

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 26-CR-20073-MOORE**

**UNITED STATES OF AMERICA**

**v.**

**RISHI KAPOOR,**

**Defendant.**

**GOVERNMENT’S RESPONSE TO DEFENDANT’S APPEAL OF DETENTION ORDER**

Rishi Kapoor swindled investors in his real estate company out of more than \$85 million, did not pay taxes on the millions he made, withheld his employees’ taxes and then embezzled their withholdings, and submitted false bank statements to banks to get loans. Based on this evidence, coupled with Kapoor’s access to significant wealth and his ties to the Bahamas, the government sought detention because Kapoor presents a risk of flight. After a three-hour hearing where both witness testimony and documentary evidence was offered by the government, Magistrate Judge Elfenbein ordered Kapoor pre-trial detained based on his risk of flight and issued a thorough written order (DE15). Kapoor does nothing to meaningfully challenge Magistrate Judge Elfenbein’s order and does not even attempt to satisfy the Bail Reform Act’s requirements for reopening detention hearings, mostly relying on a declaration for Kapoor’s wife who was present during the entire hearing to proffer additional facts (none of which changes anything about the magistrate court’s thorough written detention order). Kapoor should remain pretrial detained.

**I. Background**

**A. Indictment and Charges**

On March 3, 2026, the grand jury returned a 37-count indictment against Kapoor, charging

him with the following offenses: conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 (Count 1); wire fraud, in violation of 18 U.S.C. § 1343 (Counts 2-7); money laundering, in violation of 18 U.S.C. § 1957(a) (Counts 8-12); conspiracy to commit offense against, and to defraud, the United States, in violation 18 U.S.C. § 371 (Count 13); failure to account for and pay over trust fund tax, in violation of 26 U.S.C. § 7202 (Counts 14-25); attempt to evade or defeat tax, in violation of 26 U.S.C. § 7201 (Counts 26-27); failure to file tax returns, in violation of 26 U.S.C. § 7203 (Counts 28-32); and bank fraud, in violation of 18 U.S.C. § 1344 (Counts 33-37).

At a high level, the basis of the charges in the indictment against Kapoor are: 1) wire fraud conspiracy and substantive wire fraud counts for defrauding investors in his real estate company Location Ventures; 2) money laundering for spending the proceeds of the real estate investment fraud, including by buying yachts, a 2.5 carat ring, and paying the mortgage on his \$5.9 million Cocoplum home; 3) tax evasion for failing to pay taxes on the money he received from Location Ventures, as well as charges for failing to file tax returns at all; 4) payroll tax fraud for withholding his employee's payroll taxes but taking it instead of paying the Internal Revenue Service (IRS) on their behalf; and 5) getting financing from banks by lying about his assets and liabilities (including by submitting falsified bank statements making it look like he had millions in his personal bank accounts when he did not).

## **B. Discovery**

On April 10, 2026, counsel for Kapoor received a hard drive loaded with the overwhelming bulk of discovery in this case and corresponding discovery logs. Among other things, the hard drive contained: Kapoor's work emails, bank records, various FBI interview reports, relevant statements of potential witnesses, and a set of "hot docs" selected by the Government.

### **C. The Civil Case**

The Securities Exchange Commission (“SEC”) also conducted a civil investigation into Kapoor and Location Ventures. In August 2023, the SEC deposed Kapoor in Miami as part of their investigation and he largely invoked his right to silence under the Fifth Amendment. In December 2023, the SEC filed a complaint against Kapoor alleging that he defrauded investors through Location Ventures. After the SEC case was filed, the SEC deposed several witnesses including Kapoor’s father (who provided Kapoor with approximately \$8 million to fund Location Ventures) in March 2024. *See* DE19, GX6. In November 2024, Kapoor reached a settlement with the SEC without admitting or denying liability (23-CV-24903, DE295). Kapoor has not yet agreed to or paid financial penalties to the SEC.

