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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES,
Plaintiff,

vs.

MURAT KURASHEV,
Defendant.

Sacramento, California
No. 2:21-cr-00040-KJM-1
Thursday, April 28, 2022
2:00 p.m.

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TRANSCRIPT OF PROCEEDINGS
MOTION HEARING
BEFORE THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE
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APPEARANCES:

For the Government:

UNITED STATES ATTORNEY'S
OFFICE
501 I Street, Suite 10-100
Sacramento, CA 95814
By: HEIKO PHILIPP COPPOLA
Assistant U.S. Attorney

For the Defendants:

Law Office of Hayes H. Gable,
III
1001 G Street, Suite 104
Sacramento, CA 95814
By: HAYES H. GABLE, III
Assistant Federal Defender

Official Court Reporter:

Thresha Spencer,
CSR, RPR
501 I Street
Sacramento, CA 95814

Russian Interpreter:

Eduard Hairullin

*Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription*

1 SACRAMENTO, CALIFORNIA, Thursday, April 28, 2022, 2:00 p.m.

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3 (In open court.)

4 THE CLERK: Calling case number 21-CR-40-KJM; United
5 States versus Murat Kurashev. This is on calendar for motion
6 for bail review, your Honor.

7 THE COURT: Can we please have the defendant's hands
8 released for this proceeding? I'm informed that there's no
9 shackling order on the docket for this defendant. We've only
10 just resumed in-any person proceedings; there are a great many
11 folks that were arraigned during the COVID era.

12 I'm aware of the nature of the charges, of course, and I've
13 seen all the Pretrial Services reports, but I don't see any
14 genuine risk of disruption in the courtroom. So unless the
15 U.S. Attorney's Office has more information for me that should
16 leave me to be concerned about that, I'm going to order legs
17 only.

18 MR. COPPOLA: I don't have any concerns about that.

19 THE COURT: Appearances, please.

20 MR. COPPOLA: Good afternoon, your Honor. Heiko
21 Coppola and Dmitriy Slavin on behalf of the United States.

22 THE COURT: Good afternoon, yes.

23 MR. GABLE: And good afternoon, your Honor. Hayes
24 Gable on behalf of the defendant Murat Kurashev, who is
25 present, in custody.

1 THE COURT: Good afternoon, Mr. Gable and
2 Mr. Kurashev.

3 MR. GABLE: He's assisted by the Russian interpreter.

4 THE INTERPRETER: Good afternoon. Eduard Hairullin,
5 previously-sworn Russian interpreter.

6 THE COURT: Good afternoon.

7 I have reviewed the defendant's motion for bail review, the
8 government's opposition, the bail review report prepared today
9 by Pretrial Services, as well as the two previous Pretrial
10 Services reports.

11 And, Mr. Gable, I'd like you please to address the concern
12 of the government and the Pretrial Services office, which I
13 share, about the nature of the relationship between your client
14 and the proposed surety.

15 How do they know each other other than in the law office?
16 Is this a personal relationship? What's the depth of the
17 relationship, and is that individual here today?

18 MR. GABLE: Well, your Honor, I think -- first of
19 all, it started out as a professional relationship. The
20 proposed surety is a paralegal in the Friedman Law Office, as
21 you're aware.

22 However, he knows about this case intimately because of
23 that position with the firm. He believes in the defendant's
24 innocence and believes that he's not going to flee. And so he
25 is willing to put up his residence where he, his wife, and

1 three children reside to assure Mr. Kurashev's appearance in
2 court.

3 THE COURT: And I'm not doubting the sincerity of the
4 surety. What I'm questioning is your client's relationship to
5 him. As you know, I mean, this is a case in which a secured --
6 a substantial secured bond would obviously be needed for
7 release to be plausible. But in cases where that is not true,
8 I have often heard myself say -- and everyone here has heard me
9 say -- that what matters to me most even with unsecured bonds,
10 even in small amounts, is the quality of the relationship when
11 it's a family member, a long-time family friend, someone who
12 has an intimate connection with the defendant so that I can
13 trust the defendant would not endanger their financial
14 well-being because of the personal relationship. That is the
15 security that I care about.

16 We've got money on the table, I understand, and a surety is
17 willing to take a risk, but that doesn't answer my question.

18 MR. GABLE: I understand what the Court is saying and
19 that's always a concern. And, in this particular case, your
20 Honor, Mr. Kurashev and his family are here seeking political
21 asylum, and he can't -- he cannot return to Russia without
22 risking his life. He's not going to flee back to Russia.

23 And I don't know where else he would plan on fleeing if he
24 wanted to flee at this point in time, but he doesn't want to do
25 that. He had a job before he was arrested with the individual

1 who is in court today incidentally, his employer, who would --
2 because I noticed the Court was a little concerned, and so was
3 the U.S. attorney, with having his wife as the third party
4 custodian. And I've spoken with his employer who's willing to
5 assume that responsibility. He would be seeing him on an
6 almost daily basis, in any event, and would be willing to
7 accept that responsibility, report any absences as they occur
8 to Pretrial Services. So if that's still a concern with the
9 Court as an alternative.

10 THE COURT: All right. I appreciate that. That was
11 a concern.

12 I certainly take your point, Mr. Gable, about the fact that
13 someone who is seeking asylum on the basis of persecution in
14 their country of nationality would be unlikely to return. How
15 then do you explain the evidence that's been proffered that
16 your client shortly before his arrest was conducting internet
17 searches on airline tickets to Russia and properties for sale
18 in Russia?

