

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 12-06001-10-CR-SJ-GAF
)	
ELDER ENRIQUE ORDONEZ-)	
CHANAS a/k/a "FLACO")	
)	
Defendant.)	

MOTION FOR DETENTION

Comes now the United States of America, by and through its undersigned counsel, and hereby moves this Court to order the detention of Elder Enrique Ordonez-Chanas a/k/a "Flaco," and states the following in support of the motion:

1. This motion is being made at the defendant's first appearance before a judicial officer. An Indictment has been filed charging the defendant as follows: one count of conspiracy to transport illegal aliens, to unlawfully produce identification documents, to unlawfully transfer the means of identification of another person and to commit social security fraud, in violation of 18 U.S.C. § 371; seven counts of unlawfully producing identification documents, in violation of 18 U.S.C. § 1028(a)(1); eight counts of unlawfully transferring the means of identification of another person, in violation of 18 U.S.C. § 1028(a)(7); seven counts of social security fraud, in violation of 42 U.S.C. § 408(a)(7) and seven counts of aggravated identity theft, in violation of 18 U.S.C. § 1028A.

2. The defendant faces a statutory mandatory minimum sentence of two years imprisonment upon conviction of counts thirty-four through forty of the indictment, that is aggravated identity theft, in violation of 18 U.S.C. § 1028A. It is statutorily mandated that such a sentence be imposed consecutively to any sentence imposed upon conviction of any of the other counts with which he is charged in the indictment. The defendant faces maximum statutory terms of imprisonment of up to five years upon a conviction of count one, up to 15 years for each conviction of counts eight through fourteen and counts sixteen through twenty-three and up to five years for each conviction of counts twenty-five through thirty-one.

3. The defendant is a citizen and national of Guatemala and he is unlawfully present in the United States. The defendant is subject to deportation from the United States if released. If the defendant is released he would pose a serious risk of flight. 18 U.S.C. § 3142(f). Additionally, the defendant has been charged with crimes related to the production of false identity documents and upon release he would pose a serious risk to obstruct or attempt to obstruct justice by further using one or more of those means of identification to flee or evade law enforcement authorities. 18 U.S.C. § 3142(f).

4. The United States submits that there is clear and convincing evidence that there are no conditions which the Court could place on the defendant's release which would reasonably assure the defendant's appearance in Court and the safety of the community. *See* 18 U.S.C. § 3142(g): (1) nature and circumstances of the offense; (2) weight of the evidence; (3) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community. Because of this, the United States requests that a Detention Hearing be held and that the

defendant be detained. *See generally, United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986); *United States v. Warren*, 787 F.2d 1237, 1238 (8th Cir. 1986).

WHEREFORE, based on the foregoing, the United States requests that the Court hold a Detention Hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of the defendant.

Respectfully submitted,

Beth Phillips
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that a copy of the foregoing document will be hand-delivered to the defendant at his first appearance before a judicial officer.

/s/ Jess E. Michaelsen
Jess E. Michaelsen
Assistant United States Attorney