a hearing on the Petition (Dkt. 122). *See* Dkt. 133. Upon consideration, the Court finds Defendant Olamide Olatayo Bello’s (“Defendant”) pretrial release should be revoked and Defendant should be **DETAINED** pending trial.

I. BACKGROUND

On June 15, 2023, Defendant was charged in an indictment (the “Indictment”) (Dkt. 1) with violating 18 U.S.C. § 1349 (Conspiracy to Commit Wire Fraud). *See* Dkt. 1. On June 21, 2023, Defendant was arrested; and on June 22, 2023, Defendant was arraigned and made an initial appearance before the undersigned. *See* Minute Entry for June 21, 2023; Minute Entry for June 22, 2023. During the June 22, 2023 arraignment, the Government advised the Court it was not moving to detain Defendant, and Defendant was released on conditions of pretrial release. *See* Minute Entry for June 22, 2023.

On August 10, 2023, Pretrial Services filed the Petition (Dkt. 122). The Petition (Dkt. 122) alleges Defendant violated the following conditions of pretrial release:

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(1) The defendant must not violate federal, state, or local law while on release.

(7)(g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: co-defendants.

(7)(t) not open any new bank account, credit account, or line of credit. Not access any bank account, credit account, or line of credit held under the name of another individual. Not transfer money in any form, or give money in any form to, any other defendant in the case, whether electronically or by any other means. Not receive money in any form, or give money to, any other defendant in the case, whether electronically or by any other means. Not have contact in any form with any defendant, whether in person, in writing, by phone, messaging app, email, electronically, or by other means.

Id. at 2.

The Petition (Dkt. 122) alleges Defendant violated these conditions as follows:

On, or about, June 24, 2023, [Defendant] contacted a co-defendant through a third-party and provided a document that contained information directly pertinent to the case. [Defendant] encouraged the co-defendant not to speak with the government. Additionally, [Defendant] suggested a false narrative for the co-defendant to utilize should they speak with the government.

*Need copy
of the
information*

Id.

On August 16, 2023, Defendant was arrested and made an initial appearance as to the Petition (Dkt. 122). *See* Minute Entry for August 16, 2023. On August 22, 2023, the Court held a hearing on the Petition (the “Hearing”) (Dkt. 133). Assistant United States Attorney Sean Taylor appeared on behalf of the Government, and Mr. Frank Jackson appeared on behalf of Defendant.

See id.

Federal Bureau of Investigation Special Agent Jason Rennie (“Agent Rennie”) testified as to Defendant’s alleged violations of his pretrial release conditions. Agent Rennie testified that Defendant is at the center of a conspiracy with ten co-defendants involving approximately \$4 to \$5 million of fraudulently obtained pandemic loan relief under the Paycheck Protection Program (“PPP”), a federal business loan program established by the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). Agent Rennie testified that Defendant recruited

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make crime

record
prove
not dormant

individuals known to him in the Nigerian community to request loans through (dormant) and existing companies and aided these individuals in falsifying and altering these companies' payroll and revenues to receive larger PPP loans from the federal government. Agent Rennie testified that in exchange for Defendant's "assistance," Defendant received approximately twenty-seven to thirty-two percent of the PPP loan proceedings. Agent Rennie testified that through law enforcement's investigation, Defendant was connected with his co-defendants' fraudulent loan applications through his existing relationships with these individuals and his tax preparation

Net im
with
individuals

M Nigerian
Community
Tax?

need prove
hearsay

services. Agent Rennie further testified that at least two co-defendants only had to provide a copy of their driver's license to Defendant for his preparation of PPP loan applications and that Defendant in turn created false bank statements and altered bank statements to reflect certain payroll and revenues for these individuals' companies to receive outsized PPP loans. Agent Rennie further testified that Defendant has at least one degree and extensive experience with computer sciences and technology, and Defendant has family connections and bank accounts in Nigeria.

