

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 10-00320-04-CR-W-DGK
PETER FLORES,)
)
 Defendant.)

DETENTION ORDER

On November 19, 2010, the government moved to detain defendant Peter Flores 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.

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 Charles Michael McKeon. 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 Susan Pinkerton 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 Susan Pinkerton and the evidence presented during the hearing, I find that:

1. Defendant, 38, was born in Chicago where he lived until he was 12. At that time he moved to Wisconsin. Defendant moved

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)."

to Kansas City in 2004. Defendant has lived at his current residence with his wife and son for the past seven months.

2. Defendant's father is deceased. His mother and two siblings live in Wisconsin; a half brother in Minnesota Department of Corrections; and a half sister in St. Paul, Minnesota. Defendant maintains regular contact with all of his family members. Defendant has never been married but has been in his current relationship for ten to eleven years. He has a 15-year-old child who lives with him, and he has a nine-year-old child who was adopted by defendant's sister after defendant's parental rights were terminated.

3. Defendant obtained a GED while in prison and is currently enrolled in hospitality management courses. He has completed approximately 22 college credit hours. He has been receiving Social Security disability benefits and Supplemental Security income totaling \$695 per month since 1997 due to being legally blind. He also receives \$70 per month in food stamps, and his college courses are paid for through government funding. He has no financial assets, and his only financial liability is \$5,000 in student loans.

4. Defendant is generally in good health except he is legally blind, a condition that began at birth and is degenerative. He has never used any illegal substances.

5. Defendant's criminal history includes the following:

Date	Charge	Disposition
11/28/1990	1. Armed robbery (Felony) 2. Operate vehicle without owner's consent	1. 5 years in prison 2. Unknown
Defendant was released on parole on 11/30.1992. His supervision was revoked after he was convicted of a drug offense. Defendant was released on parole again on 4/19/95.		
06/10/1994	Possession with intent to deliver controlled substance (Felony)	3 years in prison
07/08/1997	Obstructing officer, amended to disorderly conduct	Fined
09/29/2000	1. Deliver cocaine (Felony) 2. Deliver cocaine (Felony) 3. Possess with intent to deliver cocaine	1. 3 years 6 months in prison, 4 years supervised release 2. 3 years 6 months in prison, 4 years supervised release 3. Dismissed
Defendant was released on supervision on 7/3/2009. He will remain on active supervision until 7/3/2013 and is presently being supervised by Missouri State Probation and Parole. Based on this case, defendant's parole officer will be issuing a parole violation warrant (no bond) and recommending revocation of his supervision.		
07/08/2004	1. Distribute marijuana (Felony) 2. Possession of unauthorized controlled substance 3. Possession of 1-10 lbs. marijuana	8 years on plea of manuf/dist/poss drugs, paroled in September 2007.
Defendant is on parole until 7/3/2012. Defendant's parole officer will issue a parole violation warrant (no bond) and recommend revocation of his supervision.		

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 faces revocation of state parole in two separate cases, and he has had parole revoked in the past. 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.

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