## **II. Procedural History**

### **A. Detention Hearing**

Kapoor was arrested on the charges in the Indictment in the early morning on March 6, 2026. At his initial appearance, at the outset, the Government represented that it was seeking detention and “ready to go today” but offered to give counsel for Kapoor until Monday to propose a bond alternative if Kapoor wanted more time to do so (Tr. at 6). Kapoor elected to have the detention hearing the same day as his arrest. The Government admitted eight exhibits in support of its motion for detention (DE19) and relied on testimony from a Federal Bureau of Investigation (FBI) agent who assisted with the investigation, Special Agent Austin Steelman.

#### **1. The Detailed Indictment and Supporting Exhibits**

The Government summarized the grand jury’s probable cause finding in what Magistrate Judge Elfenbein referred to as a “robust” Indictment (Tr. at 90) and admitted exhibits corroborating the allegations in the Indictment. As noted above, the Indictment charges Kapoor with several

intertwined fraud schemes stemming from his real estate development company, Location Ventures. At the hearing, the Government provided its calculation of Kapoor's advisory sentencing guideline range for the wire fraud conspiracy, estimating the range to be between 151 and 188 months' imprisonment (Tr. at 17). The Government further noted that even the payroll tax fraud conspiracy charge carried a guideline of about 63 months (Tr. at 75).

Although Kapoor advanced through the cross-examination of Special Agent Steelman an argument that he was entitled to certain enumerated fees from Location Ventures as part of his compensation, his argument only addressed one part of a multi-faceted wire fraud conspiracy scheme (*see* DE3 at 18-19, summarizing false statements to investors). Kapoor did not address or otherwise challenge at the detention hearing the strength of the evidence as it relates to the other bases asserted in the Indictment for the wire fraud conspiracy charges - that Kapoor misrepresented his initial capital contribution in the company, concealed his own profit in the sale of a project from investors, misused investor funds for one project on a different project, falsely told escrow agents he would use the excess of 10 percent condominium deposits on actual construction costs of that project, and falsely told investors he was paying payroll taxes to the IRS when he was not. Additionally, Kapoor did not challenge the weight of the evidence as to any of the tax and bank fraud charges. *See* Tr. at 68 (stating that Kapoor was not going to "comment" on the tax charges).

2. Other Evidence Related to Kapoor's Risk of Flight

The Government also proffered the following facts outside the Indictment, through exhibits, the testimony of Special Agent Steelman, and information provided by the Department of Justice, Office of International Affairs ("OIA"). Kapoor was arrested in Broward County in what appeared to be an extended stay hotel with no formal lease (Tr. at 94). Kapoor owns no property in the district. Kapoor's address on file with the Florida Department of Motor Vehicles

still showed an old house in Cocoplum that had been foreclosed on (Tr. at 33). Kapoor also spent a “substantial amount of time in Georgia,”<sup>1</sup> where his family members reside (Tr. at 58).

With respect to the ties to the Bahamas, Special Agent Steelman testified that, according to two witnesses, Kapoor and his wife went to the Bahamas for about four months (from around May through August 2023) on their yacht during the SEC investigation into Kapoor and Location Ventures (Tr. at 48-50); *see also* DE19, GX7 (emails with yacht captain at that time). According to one witness, Kapoor went to the Bahamas during this time because he was threatened by an upset Location Ventures investor (Tr. at 51). Although a lender later repossessed Kapoor’s yacht, Kapoor’s wife’s social media accounts in which she holds herself out as a real estate agent with access to properties in the Bahamas and access to a yacht that travels in the Bahamas. *See* DE 19, GX8. For example, a January 2025 post also showed Defendant’s wife posting that she was “with” a captain “In Saint Barthelemy” (a Caribbean island outside the United States) with pictures of a yacht called “The Saint”, *see* GX8. In November 2024, Kapoor’s wife also stated on social media that “part of [her] business is to present opportunities [she] passionately believe[s] in within the tropics of the Bahamas,” and that she was “featuring” a project at a private island resort in the Bahamas. *See* DE19, GX8 (an October 2024 post by Kapoor’s wife featured her video titled “opportunities series the Bahamas edition” and she described herself as “your guide to the luxury tropical lifestyle” who had “expert local partners and advisors” in the Bahamas).

