

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

UNITED STATES OF AMERICA

v.

Case No. 10-00320-11-CR-W-DGK

ARMANDO MENDEZ

AUSA: Bruce Rhoades
Defense Atty.: Sarah Rapelye

JUDGE	Robert E. Larsen United States Magistrate Judge	DATE AND TIME	November 23, 2010 1:30 to 5:50 PM
DEPUTY CLERK	Melanie Beard	TAPE/REPORTER	FTR / M. Beard
INTERPRETER	None	PRETRIAL/PROB:	Van Hecke

CLERK'S MINUTES
DETENTION/ARRAIGNMENT

DETENTION HEARING: Parties appear in person and with counsel ready to proceed on government's motion for pretrial detention.

- (x) Parties stipulate to factual contents of Pretrial Services Report as being the direct testimony of Pretrial Services Officer Van Hecke.
- (x) With exception(s) The report states his girlfriend and should say fiancé' and that he has weekly contact he has with his mother and sister for dinner, as they reside locally. It should also be noted that he has been with his employer for 4 years, but in the his current position, as he has received two promotions to get to the current level he is in. Defendant proffers that in the criminal history section, he had a failure to appear, but was in a halfway house at that time and didn't know he could leave for the hearing. He later obtained counsel and went to Court and had that matter resolved. The Court accepts that proffer without objection .
- (x) Government presents evidence and calls witness(es) DEA Agent Joe Geraci. Direct, cross, redirect and re-cross examinations conducted. Court's Ex. 1 admitted without objections and placed under seal by the Court. No further testimony or evidence presented .
- (x) Arguments presented.
- (x) Defendant makes a proffer as to the criminal history-failure to appear.
- (x) Court takes judicial notice of the statutory presumption against release.
- () Other: _____
- () _____
- () The Government orally moves to withdraw detention motion - GRANTED by the Court.

- (x) The Court made a finding that the defendant should be released from detention. Government's motion for pretrial detention is denied.
- () Defendant released on a personal recognizance bond.
- (x) Defendant released on a \$ 10,000 unsecured surety bond.
- () Defendant released on a \$ _____ cash or security bond.
- () Defendant remanded to the custody of the U.S. Marshal until conditions are met
- () Defendant appears on a writ and is not eligible for bond at this time.

ARRAIGNMENT

- (x) Defendant charged in Counts one and two of a two count indictment
- (x) Defendant waived reading of the indictment and penalty range.
- () The count(s) of the indictment applicable to the defendant was read to the defendant.
- (x) Defendant was informed of the maximum punishment for each applicable count of the indictment.
- (x) Defendant entered a plea of not guilty to each count of the indictment applicable to him.

ORDERS

- () Defendant ordered committed back to custody of U.S. Marshal
- () Defendant ordered released on a continuing bail bond.
- (x) Case ordered set for trial on the joint criminal jury trial docket which commences January 10, 2011.
- (x) Defense shall file any pretrial motions within ten days from this date; government responses due seven days after motion filed. In lieu of a scheduling conference, counsel are to meet within two weeks and submit Proposed Stipulations and Orders to chambers for filing. If parties will not be ready for trial by the scheduled docket, a motion for continuance for a date certain should be filed as soon as possible.
- (x) The Government is reminded that ECF calculates deadlines under civil rules and those deadlines do not apply to this case. Failure to file a response within 7 days of the filing of the motion, regardless of when ECF says a response is due, may result in the motion being granted as unopposed.