

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 10-00320-01-CR-W-DGK
JUAN MARRON,)
)
 Defendant.)

DETENTION ORDER

On November 19, 2010, the government moved to detain defendant Juan Marron 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. In addition, 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 Susan Hunt. 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 Angelique Johnson 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 Angelique Johnson and the evidence presented during the hearing, I find that:

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)."

1. Defendant, 32, has lived in Kansas City since he was five years old. Defendant traveled to Mexico once in 1999 or 1998 to bring his sister to the United States. Defendant's father is deceased. His mother resides with him and is a co-defendant in this case. Defendant's sister lives in Kansas City, Kansas, and her husband is a co-defendant in this case. Defendant's brother Mario is a co-defendant, his brother Raul is in the Missouri Department of Corrections for second-degree murder, and his sister Griselda lives in Kansas City and works in an insurance claims call center. Defendant has been married for nine years. His wife works in a loan call center. Defendant has four children who live with him.

2. Defendant dropped out of school in ninth grade. He is currently unemployed. He was laid off from his job at DAV Contracting two months ago after working there for six years. Defendant previously worked in shipping and receiving. Defendant has an estimated net worth of approximately \$18,000 mostly due to automobiles, some of which were seized by police and are the subject of forfeiture allegations.

3. Defendant is generally in good health. He began using alcohol at age 16 and typically drinks on weekends. He first used marijuana at age 18 and last used it a week before his arrest. Defendant first used cocaine at age 31 and uses it about

once a week, whenever he goes out. Defendant participated in substance abuse treatment about ten years ago.

4. Defendant's criminal history includes the following:

Date	Charge	Disposition
07/18/1996	Simple assault	Acquitted
09/26/1996	Possession of marijuana	Pay resolve
02/07/1997	1. Illegal tags 2. No insurance 3. Failure to appear	1. Unknown 2. Unknown 3. Dismissed
04/19/1997	Vehicle registration	Unknown
12/13/1998	Simple assault	Dismissed
06/14/2000	Failure to appear	Dismissed
09/14/2002	Simple assault	3 months in jail, SES, 2 years probation, \$100 fine
11/09/2002	Alter vehicle	Warrant issued
02/26/2003	Plates required	Bench warrant issued
04/12/2003	1. DUI - liquor 2. Driving under suspension	1. 1 year probation 2. \$300 fine
07/24/2003	Drug trafficking	Released
04/30/2004	1. Possession of stolen property 2. Possession of a weapon 3. Driving under the influence	1. Dismissed 2. Guilty 3. Unknown
07/25/2004	1. Operation vehicle while revoked 2. Speeding	5 days in custody on each count

5. Defendant has used the following aliases, dates of birth, and social security numbers: Jesus Lorenzo Alvarado, Manuel Moran-Flores, Juan Manuel Moran, Juan Manuel

Moran-Resendez, Manuel Arredondo-Moran, Manuel Moran, and Manuel Moran-Vasques. Alternate dates of birth: February 26, 1973; February 26, 1976; February 26, 1976; February 26, 1977; and February 26, 1979. Alternate SSN: 638-62-7615.

6. Defendant admitted to prior gang associations with the Lokitos, and he bears several gang tattoos.

7. All of the drugs purchased during undercover drug buys were purchased from defendant. When police searched his residence, they found \$4,700 cash, two semi-automatic handgun magazines, and a sawed-off shotgun. When questioned by police, defendant admitted to selling marijuana and cocaine. Specifically defendant said that he began selling pounds of marijuana at age 16, he sold an average of 20 pounds per week, and he made \$600 from every 20 pounds of marijuana sold. He said he has been selling powder cocaine for the past ten years and has sold about an ounce per week. He purchased the ounce for \$800 and sold it for \$1,000.

8. 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 has used multiple false names, multiple false dates of birth, and a false social security number during encounters with police. He has several arrests for failure to appear and has a history of illegal drug use. 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.

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. He admitted to selling large quantities of marijuana and cocaine for most of his adult life. Police found two semi-automatic handgun magazines and a sawed-off shotgun in defendant's residence. Defendant has a history of illegal drug use and has been affiliated with a gang. 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

