



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 Mark Thomason. 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 with the following additions: Defendant's girl friend is willing to put up her house, which she owns free and clear, as collateral; and defendant interviewed recently with a maintenance company. 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, 47, is a lifelong Kansas City resident. He has lived at his current address for the past nine years with his girl friend and their nine-year-old daughter. Defendant maintains regular contact with his parents and one brother who live in Kansas City. Defendant's father and girl friend are willing to co-sign a bond.

2. Defendant has a high school education. He has been unemployed for the past two years. He previously worked as a delivery driver and recently interviewed with a maintenance company. Defendant has no significant financial assets or liabilities.

3. Defendant is generally in good health. He began using marijuana at age 16 with his last use the day before his arrest.

4. Defendant's criminal history includes the following:

Date	Charge	Disposition
04/16/1984	Minor in possession of liquor	Fined
08/14/1988	Simple assault (3 counts)	Dismissed
03/27/1990	Possession of marijuana	6 months, 2 years probation
10/01/1990	Possession of narcotic equipment	6 months, 2 years probation
03/07/1993	1. Simple assault 2. Indecent conduct	1. Not prosecuted 2. Fined
08/27/1993	Simple assault, domestic	Dismissed
07/05/1994	DUI	Unknown
10/10/1995	Conspiracy to distribute cocaine ( <b>Felony</b> )	6 months, 3 years supervised release

04/30/1999	Simple assault, domestic	Guilty
03/03/2008	Simple assault, domestic	Dismissed

5. During a search of defendant's residence at the time of his arrest, police recovered two ounces of cocaine, two ounces of marijuana, a grinder, and baggies.

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, and he has a long history of illegal drug use. 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 29, 2010