make crime

by asphyxiation / irrelevant

Agent Rennie testified that while Defendant and five of the co-defendants were held overnight in Collin County jail before their initial appearance, Defendant repeatedly told the co-defendants that if questioned by law enforcement regarding the PPP loans or the payment of approximately thirty percent to Defendant, they should state, "I don't remember." Agent Rennie testified that Defendant repeatedly told the co-defendants not to cooperate with law enforcement and, as a result, Collin County jail personnel ultimately separated Defendant from the co-defendants.

hearsay

Additionally, Agent Rennie testified that co-defendant Sabur Olawale Yusuff ("Co-Defendant Yusuff") informed law enforcement that he received WhatsApp text messages from two phone numbers—+234 706 376 2770 and +234 901 935 1185—both of which were unknown

2770
was hi
tutor

*Lied under oath that 2770 is unknown to Sabur

4008

to him.¹ Agent Rennie testified these messages were sent approximately two days following Defendant's release on pretrial conditions. Agent Rennie further testified that +234 is the country code for Nigeria and provided a PowerPoint presentation with screenshots of the WhatsApp text messages from these two numbers. In relevant part, the individual using the number +234 706 376

2770 ("2770 Messenger") had the following WhatsApp text message conversation with Co-Defendant Yusuff:²

2770 Messenger: Please hold on sir. ²

} previous ongoing conversation

Remember "Mr. Ahmed, Baba ori, Abibat, remember I.T Training, AWS Training"

These are clues I was asked to give you sir. I assure you I am not trying to scam you sir

I am only being asked to send an information to you sir

Remember "Moji alamala"

Just make sure say you delete all the messages from this number when you remember

Co-Defendant Yusuff: Which messages?

And pls don't call me again if you can text me ..

You can easily text — ?

Text me..I can't receive calls at this time. ?

2770 Messenger: Alright I apologize for calling at this hour sir, but as I said earlier I'm in Nigeria.

by who?

I'm told that the files I'm to give is quite sensitive and that's why it needs to go through madam Moji to you, not directly from me sir, if not I would have just sent it directly right now.

* ¹ WhatsApp is an internationally available cell phone messaging system that provides for end-to-end encryption of messages and calls.

² All grammatical and spelling errors are within the WhatsApp text messages and Microsoft Word document.

need

The ^{who} person is trying to ^{why} stay anonymous and that's why they are giving you these clues sir.

This is why I need madam Moji's contact so I can send it to her and she can give you sir.

I understand why you don't trust me, but I am not trying to scam you of anything this is all just to be safe.

Dkt. 133.

Agent Rennie testified that the "clues" referenced in the WhatsApp text messages are to indicate that the messages originate from Defendant, as Defendant previously provided I.T. training and Amazon Web Services ("AWS") training to ^{-lie} several co-defendants. Agent Rennie testified that a forensic review of the WhatsApp text messages revealed Defendant communicated with the 2770 Messenger around the time of the WhatsApp text messages, and the 2770 Messenger was identified in a group chat with other co-defendants. ?

could this be Moji?

Agent Rennie further testified that the individual using the +234 901 935 1185 ("1185 Messenger") sent Co-Defendant Yusuff a Microsoft Word document (the "Word Document"), which states in relevant part:

Greetings,

I am aware of your case, and I can see the government want to use you all against each other and that is why they insist you all can not talk to each other. It is time not to be selfish but show loyalty to each other, prove the system wrong that you are one Nigerian and you do not bite each other and be strong.

Here are the facts:

1. You are all Nigerians. - True
2. You are all gunnie pigs - taking people for example because of nationality true
3. The lawyers will take your money and you still going to be punished. - true
4. You Nigerians are known not to work with each other. - true, this recall Nigerians lie for their own gain

* You cannot be in the same whatsapp chat group and do not know each other

* 2770 was Sabur Instructor in whatsapp chat group 5

* 2770 had relationship and prior contacts with Sabur and his wife.

* 2770 had relationship and prior contacts with Sabur and his wife.