Special Agent Steelman testified that travel records for pleasure vehicles going to international destinations like the Bahamas are not reliable and that the travel records for Kapoor and his wife do not show any international travel after late 2023, even though Kapoor’s wife’s social media stated she was “with” the captain of the Saint “in St. Barthelemy” in January 2025

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<sup>1</sup> Kapoor’s attorney proffered that Kapoor’s wife rented a house for them in Georgia (Tr. at 59).

(Tr. at 33, 51-52). Kapoor's wife was present in the courtroom for the entire detention hearing (Tr. 52) but Kapoor did not call her as a witness. Counsel for Kapoor suggested at the hearing that Kapoor and his wife did not travel to the Bahamas after 2023 and that the yacht called "The Saint" in his wife's January 2025 posted belonged to "Captain Nick"<sup>2</sup> (Tr. 53).

The Government also offered evidence of Kapoor's access to significant wealth that would provide him with the means to flee. Kapoor's father testified during his deposition in his SEC proceedings that he had significant assets that he used to support his son in the past. DE19, GX6. Specifically, Kapoor's father testified that he gave Kapoor "about \$8 million" for "all the ventures" related to Location Ventures and its projects. *Id.* at 21. According to Kapoor's father, he was not aware of whether he became a member of any entities when he provided the \$8 million to Kapoor because: "It would be very insignificant to me compared to my other assets because my office building alone was worth \$30 million until my tenant moved out." *Id.* at 64. Use of the word "alone" indicated this one asset (valued at the time at \$30 million, according to Kapoor's father) is only one of other assets held by Kapoor's father.

### 3. Extradition From the Bahamas

Given Kapoor's ties to the Bahamas, the Government proffered evidence that a representative of OIA assigned to the Bahamas represented that, although there is an extradition treaty between the United States and the Bahamas and that dual criminality covers several Title 18 fraud crimes, it was unclear whether dual criminality applied to Counts 28-32 of the Indictment for failure to file tax returns (something that would mean Bahamas may not agree to extradite a criminal defendant on those counts) (Tr. at 33-45). The Government further proffered that,

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<sup>2</sup> "Captain Nick" is the same person who served as the Captain on Kapoor's yacht before it was repossessed by the lender (*see* DE19, Gx 7).

according to the OIA representative, a defendant can appeal an extradition order and that process takes approximately five to seven years and defendants can be released on bond during this appeal process (*id.*). Kapoor agreed that defendants can get Bond in the Bahamas on extradition charges (Tr. at 82).

4. The SEC Case Against Kapoor

After the SEC filed a civil complaint against him related to the Location Ventures investment fraud, Case No. 23-CV-24903, Kapoor returned from the Bahamas to be deposed in that case. Although Kapoor consented to a judgment without admitting or denying responsibility, he has not paid any monetary fees. Kapoor agreed with the status of his case (Tr. 76).

5. Bond proposed by Kapoor.

Counsel for Kapoor represented to the Court that his father would not post the \$30 million commercial property referenced in his father's deposition as part of the bond (Tr. 77). According to counsel, that commercial property was worth \$30 million "when it was fully rented" but it is now worth "about \$13 to \$15 million" with a mortgage of around \$7 million (Tr. 77-78.). Counsel claimed that Kapoor's father could not post equity in that commercial building as bond because his father was going to "borrow money against [the] equity from the bank in order to build out the suites for the tenants." (Tr. at 78). Kapoor instead proposed collateralizing a bond with two homes in the names of his family members in Georgia that collectively had about \$2.5 to \$3 million in equity (Tr. at 6). Counsel for Kapoor also proposed waiving homestead protections to those homes so that they could be foreclosed on in the event of a bond violation (Tr. 81); *see also* Tr. 89 (Counsel for Kapoor, in response to the Court asking his position the homestead exception: "Georgia homestead law protects equity from involuntary creditor execution, not voluntary liens. And the posting of collateral for bond is a consensual lien. So therefore, it would be excluded

from the homestead exemption in Georgia.”).

