



time his top-secret security information was leaked, and he orchestrated a coordinated plan to seek asylum in other countries. (See White House Daily Briefing, 6/24/2013, accessible at <https://obamawhitehouse.archives.gov/the-press-office/2013/06/24/daily-briefing-press-secretary-jay-carney-6242013>). Conversely, when news broke relating to Mr. Teixeira, he remained at his mother's home and peacefully submitted to arrest upon the arrival of law enforcement.

The government's invocation of the Snowden case is unwarranted because it bears no relationship to the relevant question before this court: whether a set of release conditions will reasonably assure Mr. Teixeira's presence at trial and compliance with conditions. The stringent release conditions originally proposed by Mr. Teixeira sufficiently account for any threat to the public the government may attempt to present, either in its past filings or any supplemental filings. Accordingly, Mr. Teixeira is entitled to release pretrial based upon the least restrictive set of conditions that the Court may find appropriate.

Respectfully submitted,  
JACK TEIXEIRA  
by his attorneys

/s/ Brendan Kelley  
Brendan Kelley  
Federal Public Defender Office  
51 Sleeper Street, 5th Floor  
Boston, MA 02210  
617-223-8061

/s/ Allen Franco  
Allen Franco  
Federal Public Defender Office  
51 Sleeper Street, 5<sup>th</sup> Floor  
Boston, MA 02210  
Tel: 617-223-8061

**Certificate of Service**

I, Brendan Kelley, hereby certify that this document was this day filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (“NEF”).

Date: April 27, 2023

/s/ Brendan Kelley  
Brendan Kelley

Defendant	Year Charged	Jurisdiction	Charges	Subject of Leak	Detained Pending Trial?	Conditions of Release	Offenses of Conviction	Sentence
Lawrence A. Franklin	2005	EDVA 05-cr-00225 05-cr-00421	<p>–Conspiracy to communicate national defense information, 18 U.S.C. § 793(g)</p> <p>–Communication of national defense information, 18 U.S.C. § 793(d) (3 counts)</p> <p>–Conspiracy to communicate classified information, 18 U.S.C. § 371</p> <p>–Unlawful retention of national defense information, 18 U.S.C. § 793(e)</p>	Classified military information regarding U.S. policy toward Iran disclosed to pro-Israel lobbyists and an Israeli diplomat	No	<p>\$100,000 unsecured bond</p> <p>–Conditions of release unknown, unavailable on Pacer</p>	<p>–Conspiracy to communicate national defense information, 18 U.S.C. § 793(g)</p> <p>–Conspiracy to communicate classified information, 18 U.S.C. § 371</p> <p>–Unlawful retention of national defense information, 18 U.S.C. § 793(e)</p>	<p>–Total term of 151 months in prison, followed by 3 years supervised release</p> <p>–\$10,000 fine</p> <p>–Continued on current bond conditions to self-surrender, with delayed reporting date</p>

Defendant	Year Charged	Jurisdiction	Charges	Subject of Leak	Detained Pending Trial?	Conditions of Release	Offenses of Conviction	Sentence
Shamai K. Leibowitz	2009	MD 09-cr-00632	-Disclosure of classified information, 18 U.S.C. § 798(a)(3)	Leaked classified FBI documents to a blogger	No	-Report on a regular basis to Pretrial Services Supervision  -Surrender any passports and obtain no new passports  -Travel restricted to Washington, DC metropolitan area and get prior approval for further travel from Pretrial  -Do not move without Pretrial permission	-Disclosure of classified information, 18 U.S.C. § 798(a)	-20 months in prison, followed by 3 years supervised release

