

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:19-cr-00378-JMS-MJD
)	
WILLIAM ERIC MEEK, and)	-01
BOBBY LEE PEAVLER,)	
)	
Defendants.)	

**GOVERNMENT’S RESPONSE TO DEFENDANT MEEK’S MOTION TO TRAVEL
OUTSIDE THE UNITED STATES**

The government opposes Meek’s motion because he presents no compelling need to travel internationally. His request is not tethered to his defense or trial preparation. Nor is it related to his employment, or even a pressing personal matter. He does not seek to travel to attend a funeral, visit a sick relative, or attend a wedding. Rather, Meek requests permission to travel for a week-long vacation at an adults-only, all-inclusive beachfront resort in Playa Del Carmen, Mexico to celebrate his 40th birthday with his friends.¹

Such a request—particularly from a defendant facing the kinds of charges Meek is facing, and during a global pandemic—is not one that the government can endorse. Balancing the heightened risk of non-appearance that international travel creates against the purported reason for such travel, this Court should deny the motion and continue to prohibit such international travel as a condition of release.

¹ See Valenin Imperial, Homepage, available at <https://en.valentinmaya.com> (describing itself as “[t]he ideal adults only luxury resort in the Mayan Riviera.”).

Meek is under indictment for conspiring to commit fraud and lying to auditors in his role as Chief Operating Officer of a once-publicly traded, now-bankrupt company. If convicted, he faces the prospect of a significant prison sentence. Indeed, when the auditor—to whom Meek allegedly lied—uncovered the fraud and publicly announced that company financial statements could no longer be relied on, Celadon’s stock dropped over \$63 million in value.

The activity that Meek seeks to engage in—foreign travel—is almost definitionally a high-risk activity under 18 U.S.C. § 3142(g). Courts have recognized that international travel poses a danger of non-appearance at future proceedings. *See, e.g., United States v. Amanat*, No. 15-CR-536, 2020 WL 1847927, at *1 (S.D.N.Y. Apr. 13, 2020) (finding a history of “significant international travel” posed a danger of future non-appearance); *United States v. Guzman*, No. 17-CR-00499-PJH-1, 2018 WL 6106381, at *3 (N.D. Cal. Nov. 21, 2018) (citing “lack of recent international travel” as a mitigating factor to consider in bail motions).

In certain cases, courts have recognized that good cause exists to allow foreign travel even though such conduct increases the risk of flight. For example, in *United States v. Rubaba*, a district court granted a defendant’s motion to travel to Zimbabwe to attend his grandmother’s funeral. No. 19-20012-03-DDC, 2020 WL 2061430, at *1 (D. Kan. Apr. 29, 2020).² The government can envision analogous circumstances in which exceptional reasons might warrant the heightened risk of flight that international travel carries. *Cf. United States v. Jones*, No. CR 08-00023, 2010 WL 11520606, at *1 (W.D. La. Sept. 14, 2010) (modifying conditions of release to allow defendant to travel outside of the district “to attend his daughter’s wedding”).

² In *Rubaba*, the defendant did not return from Zimbabwe, forcing the Court to issue a warrant for arrest. *Id.*

Meek presents no such extraordinary circumstances here. Meek is not missing a once-in-a-lifetime opportunity if he stays within the United States this September. He can travel to Mexico at another time, for another birthday. Likewise, Meek could celebrate his 40th birthday somewhere else inside the United States (the government would not oppose such a request, so long as it is within reason). Turning 40 is not a milestone that justifies any additional risk posed by international travel.

The government's concerns are further heightened by the ongoing COVID-19 pandemic. As a general matter, "[t]he Department of State advises U.S. citizens to avoid all international travel due to the global impact of COVID-19."³ In Mexico, "[t]he Mexican government declared a national health emergency on March 30 and imposed restrictions on non-essential activities in the public, private, and social sectors until April 30."⁴ Quintana Roo, the Mexican state where Playa Del Carmen is located, is designated as "orange" on the Mexican government's yellow-orange-red COVID risk level, and business occupancy is restricted, beaches are closed, and "[a]uthorities have closed roads and set up police filters throughout town to limit the circulation of individuals."⁵

³ See U.S. Department of State, "Global Level 4 Health Advisory – Do Not Travel" (March 31, 2020), available at <https://travel.state.gov/content/travel/en/traveladvisories/ea/travel-advisory-alert-global-level-4-health-advisory-issue.html>.