**B. The Magistrate Judge’s Order**

After taking a nearly one-hour recess to review the evidence presented at the March 6, 2026 detention hearing, Magistrate Judge Elfenbein ordered Kapoor detained based on his risk of flight under 18 U.S.C. § 3142(f)(2) (Tr. at 90-96). In her written detention order (DE15), Magistrate Judge Elfenbein found that the weight of the evidence is strong, “as established by the grand jury’s probable cause finding in the detailed Indictment and the exhibits corroborating the allegations in the Indictment that were admitted at the detention hearing.” (DE15 at 4). Magistrate Judge Elfenbein noted at Kapoor’s argument and cross-examination that he was entitled to fees as part of his compensation that “address only one part of a multi-faceted wire fraud conspiracy scheme” and “does not address or otherwise challenge the strength of the evidence as it relates to the other bases asserted in the Indictment for the wire fraud conspiracy charges.” (*Id.*). Nor did Kapoor “challenge the weight of the evidence as to any of the tax and bank fraud charges.” (*Id.* at 5).

Magistrate Judge Elfenbein also noted that Kapoor had been living in an extended stay hotel with no lease, undercutting his ties to the district, and found that he had significant ties to the Bahamas (*Id.*). The court cited to Kapoor traveling to the Bahamas during the SEC investigation, noting that he did eventually return for his deposition. Magistrate Judge Elfenbein acknowledged that, while Kapoor’s yacht was foreclosed on: “A January 2025 post also showed Defendant’s wife posting that she was “with” a captain “In Saint Barthelemy” (a Caribbean island outside the United States) with pictures of a yacht, see GX8, further establishing that Defendant, through his wife, has a significant tie to a yacht that travels outside the United States.” (*Id.*). Finally, with respect to the Bahamas, the court noted that OIA stated that defendants often bond out during extradition proceedings and that it was possible dual criminality principals would preclude Kapoor’s

extradition on certain tax charges (Counts 28-32) (*Id.*).

With respect to Kapoor's personal history and characteristics, the Court found that "through his father, [Kapoor] has access to financial resources." (*Id.*). Magistrate Judge Elfenbein quoted Kapoor's father deposition where he confirmed he gave his son \$8 million for Location Ventures and that he was not aware of whether he became a member of any entities when he provided the \$8 million to Kapoor because: "It would be very insignificant to me compared to my other assets because my office building alone was worth \$30 million until my tenant moved out." (*Id.* quoting DE19, GX 6 at 64). Judge Elfenbein concluded that: "Given Defendant's access to such significant resources and Defendant's father's willingness to provide millions of dollars to his son to assist him with his ventures, such access to resources could provide him with a means to flee, especially when coupled with his ties to a foreign country and his access to a yacht." (*Id.* at 5-6).

Magistrate Judge Elfenbein noted that Kapoor had not been previously arrested and had been living in the Southern District of Florida (*Id.* at 6). But Judge Elfenbein concluded that, while Kapoor had returned from the Bahamas after the SEC case, a criminal case like this one with guidelines between 151 and 188 months, "presents very different circumstances." (*Id.*).

### **C. Kapoor's Appeal of the Detention Order**

On April 9, 2026, Kapoor appealed the detention order (DE35). In this appeal, Kapoor tries to present "additional facts", including by attaching declarations from: his wife (who was present during the entire detention hearing but chose not to testify), his brother (who served as the general counsel at Location Ventures and presumably preferred a declaration over being subjected to cross-examination at the detention hearing on the massive fraud that took place), his mother-in-law (who provided no substantive information), a defrauded investor, a friend (who provided no

substantive information), the yacht captain (who was paid handsomely to drive Kapoor around the Bahamas in his 68' yacht while the SEC case was pending), and an appraisal of the Georgia family homes that is largely in line with what counsel for Kapoor proffered at the detention hearing. The main thrust of the declaration from Kapoor's wife is that she has not traveled to the Bahamas since 2023 "for personal or professional reasons," (DE35 at 23), a claim Kapoor's lawyer proffered at the detention hearing (Tr.53). The other declarations are largely conclusory statements that Kapoor would not flee if released on bond.