Defendant	Year Charged	Jurisdiction	Charges	Subject of Leak	Detained Pending Trial?	Conditions of Release	Offenses of Conviction	Sentence
Jeffrey Sterling	2010	EDVA 10-cr-00485	<p>–Unauthorized disclosure of national defense information, 18 U.S.C. § 793(d) (3 counts)</p> <p>–Unauthorized disclosure of national defense information, 18 U.S.C. § 793(e) (3 counts)</p> <p>–Unlawful retention of national defense information, 18 U.S.C. § 793(e)</p> <p>–Mail fraud, 18 U.S.C. § 1341</p>	Classified information regarding efforts to sabotage Iranian nuclear research divulged to NYT reporter James Risen	No	<p>–Released on personal recognizance, unsecured bond of \$10,000 consigned by third party custodian</p> <p>–Placed in custody of third party custodian</p> <p>–Actively seek employment</p> <p>–Do not depart Washington, DC metropolitan area without preapproval by Pretrial or Court</p>	All counts except one	<p>–42 months in prison as to each count, all to run concurrent</p> <p>–2 years supervised release</p>

Defendant	Year Charged	Jurisdiction	Charges	Subject of Leak	Detained Pending Trial?	Conditions of Release	Offenses of Conviction	Sentence
			<p>–Unauthorized conveyance of government property, 18 U.S.C. § 641</p> <p>–Obstruction of justice, 18 U.S.C. § 1512(c)(1)</p>			<p>–Avoid all contact and communication with alleged victims or potential witnesses unless in presence of defense counsel</p> <p>–Report to Pretrial</p> <p>–Refrain from possessing a firearm</p> <p>–Refrain from excessive use of alcohol</p> <p>–Undergo psychiatric treatment and take all prescribed medications and waive privacy rights to mental health records</p> <p>–Surrender passport and obtain no new passport</p> <p>–Notify any employer of being under indictment and the charges involved</p>		

Defendant	Year Charged	Jurisdiction	Charges	Subject of Leak	Detained Pending Trial?	Conditions of Release	Offenses of Conviction	Sentence
Stephen J. Kim	2010	DC 10-cr-00225	<p>–Unauthorized disclosure of national defense information, 18 U.S.C. § 793(d)</p> <p>–False statements, 18 U.S.C. § 1001(a)(2)</p>	Shared classified information from an intelligence report on North Korea with Fox News reporter	No	<p>–Bond in the amount of \$100,000 secured by real property</p> <p>–Report weekly by phone to Pretrial</p> <p>–Shall not travel more than 25 miles outside the Washington, DC metropolitan area without pre-approval of Pretrial, except can travel to California for work or to visit his son with advance written notice to pretrial and government</p> <p>–Any rearrest on probable cause for any subsequent offense may result in revoking present bond and being held without bail</p>	–Unauthorized disclosure of national defense information, 18 U.S.C. § 793(d)	–13 months in prison, followed by 12 months of supervised release



Defendant	Year Charged	Jurisdiction	Charges	Subject of Leak	Detained Pending Trial?	Conditions of Release	Offenses of Conviction	Sentence
James Hitselberger	2012	DC 12-cr-00231	<p>–Unlawful retention of national defense information, 18 U.S.C. § 793(e)</p> <p>–Unauthorized removal of a public record, 18 U.S.C. § 2071(a)</p>	Classified materials concerning Bahrain to the Hoover Institution	No (released after four and a half months in custody)	<p>–Release to high intensity supervision program with GPS location monitoring</p> <p>–To reside with aunt, may leave only for appointments with doctors, lawyers, or Pretrial Services, or to attend religious services</p> <p>–Prohibited from entering or being in immediate vicinity of Union Station, any other bus or train station that provides service outside of the Washington metropolitan area, or any airport</p> <p>–May not travel further than 25 miles from Washington, DC for any reason</p> <p>–Meet with Pretrial once a week and call officer at designated time every day</p> <p>–Surrender passport and obtain no new passport</p>	–Unauthorized removal and retention of classified documents, 18 U.S.C. § 1924	<p>–Time served</p> <p>–No additional supervision or supervised release shall be imposed</p> <p>–\$250 fine</p>

