

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

UNITED STATES OF AMERICA

v.

Case No. 10-00320-14-CR-W-DGK

RAFAEL ZAMORA

AUSA: Bruce Rhoades
Defense Atty.: E. Eugene Harrison

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:	Penney Hodges

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 Penney Hodges.
- (x) With exception(s) The defendant's employer, Nordic Foods, is willing to hire him back if he were released on bond. The defendant is 33 years of age and not 30 as the report states. Counsel provides defendant's DOB. The defendant's wife is an account assistant with Black & Veath. He also maintains contact with his parents daily and with siblings on Sundays for church. Regarding the prior records and mental health/substance sections of the report, the defendant proffers that his substance abuse problems predate October 1996, when he was put into a drug diversion program, which included a fathering program, and he graduated from that program in 1999. Defendant also proffers that when he was arrested, a small amount of marijuana was found and that if he is placed on bond, he is willing to go through drug testing by pretrial services. The Court accepts the 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.

- Arguments presented.
- Defendant makes a proffer.
- Court takes judicial notice of the statutory presumption against release.
- Other: _____
- _____
- The Government orally moves to withdraw detention motion - GRANTED by the Court.

Based upon the information presented, the Court grants government's motion to detain and finds the following:

- 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.
 - Defendant released on a \$ 10,000.00 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

- Defendant charged in Counts one and two of a two count indictment
- Defendant waived reading of the indictment and penalty range.
- The count(s) of the indictment applicable to the defendant was read to the defendant.
- Defendant was informed of the maximum punishment for each applicable count of the indictment.
- 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.
- Case ordered set for trial on the joint criminal jury trial docket which commences January 10, 2011.
- 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.
- 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.