### **III. Argument**

18 U.S.C. § 3142(f) provides that a judge can order the detention of a person prior to trial if the judge "finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community." "Pursuant to 18 U.S.C. § 3145, following a magistrate's order that a detainee be held without bond pending trial, the detainee may move the district court to revoke or amend the magistrate's pretrial detention order." *United States v. King*, 849 F.2d 485, 490 (11th Cir. 1988). In determining whether detention pending trial is appropriate, the Court must consider the following factors: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the person; (3) the history and characteristics of the person; and (4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. 18 U.S.C. § 3142(g). A finding that a defendant represents a risk of flight need only be supported by a preponderance of the evidence. *See United States v. Quartermaine*, 913 F.3d 910, 917 (11th Cir. 1990) (citations omitted). Review of a magistrate judge's pretrial detention order is de novo, with purely factual findings reviewed for clear error. *See United States v. Hurtado*, 779 F.2d 1467, 1471–73 (11th Cir. 1985).

**A. The Nature and Circumstances of the Offenses Are Serious.**

Kapoor is charged in a 37-count Indictment with involvement in multiple fraud, tax, and money laundering offenses involving millions of dollars and many victims. The serious guideline Kapoor faces reflect the seriousness of the offense. Based on current evidence as to Kapoor's role, loss amount, sophisticated nature of the scheme, and number of victims, his sentencing guidelines on the wire fraud conspiracy count amount to around 20 years if convicted at trial (210-262 months) and around 12 years if he pleads guilty (151-181 months). Kapoor does not offer a contrary view of the guidelines. Potential sentences in this range, in excess of ten years, provide a strong incentive to flee and weigh heavily in favor of detention. *United States v. Allen*, 891 F. Supp. 594, 598 (S.D. Fla. 1995) (District Judge Moore noting that the defendant was facing a mandatory minimum sentence of ten years and that the "lengthy sentence presumptively provides Allen with a strong incentive to flee."); *see also United States v. Al-Arian*, 280 F. Supp. 2d 1345, 1358 (M.D. Fla. 2003) ("the stronger the government's case, especially if the sentence will be severe, the greater a defendant's incentive to flee").

**B. The Weight of the Evidence Against Kapoor is Very Strong.**

The detailed 37-count indictment alone proves the overwhelming strength of the Government's evidence against Kapoor, especially when corroborated by the documents offered by the Government at the detention hearing. Kapoor appears to concede as much in his appeal of the detention order. DE35 at 12 (declining "to offer a detailed closing argument in support of the defense of Rishi Kapoor."). Far from a closing argument, Kapoor does not mention the payroll tax charges (Counts 13-25), the tax evasion charges (Counts 26 and 27) or the charges for his utter failure to file a tax return for four years in a row (Counts 28-32). Kapoor again leaves the bulk of the wire fraud charges unrebutted (Counts 1-7), never even grappling with most facets of the

investment fraud charges (including evidence that he misused condominium buyers' deposits, that he falsified balance sheets to mislead investors into thinking he put more into the company than he did, that he lied about taking a distribution from the sale of one of the projects, or that he gave investors fake financial statements omitting the company's ever increasing payroll tax liabilities). Kapoor also ignores the bank fraud charges related to his provision of false documents lying about his assets and liabilities to secure a loan to purchase a \$5.3 million yacht (Count 37). The case against Kapoor is very strong and he knows it.

**C. Kapoor's Personal History and Characteristics Make Him a Risk of Flight.**

1. *Financial Resources.* On top of the fact that Kapoor made millions off the investment fraud scheme, he has access to even more significant resources through his father. Kapoor's father notably claimed in his SEC deposition that he was not aware of whether he became a member of any entities when he provided the \$8 million to his son for Location Ventures because: "It would be very insignificant to me compared to my other assets because my office building alone was worth \$30 million until my tenant moved out." DE19, GX6 at 64. Kapoor's father has supported him the past in an incredibly significant way – giving him \$8 million to fund the company at the center of this fraud – and access to financial resources provides a means to flee.

