

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,
)
) v. Criminal Action No.
) 09-0043REL-01
CLIFTON D. TAYLOR,)
)
) Defendant.)

DETENTION ORDER

On March 13, 2009, the government moved to detain defendant Clifton Taylor pending trial, and on March 18, 2009, I held a detention hearing. I find by a preponderance of the evidence that defendant poses a risk of flight and that no single condition of release or combination of conditions of release can 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 March 13, 2009, a criminal complaint was filed charging defendant with one count of bank robbery, in violation of 18 U.S.C. § 2113(a). Defendant appeared before me for a first appearance the same day. 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 March 18, 2009. Defendant appeared in person, represented by Assistant Federal Public Defender Travis Poindexter. The government was represented by Special Assistant United States Attorney Leena Ramana. The parties stipulated that the court consider the information in the Pretrial Services Report of Pretrial Services Officer Penney Hodges as the testimony she would give, under oath, if called as a witness. I took judicial notice of the record of the preliminary hearing. No other evidence was offered by either party.

II. FINDINGS OF FACT

On the basis of the information contained in the report of Pretrial Services Officer Penney Hodges and the evidence presented at the hearing, I find that:

1. Defendant, 36, has lived in Kansas City most of his life except for about four years from 1998 to 2002 when he lived in Texas. Defendant's family was displaced in December 2008 when their home caught fire.

2. Defendant does not know his father. He has regular contact with his mother, brother, and sister, all of whom live locally. Defendant has never been married but he has a nine-year-old child who lives locally. Defendant has regular contact

with his child but is substantially behind in court-ordered child support payments.

3. Defendant has been unemployed since August 2008 when he broke his knee. He previously worked as a tire changer and laborer. Defendant has no financial assets or liabilities other than probation fees and outstanding child support.

4. Defendant is generally in good health. He began using marijuana at age 20, uses it infrequently, and last used it a year ago.

5. Defendant's criminal history includes the following:

Date	Charge	Disposition
10/02/1989	Trespassing	Nolle pros
10/20/1989	Tampering 2nd	6 months suspended, 1 year probation
12/19/1989	Larceny under \$50	Released
12/20/1989	Larceny under \$50	1 year probation, \$202 fine
01/24/1990	Tampering 1st	Dismissed
07/06/1990	Larceny under \$50	Released
07/06/1990	Stealing	No further action
05/31/1991	Simple assault	Nolle pros
06/02/1991	Simple assault	15 days, \$2 fine
09/14/1991	1. Simple assault 2. Resist officer	1. Nolle pros 2. 4 months suspended, 2 years probation \$2 fine

06/15/1992	1. Possession of controlled substance (Felony) 2. Unlawful use of a weapon 3. Trafficking 2nd degree (Felony)	1. 6 years 2. Dismissed 3. 6 years Sentence completed on 9/19/98
Defendant received bond, had one failure to appear but appeared the following day		
07/21/1992	Resist officer	6 months in jail
08/08/1992	Failure to appear on felony	Turned over to Jackson County
10/27/1992	Escape	15 days in jail, \$2 fine
02/16/2001	Simple assault	Dismissed
06/12/2002	Simple assault	Dismissed
09/07/2002	Simple assault	Dismissed
02/22/2003	Simple assault	Dismissed
03/16/2003	Failure to appear	Dismissed
07/03/2003	Failure to appear	Dismissed
02/03/2004	Attempt to assault	Dismissed
04/03/2004	Aggravated assault	Dismissed
08/01/2004	Assault 1st	No further action
08/01/2004	Aggravated assault	Released
02/07/2006	Driver's license revoked	Released
10/16/2006	Possession of controlled substance	Released
10/16/2006	Operate motor vehicle while revoked, amended to driving while revoked	20 days in jail
06/01/2007	Operating motor vehicle while revoked	10/1/07: 120 days, suspended, 2 years probation

06/20/2007	Operate motor vehicle while revoked	10/1/07: 120 days suspended, 2 years probation
03/04/2008	Drinking in public	Bench warrant
08/25/2008	Resisting officer	10/13/08: 3 months suspended, 1 year probation
10/09/2008	Driver's license revoked/suspended	Failure to appear warrant, released on 1/21/09 ROR, new court date 4/6/09
11/14/2008	1. Indecent exposure 2. Obstruct officer	Bench warrant

Defendant has an outstanding failure to appear warrant with a \$1,100 bond, and three outstanding bench warrants.

6. On March 12, 2009, defendant allegedly entered Central Bank and placed a demand note through the glass. Teller Veronica Lopez stated the noted included words to the effect of, "Smile. \$3,000 or somebody out here gets shot. 20 seconds." Ms. Lopez pushed 27 \$100 bills through the glass partition. Defendant then fled from the bank.

7. Senior Vice President Lori Door ran to the bank doors and locked them. As she was running to the doors, she saw two bank employees, Michelle Visos and Virginia Spino, coming back from lunch. She yelled to the women to follow the man who had just run out of the bank. Visos and Spino got into their car and followed defendant. They watched him walk through various yards. They saw him walk behind a house; and when he reappeared on the

other side of the house, he was wearing a different jacket and no longer was wearing a hat. They watched him walk into a business in a strip mall. Police officers responded to their location, and when they saw defendant exit a business, they pointed him out to police who arrested defendant.

8. That same day, an officer investigating the robbery was approached by a citizen who had returned to his truck and found items in the bed of the truck that did not belong to him. Police recovered a green hat and a dark coat containing \$2,700 in \$100 bills. The location of the truck was in the area where Visos had temporarily lost sight of the robber and when she could see him again he no longer had on a hat or the dark jacket.

9. Both officers who placed defendant under arrest observed the video surveillance of the robbery and agreed that defendant was the person depicted in the video. Defendant's remaining clothing and shoes matched the clothing and shoes worn by the robber in the surveillance video.

10. If convicted, defendant faces a possible prison sentence of 20 years.

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 lengthy prison sentence if convicted in

this case. He has outstanding warrants, he was on bond for one offense and on probation for three other offenses at the time this robbery occurred. He has a history of failure to appear, an unstable residence, and a history of illegal drug use.

In addition, 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 bank robbery by threatening to shoot someone. He has a long criminal history which includes multiple arrests for assaultive behavior and two felony convictions. He was on bond for one offense and on probation for three other convictions at the time this offense was committed, and he has a history of marijuana use.

It is, therefore

ORDERED that the defendant be committed to the custody of the Attorney General or his authorized representative for detention pending grand jury action and, if an indictment is returned, 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
March 18, 2009