Defendant	Year Charged	Jurisdiction	Charges	Subject of Leak	Detained Pending Trial?	Conditions of Release	Offenses of Conviction	Sentence
John Kiriakou	2012	EDVA 12-cr-00127	<p>–Disclosure of classified information identifying a covert agent, 50 U.S.C. § 421(a)</p> <p>–Transmission of national defense information, 18 U.S.C. § 793(d) (3 counts)</p> <p>–False statements, 18 U.S.C. § 1001(a)(1)</p>	Disclosing identity of CIA officials involved in interrogation abuse to journalists	No	<p>–Released on personal recognizance, \$250,000 unsecured bond</p> <p>–Bond to be signed by wife and brother within 5 days</p> <p>–Do not depart Washington, DC metropolitan area without prior approval of Pretrial or the Court</p> <p>–Prior approval needed from Pretrial to travel outside Metro area</p> <p>–Do not move from residence without prior approval of Pretrial or the court</p> <p>–Avoid all contact with any witnesses</p> <p>–Report on a regular basis to Pretrial</p> <p>–Surrender any passport and obtain no new passport</p>	–Disclosure of classified information identifying a covert agent, 50 U.S.C. § 421(a)	–30 months in prison, followed by 3 years supervised release

Defendant	Year Charged	Jurisdiction	Charges	Subject of Leak	Detained Pending Trial?	Conditions of Release	Offenses of Conviction	Sentence
Donald Sachtleben	2012	SDIN 12-cr-00127 13-cr-00200	<p>–Unauthorized disclosure of national defense information, 18 U.S.C. § 793(d)</p> <p>–Unauthorized possession and retention of national defense information, 18 U.S.C. § 793(e)</p> <p>–Distributing child pornography, 18 U.S.C. § 2256(2)(A)</p> <p>–Possession of child pornography, 18 U.S.C. § 2252(a)(4)(B)</p>	Classified information regarding foiled bomb plot in Yemen to the AP	No	<p>–Supervision by Pretrial</p> <p>–Continue or actively seek employment</p> <p>–Surrender any passport and obtain no new passport</p> <p>–Travel restricted to SDIN unless pre-approved by Pretrial</p> <p>–Avoid all contact with any co-defendants or potential co-defendants</p> <p>–Do not possess a firearm</p> <p>–Do not use alcohol and submit to testing</p> <p>–Home detention with location monitoring– may leave only for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, court appearances, or other pre-approved by Pretrial</p>	<p>–Unauthorized disclosure of national defense information, 18 U.S.C. § 793(d)</p> <p>–Unauthorized possession and retention of national defense information, 18 U.S.C. § 793(e)</p> <p>–Distributing child pornography, 18 U.S.C. § 2256(2)(A)</p> <p>–Possession of child pornography, 18 U.S.C. § 2252(a)(4)(B)</p>	<p>–43 months in prison as to Counts One and Two, to run consecutive with 97-month sentence imposed in child pornography case</p> <p>–Total of 7 years supervised release</p>

Defendant	Year Charged	Jurisdiction	Charges	Subject of Leak	Detained Pending Trial?	Conditions of Release	Offenses of Conviction	Sentence
						<p>–Random searches of person, residence, and property by Pretrial and/or any law enforcement officers accompanying them</p> <p>–Special conditions related to child pornography charges– including not possessing any computer</p>		
Robert Birchum	2023	MDF 23-cr-00032	- Unlawful retention of national defense information 18 U.S.C. § 793(e)	- NSA documents relating to national defense that discuss NSA capabilities and methods of collection.	No	<ul style="list-style-type: none"> <li>- Report by phone every Tuesday no later than 4:00pm to US Pretrials Service.</li> <li>- Surrender Passport</li> <li>- Not travel outside MDF</li> <li>- Submit Mental Health Eval</li> <li>- Not use, possess or own firearms, weapons or destructive devices and shall not purchase any new firearms, dangerous weapons or destructive devices.</li> </ul>	- Unlawful retention of national defense information 18 U.S.C. § 793(e)	Continued to 6/1/23