

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

UNITED STATES OF AMERICA,            )  
  )  
                                  Plaintiff,    )  
  )  
                                  v.            ) Criminal Action No.  
  ) 10-00320-03-CR-W-DGK  
MARIO MARRON,                        )  
  )  
                                  Defendant.    )

**DETENTION ORDER**

On November 19, 2010, the government moved to detain defendant Mario Marron pending trial, and on November 23, 2010, I held a detention hearing. I find by a preponderance of the evidence that defendant poses a flight risk and that no single condition or combination of conditions of release will reasonably assure the appearance of defendant as required. In addition, I find by clear and convincing evidence that defendant poses a danger to the community and that no single condition of release or combination of conditions of release will reasonably assure the safety of the community.

***I. BACKGROUND***

On November 18, 2010, an indictment was returned charging defendant with one count of conspiracy to distribute cocaine, crack cocaine, and marijuana, in violation of 21 U.S.C. § 846; and one count of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(a)(1)(A)(i) and (h). Defendant appeared before me for a first appearance on November 19, 2010.

During the first appearance proceeding, counsel for the government filed a motion for a detention hearing and a motion to continue the hearing for three days. Those motions were granted, and defendant was remanded to the custody of the United States Marshal pending the hearing.

A detention hearing was held before me on November 23, 2010. Defendant appeared in person, represented by Patrick O'Connor. The government was represented by Assistant United States Attorney Bruce Rhoades. The parties stipulated that the court consider the information in the Pretrial Services Report of Pretrial Services Officer Nick Zych as the testimony he would give, under oath, if called as a witness. I took judicial notice of the statutory presumption against release<sup>1</sup>. DEA Special Agent Joseph Geraci testified.

## **II. FINDINGS OF FACT**

On the basis of the information contained in the report of Pretrial Services Officer Nick Zych and the evidence presented during the hearing, I find that:

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<sup>1</sup>18 U.S.C. § 3142(e) states in pertinent part as follows: "Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq)."

1. Defendant, 34, was born in Chicago, Illinois, but has lived in the Kansas City his entire life. He has lived at his current address for the past two months with his wife and four children. Defendant has regular contact with his mother, co-defendant Maria Marron, who lives locally and is disabled. He has not contact with his father. One sibling is in federal custody (co-defendant Juan Marron) and another is in the Missouri Department of Corrections. Defendant has five children and has regular contact with all of them. He is \$1,000 behind on child support for his 11-year-old who does not live with him.

2. Defendant has an 11th grade education. He has been unemployed for the past two months. He previously worked as a painter for a year, a railroad worker for two years, and as a warehouse worker off and on since he was a teenager. Defendant has no significant financial assets.

3. Defendant is generally in good health. He began using marijuana at age 12 and last used it in 2006. He began using cocaine at age 18 and last used it in 2009.

4. Defendant's criminal history includes the following:

Date	Charge	Disposition
05/20/1994	Possession of cocaine with intent to delivery <b>(Felony)</b>	5 years, SES, probation
08/13/1994	Possession of controlled substance <b>(Felony)</b>	5 years in prison

On 1/3/96, defendant was paroled, on 6/30/99, he was <b>returned to custody</b> for cocaine usage (twice), failure to maintain employment, and reporting. He was to complete an institutional drug treatment program. He advised he did not want to participate in the program. On 11/28/99 his sentence was completed.		
02/01/1997	Aggravated assault	Not prosecuted
07/01/1997	Parole violation	Transfer
03/17/1999	Simple assault, domestic	Not prosecuted
Defendant <b>physically assaulted</b> his girl friend (current wife) by striking her in the face with a closed fist and kicking her chin with his foot. Defendant <b>failed to appear</b> for scheduled court hearing after receiving by mail a notification to appear. A warrant was issued and he was arrested.		
06/18/1999	Parole violation	Transfer
04/21/2000	Narcotics violation	Released
12/04/2007	Dist/Del/Manuf	Pending. Defendant was released on bond on 4/9/10, pretrial conference is set for 12/2/10, trial is set for 4/11/11.

Defendant has four Kansas City, Missouri, traffic warrants with bonds at \$200; three Kansas City, Kansas, bench warrants with bonds at \$1,350; an Overland Park, Kansas, traffic warrant with a \$1,000 bond; and two Weatherby Lake, Missouri, warrants with bonds at \$1,000.

5. Defendant was a member of a **gang** from age 16 to age 22.

6. Defendant faces a minimum ten-year prison sentence and a maximum sentence of life if convicted of conspiracy, and he faces a maximum prison sentence of 20 years on the money laundering count.

### **III. CONCLUSIONS**

I find by a preponderance of the evidence that no single condition of release or combination of conditions of release will reasonably assure the appearance of defendant as required. Defendant is facing a minimum ten-year sentence and a possible life sentence in this case. He has ten outstanding warrants with \$3,550 in bonds, he has a pending criminal case set for trial in a few months, he failed to appear for court in the past, he is unemployed, and he has a long history of illegal drug use. I also find that defendant has failed to rebut the presumption provided for in 18 U.S.C. § 3142(e) that there is no condition or combination of conditions of release that will reasonably assure the appearance of defendant as required.

I find by clear and convincing evidence that no single condition or combination of conditions of release will reasonably assure the safety of the community. Defendant is charged with participating in a large drug conspiracy and a money laundering conspiracy, his criminal history includes two felony drug convictions and assaultive behavior, he has had probation revoked in the past, he has a pending criminal case, he has a long history of illegal drug use including while on court supervision, and he was affiliated with a gang for six years. In addition, I find that defendant has failed to rebut the presumption provided for in 18 U.S.C. § 3142(e) that there is no condition or

combination of conditions of release that will reasonably assure the safety of the community.

It is, therefore

ORDERED that the defendant be committed to the custody of the Attorney General or his authorized representative for detention pending trial. 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 the Attorney General or his authorized representative ensure that the defendant is afforded reasonable opportunity for private consultation with his counsel. 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 the defendant to a United States Marshal for his appearance in connection with a court proceeding.

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

Kansas City, Missouri  
November 24, 2010