

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 11-00157-02-CR-W-HFS
DANNY SANCHEZ,)
)
 Defendant.)

ORDER

On August 24, 2011, I received a bond violation report from Pretrial Services Officer Susan Pinkerton concerning Defendant. A bond violation hearing was held on September 2, 2011. I find that (1) there is clear and convincing evidence that Defendant has violated the conditions of his release, and (2) Defendant is unlikely to abide by any condition or combination of conditions of release.

I. BACKGROUND

On July 13, 2011, an indictment was returned charging Defendant with one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) and 846; and three counts of distribution of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C). On July 14, 2011, Defendant was released on bond under certain conditions, including the conditions that he (1) report to his Pretrial Services Officer as directed, but at least one time per week and (2) provide a urine or sweat specimen for chemical analysis as directed by his Pretrial Services Officer.

On August 24, 2011, Pretrial Services issued a Violation Report stating that Defendant had failed to telephonically report as directed on three occasions and failed to report in person as directed

on one occasion; attempts by the Pretrial Services Officer to contact Defendant by telephone have been unsuccessful. Defendant also failed to submit to random drug testing.

A hearing was held on September 2, 2011. Defendant appeared in person and with appointed counsel Alex McCauley. The government was represented by Assistant United States Attorney Charles Ambrose. The parties stipulated to the Violation Report. Defense counsel made a proffer that, were Defendant to testify, he would ask to be placed in a halfway house instead of in detention.

II. FINDINGS OF FACT

Based on the above, I find that Defendant failed to report to his Pretrial Services Officer and submit to random drug testing in violation of his conditions of release.

III. CONCLUSIONS

I find by clear and convincing evidence that Defendant violated the condition of his release that he report to his Pretrial Services Officer as directed and that he submit to random drug testing. I further find that Defendant is unlikely to abide by any condition or combination of conditions of release. It is, therefore,

ORDERED that Defendant's bond be revoked and that he be committed to the custody of the Attorney General or his authorized representatives for detention pending trial. It is further

ORDERED that the Attorney General or his authorized representative ensure that Defendant is afforded reasonable opportunity for private consultation with his counsel. It is further

ORDERED that Defendant be confined in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. It is further

ORDERED that, on order of a court in the Western District of Missouri, the person in charge

of the corrections facility where Defendant is confined deliver Defendant to a United States Marshal for her appearance in connection with a court proceeding.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
September 2, 2011