

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Criminal Action No.
v.	)	10-00320-12-CR-W-DGK
	)	
DESHAUN L. CERUTI,	)	
	)	
Defendant.	)	

**DETENTION ORDER**

On January 25, 2011, 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 assure the safety of the community.

***I. BACKGROUND***

On December 15, 2009, an indictment was returned charging Defendant with one count of conspiracy to distribute cocaine, cocaine base and marijuana, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and (B), 846, and one count of conspiracy to conduct financial transactions involving proceeds of unlawful drug activity, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and (h). Defendant was arrested and appeared before me for his initial appearance on January 12, 2011. During the first appearance proceeding, the government filed a motion for a detention hearing and a motion to continue the hearing. Those motions were granted and Defendant was remanded to the custody of the United States Marshal.

The detention hearing was held on January 18, 2011. During the hearing, Defendant waived his right to a detention hearing within the standard time period and asked that the detention hearing be continued. The detention hearing was continued until January 25, 2011. Defendant appeared in

person, represented by appointed counsel Kelly Connor-Wilson. The government was represented by Assistant United States Attorney Bruce Rhoades. The parties stipulated that the court consider the information in the Pretrial Services Reports of Eastern District of Missouri Pretrial Services Officer Shae Rucker and Western District of Missouri Pretrial Services Officer Nick Zych as the testimony they would give, under oath, if called as witnesses with one correction. Defense counsel made a proffer that, were Defendant to testify, he would state that his identity had been stolen more than a decade ago. Defendant did not recall the entries in his criminal history dated December 21, 1994, August 27, 1996, July 14, 1998 and August 2, 1999, and believes they may be attributable to the individual who stole his identity. The Government called Special Agent Joe Geraci to testify and offered the December 14, 2010 report from the St. Louis Police Department (Govt. Exh. 1) into evidence. Defense counsel offered a proffer from Defendant's parole officer, Rosiland Morgan, and Defendant testified on his own behalf.

## ***II. FINDINGS OF FACT***

On the basis of the information contained in the pretrial services reports, defense counsel's proffer, and the testimony of Special Agent Geraci and Defendant, I find that:

1. Defendant, 36, was born in Brooklyn, New York. He moved to Kansas City when he was 12 years old and moved from Kansas City to St. Louis when he was 34 years old. Defendant currently lives in an apartment with his girlfriend, Eldora Jackson, and their one-year-old son.
2. Defendant's mother lives in Kansas City, and his father is deceased. Defendant has ten siblings, who reside in Kansas City and Washington, D.C.
3. Defendant is currently employed at Tower Grove Park, but was temporarily laid off due to the instant charges. Defendant also earned money doing odd jobs. Previous employment

included working as a cook at Sonic.

4. Defendant reported he was in good physical and mental health.

5. Defendant began consuming alcohol occasionally at age 20, and last did so one month ago. He began using marijuana occasionally at age 20, and last used the drug one month ago. He also began using hallucinogens daily at age 22 and last did so 12 years ago. Defendant indicated he successfully completed a 120 day substance abuse treatment program in 1999.

6. Defendant's criminal history includes the following:

<b>DATE</b>	<b>CHARGE</b>	<b>DISPOSITION</b>
01/08/94	Possession of Weapon	01/16/95 - Sentenced, 2 years SIS probation
01/08/96	Simple Assault	05/01/96 - Dismissed
03/12/96	Possession of Marijuana	08/13/96 - Guilty, 1 day
02/08/97	Simple Assault	06/20/97 - Guilty
03/28/97	Possession of Controlled Substance (FELONY)	11/26/97 - Sentenced, 3 years confinement, execution of sentence suspended and placed on 4 years probation
12/03/97	Attempted Assault	12/11/97 - Dismissed
10/24/98	(1) Possession of Controlled Substance (FELONY) (2) Possession of Controlled Substance (FELONY) (3) Assault 1st - Serious Physical Injury (FELONY) (4) Armed Criminal Action (FELONY)	(1) 02/23/99 - Sentenced, 3 years confinement
12/25/98	Possession of Controlled Substance	12/26/98 - Released