(100)

5. You can either beat the system or system beat you *Go by the law or the judicial system corruption swallow you*
6. You are all stupid not trusting each other.
7. You are all scared. *true*
8. FBI will try to cut deal with each of you to go against [Defendant] who has been there for you all. *true*
9. [Defendant] is the target and FBI is using you all as a weapon to prison him. *true*
10. One of you snitched on the rest of you because you cut a deal with FBI *true*
11. You are all picked because one way or the other [Defendant] had money transactions with you all and you were all traced by [Defendant's] bank account *true* and his house IP. Also because you all have been found going to [Defendant's] house or have been hanging around him.

One facts you all :

1. A consultant can help you apply for the PPP as [Defendant] has been your tax and business consultant . . . *true*
2. PPP loans can be sent on operating expenses such as invoicing and accounting software which can constitute to payroll expenses. So whatever you pay [Defendant] can be consider as payroll expenses toward operation expenses and software for accounting and payroll . . . *? true*

SOY the FBI tracked your bank accounts, they know about your purchases. *true*

Suggestions: The FBI claimed 30% you can claim it as a subscription to the payroll services at payroll.dob.company to also include accounting services. Also show the attached documents to help with the information you need on your application. You can also claim the fact that you have been disallowed to contact your consultant [Defendant] to gather more documents as it has been long, and you cannot remember it all. Also, the server in [Defendant's] house you use to store your records was hacked 3 months ago and [Defendant] has been working on extracting the data before the arrest. The attached record is for your information to guide you to prepare for this and not to show anyone *what record?*

Facts

true

Dkt. 133.

Agent Rennie testified that "SOY" is a reference to one of the companies involved in the

Indictment that received PPP loans, and payroll.dob.company is a company owned by Defendant.

products of a corporation

(7)

Agent Rennie testified that the Word Document properties reflect Defendant was the "Author" of the Word Document and that Defendant was the last individual to modify the Word Document on June 24, 2023. Agent Rennie testified that law enforcement also identified telephone communications between Defendant and 1185 Messenger. Agent Rennie testified that at least two co-defendants received the Word Document and another very similar word document. Agent Rennie testified that he believes the Word Document was created to warn the co-defendants not to speak with law enforcement and, in the event they did, create a false narrative the co-defendants should present to law enforcement. Agent Rennie further testified there was additional evidence that Defendant spoke with a co-defendant and informed the co-defendant that individuals expecting a share of the PPP loan proceeds were threatening possible violence. ? how? when? why?

Vesque

when!
need
prove?

Nears at

On cross-examination, Agent Rennie clarified that the above communications were sent directly to Co-Defendant Yusuff, who then provided the communications to the FBI.

II. LEGAL STANDARD

The Bail Reform Act, 18 U.S.C. § 3142, governs the release and detention of defendants awaiting trial. Section 3142(g) provides that courts shall consider the following factors in determining whether a person poses a flight risk or a danger to the community: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence; (3) the defendant's history and characteristics, including, among other things, his family ties, length of residence in the community, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and (4) the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release. 18 U.S.C. § 3142(g); see also *United States v. Acosta-Leyva*, 751 F. App'x 594, 595 (5th Cir. 2019) (per curiam).

* Bello also received messages on the case but treated as spam

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“A person who has been released under section 3142 of this title, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.” 18 U.S.C. § 3148(a). Section 3148(b) provides:

The Judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer—

(1) finds that there is—

(A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or

(B) clear and convincing evidence that the person has violated any other condition of release; and

(2) finds that—

(A) based on the factors set forth in section 3142(g) of this title, there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or

(B) the person is unlikely to abide by any condition or combination of conditions of release.

18 U.S.C. § 3148(b). “Under the statute, a finding of probable cause under § 3148(b)(1)(A) carries with it a rebuttable presumption that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community.” *United States v. Aron*, 904 F.2d 221, 224 (5th Cir. 1990); *see also United States v. Moreno*, 857 F.3d 723, 725–27 (5th Cir. 2017). Under Section 3148(b)(2)(B), a “district court’s finding that a defendant will not abide by any conditions of release may be established by a preponderance of the evidence.” *Aron*, 904 F.2d at 224 (citing *United States v. Gotti*, 794 F.2d 773, 778 (2d Cir. 1986)); *see also United States v. Minor*, 204 F. App’x 453, 455 (5th Cir. 2006).