⁴ See U.S. Department of State, U.S. Embassy in Mexico, "Health Alert – Mexico COVID-19 Update" (April 15, 2020), available at <https://mx.usembassy.gov/health-alert-mexico-covid-19-update-04-15-2020/>.

⁵ See U.S. Department of State, U.S. Embassy in Mexico, "COVID-19 Information for U.S. Citizens in Mexico," available at <https://mx.usembassy.gov/u-s-citizen-services/covid-19-information/>; see also "Playa del Carmen Coronavirus Update: Increase in Tourists Is Expected," Mexicanist (Aug. 2, 2020), available at <https://www.mexicanist.com/1/coronavirus-playa-del-carmen/> ("Solidaridad, which hosts the resort city of Playa del Carmen, remains in the orange phase [T]he number of positive cases of coronavirus totals 1,066 people, of whom 97 have

In other words, Playa Del Carmen has not been spared the effects of the COVID-19 pandemic. Therefore, not only does international travel pose a risk to Meek's health, but also it presents further complications that weigh against allowing Meek to travel internationally simply to celebrate a birthday. Numerous countries, including the United States and Mexico, have restricted travel to contain the spread of COVID-19. Indeed, for the past five months, non-essential travel between the United States and Mexico land border has been restricted.⁶ It is certainly within the realm of possibility that travel between the United States and Mexico would be restricted as the virus continues to spread in both countries. If that happens, and Meek becomes trapped outside the United States due to COVID-19 restrictions, it would risk non-appearance and non-compliance with the remaining conditions of his release.

Meek's other arguments are unpersuasive. The fact that Meek purchased the trip prior to his indictment (four days before) is no added justification. Beyond the fact that he waited until July 2020 to even broach this issue, he does not stand to lose money if he does not go. He bought trip insurance. *See* Dkt. No. 82-1 at 1, 3, 6 (referencing "vacation waiver" "travel protection"). That means Meek can cancel his trip to Mexico "for any reason" and his money will either be refunded or credited for use on another trip at little or no additional cost to him.⁷

Meek also offers that his minor children will remain in the United States during his travel and that, in exchange for him being allowed to travel outside the United States he and his wife are

died and 619 have recovered as of today's report.").

⁶ *See* U.S. Department of Homeland Security, "Fact Sheet: DHS Measures on the Border to Limit the Further Spread of Coronavirus," available at <https://www.dhs.gov/news/2020/06/16/fact-sheet-dhs-measures-border-limit-further-spread-coronavirus>

⁷ *See* <https://www.expedia.com/vacation-waiver-terms>.

“willing to provide their children’s passports to Pretrial Services.” (ECF No. 82, ¶ 2). The government thinks such a proposal is inappropriate and ineffectual. Minor children are not a sort of surety bond. Were Meek to flee, it would not be appropriate for the government to seek recourse against his children by refusing to return their passports and barring their foreign travel to keep them of reuniting with their parents.

Meek’s current conditions of pretrial release, which are not strenuous, appropriately balance the seriousness of the charges with the relatively low risk of flight Meek posed. Now, Meek seeks to relax these conditions further so he may travel outside the country. No added risk of flight is warranted when his purpose for obtaining his passport and traveling internationally is nothing more than to party with his friends in Mexico.

In sum, the government cannot endorse Meek’s request to travel internationally, for frivolous purposes, during a global pandemic, and while he is under indictment for serious fraud offenses.

WHEREFORE, based on the foregoing, the government respectfully requests that the Court deny defendant Meek's motion to travel outside the United States.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

By: /s/ Nicholas J. Linder
Nicholas J. Linder
Steven D. DeBrotta
Assistant United States Attorneys
United States Attorney's Office
10 West Market Street, Suite 2100
Indianapolis, IN 46204-3048

L. Rush Atkinson
Kyle W. Maurer
U.S. Department of Justice, Criminal
Division
1400 New York Avenue NW
Washington, DC 20005

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

Sean M. Berkowitz
Eric Swibel
Latham & Watkins LLP
330 North Wabash Avenue, Suite 2800
Telephone: (312) 876-7700
Eric.Swibel@lw.com
Sean.Berkowitz@lw.com

Joshua Hamilton
Latham & Watkins LLP
10250 Constellation Blvd. Suite 1100
Los Angeles, CA 90067
Telephone: (424) 653-5509
Joshua.Hamilton@lw.com

Counsel for William Eric Meek

/s/ Nicholas J. Linder

Nicholas J. Linder
Assistant United States Attorney
United States Attorney's Office
10 West Market Street, Suite 2100
Indianapolis, IN 46204-3048