

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

ORDER

Crim. No. 15-49(06) (MJD/FLN)

Hanad Mustofe Musse,

Defendant.

John Docherty and Andrew Winter, Assistant United States Attorneys,
Counsel for Plaintiff.

Andrew S. Birrell and Paul C. Dworak, Gaskins Bennett Birrell Schupp,
LLP, Counsel for Defendant.

This matter is before the Court on the Defendant's Motion for Pretrial
Release. [Doc. No. 140].

I. Background

The Defendant has been charged by Superseding Indictment with
Conspiracy to Provide Material Support to a Designated Terrorist Organization
and Attempting to Provide Material Support to a Designated Foreign Terrorist
Organization in violation of 18 U.S.C. § 2339B and Financial Aid Fraud in

violation of 20 U.S.C. § 1097(a).

By Order dated April 30, 2015, the Magistrate Judge ordered the Defendant detained pending trial. [Doc. No. 29] The Defendant appealed the detention order. The Court conducted a de novo review of the proceedings before the Magistrate Judge and considered the parties' submissions on appeal and denied the Defendant's motion for release. [Doc. No. 61]

Now before the Court is the Defendant's motion for pretrial release. In support of his motion, the Defendant has submitted a proposal which sets forth that the Defendant would reside with his aunt, who is willing to supervise the Defendant during his release. The Defendant also agrees to be subject to location monitoring and the standard conditions of release. In addition, the Defendant proposes to become involved in the Dar Al-Hijrah Mosque and to continue his education and involvement in basketball programs run by his aunt.

The government opposes the Defendant's motion for pretrial release.

II. Standard Regarding Pretrial Release or Detention

A defendant may be detained pending trial if the Court finds there is no "condition or combination of conditions . . . [that] will reasonably assure the appearance of such person as required and the safety of any other person and the

community.” 18 U.S.C. § 3142(e)(1). Because the Defendant has been charged under 18 U.S.C. § 2339B, there is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the Defendant and the safety of the community. 18 U.S.C. § 3142(e)(3)(C); 18 U.S.C. § 2332b(g)(5) (listing 18 U.S.C. § 2339B as a crime under this section). The Defendant therefore has the burden of producing evidence to rebut the presumption favoring detention.

Based on the parties’ submissions, the Court finds that the Defendant has again failed to meet his burden of producing evidence to rebut the presumption favoring detention. Accordingly,

IT IS HEREBY ORDERED that the Defendant’s Motion for Pretrial Release [Doc. No. 140] is DENIED.

Date: July 8, 2015

s/ Michael J. Davis
Michael J. Davis
United States District Court.