

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) v.) Criminal Action No.
) 10-00320-16-CR-W-DGK
FRANK MICHAEL ALVAREZ,)
)
) Defendant.)

DETENTION ORDER

On November 19, 2010, the government moved to detain defendant Frank Alvarez pending trial, and on November 23, 2010, I held a detention hearing. 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 Dana Altieri. 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 Tanis Humig as the testimony she would give, under oath, if called as a witness. I took judicial notice of the statutory presumption against release¹. DEA Special Agent Joseph Geraci testified.

II. FINDINGS OF FACT

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

1. Defendant, 32, lived in San Francisco until he moved to Kansas City at the age of 12. Defendant maintains regular contact with his parents and two siblings who live locally.

¹18 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)."

Defendant has never been married but has a 16-year-old child who lives locally.

2. Defendant has a GED. He has worked at The Hardwood Floor Company for the past three months earning about \$1,700 per month and can return to this position. He previously worked for a roofing company for two months and for a temporary company for two months. Defendant has no significant financial assets or liabilities.

3. Defendant is generally in good health. He has a history of using alcohol, marijuana, and cocaine, but has not used these substances since his prior federal case.

4. Defendant's criminal history includes the following:

Date	Charge	Disposition
11/14/1994	Battery	Six months probation
12/05/1994	Battery	1 year probation
02/09/1995	Aggravated battery (handgun)	1 year probation
08/11/1996	1. Possession of drugs 2. Possession of alcohol by a minor	Fined
05/11/1998	Assault on police	6 months in jail, 2 months unsupervised probation
07/11/1999	Simple assault, domestic	Dismissed

10/12/2001	<ol style="list-style-type: none"> 1. Distribution of 133 grams of cocaine 2. Distribution of 139 grams of cocaine 3. Attempt to distribute 5 kilograms of cocaine 4. Use of communications facility to attempt to distribute 5 kilograms of cocaine 5. Use of communications facility to attempt to distribute 5 kilograms of cocaine 	<p>Pled guilty to count three, sentenced to 97 months in prison and 4 years supervised release. He was released from the Bureau of Prisons on March 8, 2010.</p>
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5. Defendant's probation officer intends to file a motion to revoke defendant's supervised release for case #2:01CR20099-001-JWL and a motion to revoke his bond for case #2:10CR20070-01-KHV-DJW due to the instant offense allegations.

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 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 a felony drug conviction and assaultive behavior including an assault with a weapon, and defendant is facing revocation of his supervised

