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Martin Shkreli should have \$5 million bail revoked for harassing Hillary Clinton, others, prosecutors say



(Video: Monica Akhtar/Photo: Seth Wenig/The Washington Post)

By **Renae Merle**

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Martin Shkreli, the former hedge fund manager awaiting sentencing for defrauding his investors, should have his bail revoked after offering his Facebook followers \$5,000 to grab a strand of Hillary Clinton's hair during her book tour, federal prosecutors say.

Shkreli conduct since his conviction in early August has escalated and he poses a threat to the community, the prosecutors said in a letter to the judge late Thursday. In addition to his Facebook post concerning Hillary Clinton, which drew the attention of the Secret Service, he has made harassing comments to other women online, they said.

"Shkreli has engaged in an escalating pattern of threats and harassment that warrant his detention pending sentencing," prosecutors said in their letter to the judge in the case. "The Court should further find that there is no condition or combination of conditions to which the defendant will abide that will ensure that he does not pose a danger to the community."

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As a result of Shkreli's Facebook post on Clinton, the Secret Service has "expanded significant resources additional resources to ensure Secretary

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191

expended significant resources additional resources to ensure Secretary Clinton's protection," the letter said. "There is a significant risk that one of his many social media followers or others who learn of his offers through the media will take his statements seriously — as has happened previously — and act on them."

Shkreli later amended his post on Clinton to say that the offer was "satire." But prosecutors note that Shkreli's apparent animus toward Clinton includes standing outside her daughter Chelsea's home when Clinton was reportedly there recuperating after falling sick. Shkreli "spent approximately two hours live-streaming while providing commentary and heckling Secretary Clinton," they said.

The Secret Service requested an interview with Shkreli, but he declined, according to the letter.

Shkreli is currently out on \$5 million bond. The judge who heard his case, U.S. District Judge Kiyo Matsumoto, scheduled a hearing next week to consider the prosecutors' motion to have Shkreli jailed pending sentencing.

"However inappropriate some of Mr Shkreli's postings may have been, we do not believe that he intended harm and do not believe that he poses a danger to the community," Shkreli's attorney, Benjamin Brafman, said in a statement. "We will address the Government's request in a letter we will be filing with the court tomorrow. We take the matter seriously and intend to address the issue responsibly."

Shkreli, 34, is best known for raising the price of an AIDS drug by 5,000 percent but was convicted by a Brooklyn jury of defrauding the investors' in his hedge funds. Shkreli lied to obtain investors' money then didn't tell them when he made a bad stock bet that led to massive losses, prosecutors argued. Instead, they said, he raised more money to pay off other investors or took money and stock from a pharmaceutical company, Retrophin, he was running.

Shkreli, who has indicated that he will appeal his conviction, argued at trial that he ultimately made money for his investors and did not intend to defraud them. He faces up to 20 years in prison, though his attorneys have said he would likely get much less.

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Since his conviction the loquacious executive has kept an active — and combative — online presence. In addition to asking for someone to grab a strand of Clinton's hair, he has bought the domain names of reporters' covering his case and promised to "smack" comic Trevor Noah if he ever saw him on the street.

Shkreli is also apparently carrying out a grudge against the Wu Tang Clan. Shkreli purchased the only known copy of a "Once Upon a Time in Shaolin," a Wu Tang Clan album, for \$2 million in 2015 and didn't release parts of the album until after President Donald Trump was elected. He later lashed out at the hip-hop group for distancing itself from him. "If I hand you \$2 million . . . show me some respect. At least have the decency to say nothing or 'no comment,'" he said on Twitter.

Even potential jurors took notice of the beef. One told the judge during jury selection that it would be difficult to remain impartial because Shkreli had "disrespected" the group.

Now, Shkreli is offering to sell the album on eBay.

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"I will donate half of the sale proceeds to medical research," he said. The sale is not prompted by a money crunch, he said. (Shkreli's attorneys have said his stake in Retrophin is still worth \$30 million to \$50 million.)

"I hope someone with a bigger heart for music can be found for this one-of-a-kind piece and makes it available for the world to hear," he added.

The most recent bid was more than \$1 million.

These types of antics could hurt Shkreli when it is time for the judge in his case to decide his sentence, legal experts said.

"Most convicted criminals try to fly under the radar as they await sentencing. They're concerned that actions they take in the public sphere could impact the sentence the judge imposes," said [James Goodnow, an attorney with Fennemore Craig, a corporate defense firm.](#)

Matsumoto, the judge in Shkreli's case, could consider whether Shkreli has shown contrition when handing down a sentence, Goodnow said. "It certainly is not beyond the realm of possibility that Shkreli's recent behavior could become a topic of discussion as evidence of his lack of remorse or the fact that he may be a potential repeat offender in need of deterrence," he said.

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Renae Merle covers white-collar crime and Wall Street for The Washington Post. She has also worked for the Wall Street Journal and the Associated Press. [Follow](#) 

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