2. *Lack of Ties to This District.* Kapoor currently owns no property in the District and was living in what appears to be an extended stay hotel in Broward County without a lease or other contractual obligation tying him in any way to the district.

3. *Ties the Bahamas and a Yacht.* According to Kapoor: "everybody in south Florida has 'access' to a yacht and can take a picture standing on a yacht." DE35 at 11. Does "everybody" also flee to the Bahamas for months on a 68' yacht financed by stolen investor money and bank fraud when the SEC starts looking into their business? Certainly not. Kapoor now tries to

downplay his wife's claim on her websites that she is a real estate agent for the Bahamas, claiming through his wife's declaration that those websites are just "marketing materials," an explanation that makes no sense. DE35 at 22. One look at the social medial posts makes clear that Kapoor still has a strong connection to the Bahamas through his wife's current real estate work. Further, as Magistrate Judge Elfenbein found, it is Kapoor's "access" to a yacht that makes him a flight risk – not his current ownership of one. And it is unrefuted that the same captain he paid to live in the Bahamas during the nascent SEC investigation has access to a yacht called "The Saint" that travels to the Bahamas and is a topic of his wife's posts on social media.<sup>3</sup> See DE19, GX8. Further, as proffered at the detention hearing, defendants can bond out during Bahamian extradition proceedings (a process that takes 5-7 years in the experience of OIA) and it is not clear if Kapoor can be extradited on the failure to file tax return charges (Counts 28-32).

4. *Any Potential Mitigating Factors Do Not Outweigh Kapoor's Risk of Flight.* Although Kapoor claimed repeatedly, both through counsel and personally, at the detention hearing that he offered to "surrender" on the charges in the sealed indictment, that did not happen. See Tr. at 98 (his lawyer emailed the government "saying that I would be willing to surrender."). So Kapoor is now watering down his implausible claim that he offered to self-surrender on a 37-count indictment that is apparently such a surprise to him that his defense has not even uttered the words "tax evasion" or "payroll tax fraud" in court or written proceedings let alone rebutted those charges. Kapoor now claims he is not a risk of flight because he was "aware" of the criminal investigation. But, being under a civil investigation and "aware" of a criminal investigation is far

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<sup>3</sup> Kapoor's wife also claims in her declaration that while she posted on her social media that she was "with" a captain "In Saint Barthelemy" (a Caribbean island outside the United States) and "The Saint" yacht, see GX8, the picture was really taken in Miami in 2024. The Court need not determine the truthfulness of her social media posts to conclude that, regardless of where Kapoor's wife was in June 2025, she and Kapoor have access to a large yacht that travels in the Caribbean.

different than facing a detailed indictment carrying a serious guideline sentence if convicted.

In sum, Kapoor has strong connections to the Bahamas and access to a yacht that travels there, has traveled to the Bahamas in the past while under investigation civilly, has access to significant financial resources through his family, and has weak ties to the district given that he is living in an extended stay hotel. He presents a serious risk of flight if released on bond.

**D. Kapoor's Bond Package Should Be Rejected.**

Kapoor's bond proposal – backing his bond with three of his family's home with approximately \$2.7 million in equity – will not assure his appearance at trial. His father already stated under oath that \$8 million was “insignificant” to him considering one of his assets being a \$30 million commercial property that he will not pledge to secure Kapoor's bond. Kapoor renews the same argument advanced to Magistrate Judge Elfenbein that his brother, father and stepmother could sign waivers of the Georgia homestead exemption so that the homes could be forfeited if Kapoor violated his bond. It is not entirely clear why Kapoor now claims the Magistrate Court relied on “errant” analysis of the homestead exemption, when the analysis that his family could waive the exemption was his. Regardless, it misses the point - \$2.7 million in pledged property will not assure his appearance at trial. This is essentially the same bond package that Magistrate Judge Elfenbein rightly rejected (amounting to the same dollar amount but spread over three familial houses in Georgia instead of the two houses initially proposed at the detention hearing).

