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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA) CASE NO. 3:19-CR-0621-EMC-1
13 Plaintiff,)
14 v.) UNITED STATES' APPEAL OF MAGISTRATE
15 AHMAD ABOUAMMO,) JUDGE ORDER OF RELEASE
16 Defendant.)
17)

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19 The United States hereby appeals the order of U.S. Magistrate Judge Sallie Kim, allowing the
20 defendant, Ahmad Abouammo, to be released on bond and conditions prior to trial. As set forth below,
21 the government has met its burden to demonstrate that no condition or combination of conditions can
22 ensure the appearance of the defendant at hearings and at trial given the substantial risk of flight, and
23 respectfully requests the District Court to reverse the Release Order, which is currently stayed pending
24 appeal to this Court.

25 **I. RELEVANT FACTS AND PROCEEDINGS**

26 On November 5, 2019, Magistrate Judge Thomas S. Hixson of the Northern District of
27 California signed a Criminal Complaint charging three defendants, including defendant Ahmad
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1 Abouammo, with acting in the United States as an agent of a foreign government without notifying the
2 Attorney General, in violation of 18 U.S.C. § 951, and charging him with falsification of records in a
3 federal investigation in violation of 18 U.S.C. § 1519. The defendant was arrested near his home in
4 Seattle on Tuesday, November 6, 2019.

5 The Complaint and subsequent Indictment (ECF No. 13) alleges that defendant, a dual Lebanese
6 and U.S. citizen, acted at the direction and control of the government of the Kingdom of Saudi Arabia
7 (“KSA”) in using his access as a Twitter, Inc. Media Partnerships Manager to access and provide, in
8 violation of Twitter’s privacy and data handling policies, private and confidential user information to the
9 Saudi government, including information related to dissidents and critics of the government and Royal
10 Family. This conduct included repeatedly accessing the user information associated with an anonymous
11 influential critic of the KSA Royal Family and government who had over a million followers and
12 accessing another account that the KSA officials had discussed with the defendant. *Id.*, ¶ 35. The
13 defendant’s accesses of these accounts took place close in time to numerous telephone calls between the
14 defendant and a KSA official close to the Royal Family. *See Id.*, ¶¶ 36-42. At one point, the defendant
15 told the KSA official “proactive and reactively we will delete evil my brother.” *Id.*, ¶ 41. The defendant
16 was paid handsomely for acting as an agent of the KSA government and betraying his employer: he was
17 paid at least \$300,000 cash by the Saudi Official and given a watch which was worth at least \$20,000.

18 On November 19, 2019, District Judge Alsup, the duty District Judge presiding over the appeal of
19 the release order of Judge Paula L. McCandlis, U.S. Magistrate Judge for the Western District of
20 Washington, issued an order adopting that release order, but staying the release until Monday,
21 November 25, 2019, pending further proceedings before the assigned District Judge or subsequent
22 appeals. *Se* ECF No. 15 (Minute Order).

23 II. LEGAL STANDARD

24 In a case in which no presumption applies pursuant to 18 U.S.C. § 3142(e)(2), the United States
25 must show by a preponderance of the evidence that the defendant is a risk of flight, or by clear and
26 convincing evidence that he is a danger to the community. *United States v. Gebro*, 948 F.2d 1118, 1121
27 (9th Cir. 1991); *see* Fed. R. Crim P. 46(a); 18 U.S.C. § 3142(f). The government may show “a serious
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1 risk that such person will flee” or “a serious risk that such person will obstruct or attempt to obstruct
2 justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective
3 witness or juror.” 18 U.S.C. §§ 3142(f)(2)(A), (B).

4 The Court must take into account:

- 5 (1) the nature and circumstances of the offense charged [. . .];
- 6 (2) the weight of the evidence against the person;
- 7 (3) The history and characteristics of the person, including – (A) the person’s
8 character, physical and mental condition, family ties, employment, financial
9 resources, length of residence in the community, community ties, past
10 conduct, history relating to drug or alcohol abuse, criminal history, and record
11 concerning appearance at court proceedings; and (B) whether, at the time of
12 the current offense or arrest, the person was on probation, or parole, or on
13 other release pending trial, sentencing, appeal, or completion of sentence for
14 an offense under Federal, State, or local law; and
- 15 (4) The nature and seriousness of the danger to any person or the community that
16 would be posed by the person’s release. [. . .]

17 18 U.S.C. § 3142(g). An appeal of a release order may be filed by the government with the district
18 having original jurisdiction over the offense and “shall be determined promptly.” 18 U.S.C.
19 § 3145(a)(1).

20 **III. ARGUMENT**

21 The government incorporates here by reference the arguments made in its prior filings (ECF
22 Nos. 6, 14) and Exhibits 1 through 7 (ECF Nos. 6-1, 14-1, and 14-2). In summary, the defendant, who is
23 unemployed and reports few assets, has minimal ties to the community beyond immediate relatives, and
24 who is accused of accepting bribes from the same Saudi Arabian officials that assisted in exfiltrating his
25 codefendant from the United States, should not be released as no combination of conditions can
26 reasonably assure that he does not flee from prosecution.

27 **IV. CONCLUSION**

28 The government has met its burden of persuasion with respect to the defendant’s risk of flight and
obstruction of justice. Accordingly, for the reasons set forth above, the Court should reverse the
Magistrate Judge’s release order and order defendant detained pretrial.

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1 Date: November 20, 2019.

Respectfully submitted,
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/s/ Colin Sampson
COLIN SAMPSON
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