

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-11289-Q

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NOOR ZAHI SALMAN,

Defendant - Appellant.

Appeal from the United States District Court
for the Middle District of Florida

Before: TJOFLAT, MARCUS and ROSENBAUM, Circuit Judges.

BY THE COURT:

Before the Court is the “Motion to Vacate Lower Court Order Detaining Defendant Noor Salman.” As an initial matter, we supplement the appellate record with the Pretrial Services Report, Addendum to the Pretrial Services Report, and expert report of Dr. John R. Chamberlain, M.D., which were considered by the courts below but were not included in the record on appeal. The Clerk is directed to place these items under seal.

As to the Appellant’s appeal of the district court’s detention order, the appeal presents “mixed questions of law and fact to be accorded plenary review on appeal.” *United States v. Hurtado*, 779 F.2d 1467, 1471-72 (11th Cir. 1985). The parties agree that, in this case, the statutory presumption “that no condition or combination of conditions will reasonably assure the

appearance of the person as required and the safety of the community” applies. *See* 18 U.S.C. § 3142(e)(3)(B). Appellant maintains that she met her burden of production to rebut the statutory presumption. We agree.

However, we also agree with the district court’s alternative conclusion that, even if Appellant met her burden to rebut the statutory presumption, no condition or combination of conditions will reasonably assure her appearance or the safety of the community. In doing so, we find that the district court properly considered all of the factors under 18 U.S.C. § 3142(g). Appellant’s ties to the community, lack of criminal history, and other personal characteristics and history do not outweigh the statutory presumption, which remains an evidentiary finding weighing against her release, the nature and seriousness of the offense involving Federal terrorism, the weight of the evidence against her,¹ her ties to Palestine, evidence suggesting that she lied to the authorities, and the potential of life imprisonment that she faces. We conclude that, considering all of these matters, the district court properly concluded that there is an unacceptable risk of flight and danger to the community such that no condition or combination of conditions will reasonably assure Appellant’s appearance or the safety of the community.

Accordingly, the “Motion to Vacate Lower Court Order Detaining Defendant Noor Salman” is DENIED.

The Clerk is directed to close the file on this appeal.

¹ We note that Appellant correctly points to a factual error in the district court’s order where the court stated that a period, rather than a question mark, followed one of Appellant’s responses in a text message. We conclude, however, that this is not reversible error. We reject Appellant’s remaining arguments without further discussion.