

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

UNITED STATES OF AMERICA,            )  
  )  
                          Plaintiff,        )  
  )  
                  v.                        ) Criminal Action No.  
  ) 10-00162-01-CR-W-FJG  
ALFONSO VELO,                         )  
  )  
  )  
                          Defendant.        )

**DETENTION ORDER**

On June 9, 2010, the government moved to detain defendant Alfonso Velo pending trial, and on June 14, 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 May 26, 2010, an indictment was returned charging defendant with one count of conspiracy to distribute cocaine and crack cocaine, in violation of 21 U.S.C. § 846. Defendant appeared before me for a first appearance on June 9, 2010. 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 June 14, 2010. Defendant appeared in person, represented by Melanie Morgan. The

government was represented by Assistant United States Attorney Brent Venneman. The parties stipulated that the court consider the information in the Pretrial Services Report of Pretrial Services Officer Dana Chance as the testimony she would give, under oath, if called as a witness. I took judicial notice of the statutory presumption against release<sup>1</sup>. No other evidence was offered by either party.<sup>2</sup>

## **II. FINDINGS OF FACT**

On the basis of the information contained in the report of Pretrial Services Officer Dana Chance, I find that:

1. Defendant, 45, was born in Chihuahua, Mexico, and is a Mexican citizen. He legally entered the United States in 1999 and 2001 living in Denver both times. In 2005, defendant illegally entered the United States and has lived in Kansas City, Kansas, since that time.

2. Defendant's father is deceased. His mother and five siblings live in Mexico. He has weekly contact with his mother.

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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)."

<sup>2</sup>Detective Don Stanze testified at the joint detention hearing; however, none of his testimony was relevant to defendant Velo.

Defendant's wife and three children live in Mexico and visit him during the summer months.

3. Defendant is employed as a subcontractor mowing lawns and painting. He averages \$550 per week. Defendant has no significant financial assets or liabilities.

4. Defendant is generally in good health. He began using cocaine at age 39, uses it on weekends, and last used it the day before his interview with Pretrial Services.

5. Defendant has no known criminal history.

6. The Immigration and Customs Enforcement had lodged a detainer with the United States Marshal.

7. If convicted, defendant faces a statutory minimum prison sentence of ten years and a statutory maximum prison sentence of life.

### ***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 is an illegal alien, an ICE detainer has been lodged with the U.S. Marshal, all of his family ties are in Mexico, and he 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.

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  
June 14, 2010