Kapoor cites two cases from Magistrate Judge Torres and Chief District Judge Altonaga where white collar defendants were given a bond because there was no substantiation that the defendants had connections to other countries where they might flee. *See United States v. Kaplowitz*, No. 14-CR-20323-ALTONAGA, 2014 WL 2155231, at \*5 (S.D. Fla. May 22, 2014) (noting that the government did not move for detention and the defendants had “no connections to

other countries where they might flee to and hide prior to trial.”); *United States v. Giordano*, 370 F.Supp.2d 1256 (S.D. Fla. 2005). In comparison, Kapoor has a strong historical and present connection to the Bahamas (and the means to flee).

The more relevant detention order from Magistrate Judge Torres is his order pre-trial detaining a health care fraud defendant in *United States v. Esformes*, 16-CR-20549 (DE68), an order that was affirmed by District Judge Lenard (DE133), the Eleventh Circuit (No. 16-16485), and then the Eleventh Circuit again (No. 18-15170). In that case, defendant Esformes had no criminal history, did not flee when his two lieutenants were indicted federally, and cited the same oft cited list of white-collar defendants who have bonded out that Kapoor now relies on (*Kaplowitz* and *Bernie Madoff*) (see DE133 at 17-18). Included in the evidence establishing defendant Esformes’ risk of flight to support detention was “his potential lengthy sentence if convicted” and his “access to very large amounts of cash and other funds and his prior use of private airplanes for foreign travel,” facts also applicable to Kapoor.<sup>4</sup> See 16-CR-20549, DE133:22. There is ample support in our district to detain a fraud defendant similarly situated to Kapoor. *U.S. v. Kachkar*, 701 Fed Appx. 744, 2017 WL 2684000 (11th. Cir., June 21, 2017) (affirming District Judge Gayles’s decision to detain a defendant charged with bank fraud based on risk of flight where he had ties to foreign countries, the evidence of his guilt was very strong, and he faced a lengthy sentence, rejecting the defendant’s argument that he was not a risk of flight because he had ties to Florida, knew about the criminal investigation, and needed to be out of custody to help prepare for his defense); see also *U.S. v. Grobman*, 460 F. Supp. 3d 1331, 1338 (S.D. Fla. 2020) (noting that the defendant faced the possibility of a life term and therefore had a strong incentive to flee).

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<sup>4</sup> The Government relied upon other facts in support of Esformes’ risk of flight, such as a recording where Esformes vowed to kill himself or flee if ever indicted (DE133 at 22), and also moved separately for detention based on a risk of obstruction of justice.

**E. Any Additional Facts in the Declarations Were Known to Kapoor at the Time of the Detention Hearing.**

Where a defendant has already been detained pending trial, the Bail Reform Act permits a court to reopen the detention hearing:

at any time before trial if the [court] finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release 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(f)(2).

Any additional facts in the declarations attached to Kapoor's detention appeal were known to him at the time. His wife, in particular, was at the detention hearing the entire time. That said, as described above, any additional facts proffered in the declarations do not ameliorate Kapoor's risk of flight.

**F. Kapoor Will Be Able to Adequately Prepare For Trial While in Custody.**

Kapoor will not be the only defendant to prepare for trial in a complex case while at FDC and we are certain he can come to an arrangement with his lawyers and BOP to prepare for this trial. *See U.S. v Esformes*, 16-CR-20549-SCOLA (in custody while preparing for, and during, two-month trial); *U.S. v. Kachkar*, 701 Fed Appx. 744, 2017 WL 2684000 (June 21, 2017) (in custody while preparing for, and during, a 3 week trial); *see also U.S. v. Peter Roussonicolos*, 21-CR-60273.

**CONCLUSION**

The Court should conclude on this record, as reviewed by Magistrate Judge Elfenbein, that Kapoor presents a risk of flight by a preponderance of the evidence and therefore should be detained pretrial,

Dated: April 23, 2026

Respectfully submitted,

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