19 MR. GABLE: Your Honor, my understanding in speaking
20 to him about that is he wanted to sell some property that he
21 owns in Russia, and that's why he was looking at not
22 necessarily airline tickets for him, and I'm not sure about the
23 airline tickets, but researching Russia on the internet. So
24 that's the explanation for that.

25 THE COURT: Thank you.

1 Mr. Coppola.

2 MR. COPPOLA: Thank you, your Honor.

3 Unfortunately, there's just entirely too much that we don't
4 know at this point to justify release on either the bond that's
5 been proffered, which I know for the Court is now somewhere
6 between -- it was originally proffered as \$400,000, now it's
7 somewhere around \$250,000.

8 So we certainly don't know, you know, what the quality of
9 that particular bond would be at this point. At least that's
10 what I'm reading between the Pretrial Services report and
11 certainly what was in Mr. Gable's initial moving papers.

12 And then, secondly, your Honor, as your Honor has already
13 pointed out, the quality of the relationship between
14 Mr. Karapetyan, the proffered surety, and Mr. Kurashev is
15 simply unknown at this point to any level of satisfaction or
16 comfort.

17 THE COURT: Right.

18 MR. COPPOLA: As the Court knows, this is a
19 presumption case. And finally, your Honor, at least with
20 respect to what we're now seeing as a shift from Mr. Kurashev's
21 life to now a potential employer, and simply known for the
22 Court that my understanding is that Mr. Kurashev was a
23 subcontractor of some kind, so he probably did jobs for this
24 individual.

25 I don't know whether it is fair to consider him or call him

1 at this juncture his former employer, so that was -- so I
2 understand I'm probably splitting some hairs there, but I think
3 that's at least an important distinction that needs to be made
4 here. I note for the Court that at this juncture certainly
5 pretrial has not interviewed with that individual recently.

6 THE COURT: Right.

7 MR. COPPOLA: So again, we don't really have a good
8 idea of what the nature and quality of that relationship is
9 either.

10 THE COURT: Okay.

11 MR. COPPOLA: When we put that up against the charges
12 in this case and what we've proffered in our moving papers and
13 what this Court has seen having looked at the search warrant
14 that this Court issued immediately prior to Mr. Kurashev's
15 arrest, we're not anywhere near overcoming the presumption.
16 And to that extent, your Honor, we believe he should remain
17 detained.

18 Oh, one last comment, at least in terms of flight. He may
19 or may not go back to -- he may or may not flee back to Russia,
20 but he certainly has opportunities to flee to other places.

21 THE COURT: Thank you. The Pretrial Services report
22 does state that the equity available in the surety's home is
23 only about \$250,000, and that way the bond would not be
24 secured; is that not correct?

25 MR. GABLE: Right. Although, as I noticed in the

1 Pretrial Services report, they did a Zillow search, and the
2 equity came out as higher than \$400,000. And \$170,000 on the
3 mortgage, so I don't know.

4 THE COURT: So you don't have an independent proffer
5 to give me of the -- supported by any kind of documentation to
6 contest the valuation of the property?

7 MR. GABLE: On the what issue?

8 THE COURT: What's in the Pretrial Services report --

9 MR. GABLE: Yes.

10 THE COURT: -- is the information I have. You don't
11 have additional different information to indicate that more of
12 the bond and approximately \$250,000 would actually be secured?

13 MR. GABLE: No.

14 THE COURT: Okay.

15 MR. GABLE: I think that was a self -- that was a
16 self-report by Mr. Karapetyan.

17 But, in any event, I wanted to clear one thing, and that
18 has to do with his employment. He works under the contracting
19 license of Mr. Karapetyan.

20 THE COURT: Right. For purposes of this bail review
21 motion, I think the distinction between employee and
22 subcontractor is a distinction without a difference. If I am
23 correct that, in fact, this gentleman is offering to provide
24 full-time employment in whatever status such that he, you know,
25 you're proffering him as a third party custodian who would have

1 the defendant working under his supervision on a full-time
2 basis; is that accurate?

3 MR. GABLE: That's correct, your Honor.

4 THE COURT: Anything else, Mr. Gable?

5 MR. GABLE: Your Honor, I just wanted to say that,
6 you know, he wants to support his wife and children.

7 THE COURT: Of course he does.

8 MR. GABLE: The Court is aware that they're here,
9 they're small children, he's not going to leave them high and
10 try, and I strongly urge the Court to consider this, and, if
11 necessary, we can put this over, and Pretrial Services can
12 conduct a couple more interviews if that's what the Court
13 wants.

14 THE COURT: Well, I think that would only be
15 necessary if I was inclined to grant the motion on the security
16 presently offered if we just switch the third party custodian,
17 and I'm not prepared to do that.

18 On the facts of this case, I am not saying that a bond
19 package could not be proposed that I would not find accurate,
20 but I think the current bond package being offered is not
21 sufficient to contain the risk of nonappearance in this case.
22 So the motion is denied without prejudice to any future motion
23 if you can come up with additional secured bonds. Thank you.

24 MR. GABLE: Thank you, your Honor.

25 (Proceedings adjourned: 2:14 p.m.)

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I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Thresha Spencer
THRESHA SPENCER
CSR No. 11788, RPR