10/12/99	(1) Assault 1st - Serious Physical Injury (FELONY) (2) Armed Criminal Action (FELONY)	(1) 02/07/00 - Sentenced, 10 years confinement (2) 02/07/00 - Sentenced, 3 years confinement
06/01/10	Possession of Controlled Substance	No disposition listed
12/14/10	(1) Domestic Assault - 2nd (2) Unlawful Use of Weapon (3) Resisting Arrest (4) Failure to Appear - Felony	No disposition listed

7. Defendant's criminal history also indicates he has been arrested, but not convicted, for the following: Unlawful Use of Weapon; Domestic Assault - 2nd Degree; Failure to Appear on Felony; Drug Violation; Possession of Controlled Substance; Stealing Motor Vehicle - 1st Offense; Assault - 3rd Degree; and Domestic Assault - 2nd Degree.

8. Defendant has received citations/summons for moving traffic violations and resisting arrest.

9. Defendant is currently a "wanted" person by the Ferguson Police Department for moving traffic violations. Two warrants were issued for Defendant on December 6, 2010.

10. With regard to the December 14, 2010, incident, police reports indicate officers were dispatched to an apartment complex and made contact with Defendant who ran and a foot chase ensued. Defendant was subsequently taken into custody and taken to the victim's residence where he was positively identified. The victim reported she was physically assaulted by Defendant and, at one point, Defendant started to choke her while holding a pair of scissors to her neck and threatening to finish her and flee. The victim contacted a friend who came to the residence and advised her to contact the police. Defendant returned to the residence and revealed to the victim's

friend that he had a handgun tucked in his waistband. The victim and her friend locked themselves in the bathroom until police arrived.

11. With regard to Defendant's November 26, 1997 conviction for possession of a controlled substance and February 23, 1999 convictions for possession of a controlled substance, Defendant's probation was revoked (drug usage, absconding, residence, failure to complete inpatient drug treatment) and was subsequently released back on probation for four years after serving 120 days. On February 7, 2000, Defendant's probation was revoked (law violation). On April 15, 2008, Defendant was paroled and on October 12, 2009, his sentences were complete.

12. With regard to Defendant's February 7, 2000 conviction for assault and armed criminal action, Missouri Probation and Parole computer records indicate Defendant physically assaulted his girlfriend, set her on fire, and threatened to kill her.

13. Defendant's parole officer, Rosiland Morgan, stated Defendant was an excellent parolee and complied as directed under her supervision from April of 2008 through October of 2009.

14. Special Agent Geraci testified that law enforcement first tried to arrest Defendant on November 19, 2010. Defendant was not there, but told Special Agent Geraci he would turn himself in. Defendant did not turn himself in and eventually stopped taking their calls. Defendant called Special Agent Geraci on December 1, 2010 and stated he did not want to turn himself in. Defendant was eventually arrested on December 14, 2010 in St. Louis on another matter.

A wiretap on May 4-5, 2010, revealed Defendant attempted to buy one kilo of cocaine from co-defendant Marron. Due to availability, Defendant could only obtain ½ kilo. Wiretaps spanning from May 19-31, 2010, revealed calls between Defendant and co-defendant Marron, during which Defendant discussed buying drugs. Following a transaction, Defendant was arrested and 2

pounds of marijuana and 1 ounce of crack cocaine were found in his car. Defendant told co-defendant Marron he had been arrested but not to worry; Defendant stated he would be in touch to obtain more drugs.

15. Defendant testified that he planned to turn himself in, but needed to make arrangements for his minor son. Defendant had been speaking with Kansas City attorney Louis Caskey, but was arrested first.

### ***III. CONCLUSION***

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 conspiracy to distribute cocaine, crack cocaine and marijuana, as well as conspiracy to conduct financial transactions involving proceeds of unlawful drug activity. The instant alleged offense involves Defendant purchasing large amounts of drugs with plans to purchase more. Defendant's criminal history includes four felony convictions and assaultive-type behavior. He also has a history of substance abuse.

It is, therefore

ORDERED that 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 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 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  
January 27, 2011