

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION - FELONY BRANCH**

UNITED STATES OF AMERICA	:	Criminal No. 09-254(PLF)
	:	
v.	:	Presentment
	:	
	:	
YITBAREK SYUME, et al.	:	
	:	
Defendant	:	

**MEMORANDUM IN SUPPORT OF GOVERNMENT’S
REQUEST FOR PRETRIAL DETENTION**

The United States of America respectfully requests that this Court order that defendant be detained until his presentment in the United States District Court for the District of Columbia on Monday October 5, 2009:

I. The Court is Authorized to Act as a Federal Magistrate Judge and to Order Pre-Trial Detention.

A person arrested and charged with a federal offense must be taken without unnecessary delay before a judicial officer. If a magistrate judge is not reasonably available, the initial appearance may be before a state or local judicial officer. Fed. R. Crim. P. 5(c)(1)(B). The Superior Court, with respect to any criminal case over which the United States District Court for the District of Columbia has jurisdiction, may release or detain such offenders. Super. Ct. R. Crim. P. 40.

II. Background.

Here, the defendant is charged with conspiring to bribe a public official in violation of 18 U.S.C. § 371. Over the course of this scheme the defendant paid bribes totaling over \$220,000 in cash. (In a companion case, U.S. v. Syume, et al. 09-253 (PLF), the defendant paid over \$100,000 in bribes.) The charges in this case arise from a two-year investigation of the efforts of the

defendant and others to corruptly gain control of the taxicab industry in the District of Columbia.

III. Defendant should be Detained.

The law governing pre-trial release and detention of persons charged with federal offenses is codified at 18 U.S.C. § 3141 *et seq.* Upon motion of the government, the Court shall hold a detention hearing in cases that involve a serious risk of flight or a serious risk that the defendant will obstruct justice. 18 U.S.C. § 3142(f)(2)(A) and (B). Upon motion of the government, the hearing can be continued for a period of up to three days excluding any intermediate Saturday, Sunday or legal holiday. During that period, the defendant must remain detained. 18 U.S.C. § 3142(f). Here, there is both a risk that the defendant will obstruct justice and that he will flee, if released.

First, there is a serious risk that the defendant “will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness . . .” *Id.* As recently as September 25, 2009, the defendant threatened to kill an individual whom he believes to be cooperating with law enforcement. On September 24, 2009, Ted Loza was arrested in a related case. Mr. Loza’s arrest received a great deal of media attention, and a cooperating witness’s identity was disclosed. (Representative article attached.) On September 25, 2009, at about 10:00 a.m., the defendant met with a source and an FBI undercover agent. (The meeting was recorded.) During this meeting, they discussed the status of their bribery scheme and how to avoid detection. The defendant declared that the cooperating witness who had been identified in the media would be killed: “The one [the cooperating witness] will be eliminated. You’ll see – [cooperating witness’s name] – eliminated soon. Don’t worry. Permanently eliminated.” The source asked when the cooperating witness would be killed, and the defendant said: “They will come to me. I will tell you.” This suggests that the defendant had solicited others in his effort to harm the cooperating

witness. The defendant also encouraged the source to destroy evidence. He instructed him to “crash the computer” on which existed evidence of defendant’s crimes.

Second, there is also a serious risk that the defendant will flee. Over the course of this two-year investigation, the defendant has paid over \$350,000 bribes – all in cash. This demonstrates that the defendant has ready access to large amounts of cash. The defendant, a native of Ethiopia, has also traveled overseas. These circumstances demonstrate that the defendant has the means and opportunity to flee.

Accordingly, the government requests that the defendant be detained until he is presented in United States District Court on October 5, 2009.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415-793

By:

John Crabb Jr.
John Griffith
Assistant United States Attorneys
Federal Major Crimes Section
N.Y. Bar No. 2367670
555 4th Street, N.W.
Washington, D.C. 20530
(202) 514-7314
john.d.crabb@usdoj.gov