

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

UNITED STATES OF AMERICA,                     )  
   )  
   ) Plaintiff,                     )  
   )                     )  
   ) v.                     ) Criminal Action No.  
   ) 10-00162-03-CR-W-FJG  
SHAWN HAMPTON,                     )  
   )                     )  
   ) Defendant.                     )

**DETENTION ORDER**

On June 9, 2010, the government moved to detain defendant Shawn Hampton 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. 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 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; and four counts of distributing crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). 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 Ron Hall. 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 Van Hecke as the testimony he would give, under oath, if called as a witness. I took judicial notice of the statutory presumption against release<sup>1</sup>. Detective Don Stanze testified.

## **II. FINDINGS OF FACT**

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

1. Defendant, 34, is a lifelong resident of Kansas City. He reported that has lived in his current residence for ten years

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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)."

with his grandmother; however, defendant's mother said defendant lives with his girl friend, and information in the government's file confirms that. Defendant has regular contact with his mother, no contact with his father, and he has no siblings. Defendant is divorced and has regular contact with his children, ages 16 and 14, who live locally.

2. Defendant has a GED. He has been unemployed for the past year. Prior to that he worked for about four years at Allied Oil Company, and also worked for a local motel and night club. Defendant has no significant financial assets or liabilities.

3. Defendant is generally in good health. He experimented with marijuana as a teenager but has not used any illegal drugs since then. He has no history of alcohol abuse.

4. Defendant's criminal history includes the following:

Date	Charge	Disposition
09/28/1993	Disturbing the peace	1 year probation
02/12/1994	Obstruct officer	Nolle Pros
03/31/1994	Possession of marijuana	Nolle Pros
05/01/1994	Auto theft	Released
05/05/1994	Possession of marijuana	Nolle Pros
09/20/1994	Destruction of property	Dismissed
11/03/1995	Carrying a weapon	Released
12/10/1995	Unlawful use of a weapon <b>(Felony)</b>	SIS, 2 years probation
12/18/1995	Sale of drugs	Released

07/04/1996	Drinking in public	Nolle pros
07/04/1996	Larceny	Guilty
08/30/1996	Unlawful use of a weapon <b>(Felony)</b>	3 years, SES, 3 years probation; <b>revoked</b> on 5/26/1000 and 3-year sentence imposed
09/05/1996	Auto theft	Released
12/09/1996	Destruction of property	Nolle pros
03/24/1997	<b>Escape</b> from custody	Turned over to MO DOC
05/04/1997	Destruction of property	Dismissed
09/18/1997	Burglary of motor vehicle (2 counts)	Dismissed
10/26/1997	Destruction of property	Nolle pros
06/02/1998	Displaying weapon	Nolle pros
07/02/1998	Trafficking in drugs 2nd degree <b>(Felony)</b>	10 years in prison, 120-day call back, placed on 3 years probation on 11/8/02, <b>revoked</b> on 10/4/04, released on 11/1/05, sentence complete on 7/2/08.
07/12/2003	Possession of marijuana	Fined
01/09/2004	Trafficking in drugs 2nd degree <b>(Felony)</b>	7 years in prison, sentence complete on 7/1/08.
03/07/2006	Destruction of property	Nolle pros
07/17/2006	1. Assault 1st degree 2. Property damage 2nd degree 3. Tampering with witness	1. Nolle pros 2. SIS, 1 year probation 3. Dismissed
08/16/2006	1. Intimidate witness 2. Burglary	1. Released 2. Unknown

5. At the time of defendant's arrest on the instant indictment a **loaded handgun** was located within defendant's immediate reach, and another **loaded handgun** was found in plain view on the couch in the living room of the residence. In addition, police found \$34,000 in cash.

6. During his bond interview, defendant stated that he recently obtained a passport as he was planning to vacation in Mexico in the near future.

7. If convicted, defendant faces a statutory minimum prison sentence of ten years and a statutory maximum prison sentence of life on the conspiracy count and a minimum prison sentence of five years and a maximum prison sentence of 40 years on the four distribution counts.

### ***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 was arrested for escape in the past, he has an unstable employment history, he recently obtained a passport, and he has some history of illegal drug use. 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 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 cocaine conspiracy, he had two loaded firearms near him when he was arrested, he had a large amount of cash in his possession despite having been unemployed for the past year, he has a long criminal history with at least four felony convictions, he has had his probation revoked several times in the past, he has a history of arrests while on supervision, and he has a history of possibly tampering with a witness. 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

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