

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

UNITED STATES OF AMERICA,                    )  
  )  
  Plaintiff,                    )  
  )  
  v.                                    ) Criminal Action No.  
  ) 10-00162-12-CR-W-FJG  
ANTAR ROBERTS,                                )  
  )  
  Defendant.                    )

**DETENTION ORDER**

On June 9, 2010, the government moved to detain defendant Antar Roberts 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. 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 Lisa Nouri. 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 Penney Hodges 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 Penney Hodges and the evidence presented at the hearing, I find that:

1. Defendant, 36, is a lifelong resident of Kansas City. Defendant lives with his mother and maintains regular contact

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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 Roberts.

with his father and brother. Defendant is divorced. He maintains contact with a 14-year-old boy whom he thought was his son until about four years ago.

2. Defendant worked for Crowd Systems for three years and recently began work for DR&R Automotive. Defendant has no significant financial assets or liabilities.

3. Defendant is generally in good health, although he has been hospitalized on three previous occasions for gunshot wounds. Defendant began using marijuana at age 16, uses it infrequently, and last used it in December 2009.

4. Defendant's criminal history includes **three state felony convictions** for unlawful use of a weapon in 1997, sale of a controlled substance in 1999, and possession of a controlled substance in 2003. Defendant received probation for the first two convictions and incurred violations for new offense conduct resulting in **revocation**. Defendant is currently on supervision for the 2003 conviction. He has reported sporadically, was unsuccessfully discharged from intensive outpatient treatment in June 2009, and had violations for marijuana use, failure to complete inpatient treatment. Defendant's probation officer will submit a violation report recommending a warrant be issued and **recommending revocation** of defendant's probation.

5. On March 23, 2001, defendant was charged in federal court with possessing a firearm after having been convicted of a

felony after he **discharged a firearm** into the air. He was sentenced to 46 months in prison with three years of supervised release. While on supervised release, defendant incurred violations for drug use, failure to participate in drug treatment, and new law violations. His supervised release was **revoked** and he was sentenced to seven months in custody.

6. Defendant also has municipal convictions for carrying a **weapon**, distributing marijuana, disturbing the peace, and driving while suspended. He was arrested but not convicted of auto theft, possession of marijuana, sale of drugs, narcotics violations, burglary, **robbery 1st degree, murder 2nd degree**, unlawful use of a **weapon**, carrying a **weapon**, discharging a **firearm**, trespassing, destruction of property, simple assault, **armed robbery**, resisting an officer, simple assault, possession of a controlled substance, and another case of possession of a controlled substance in 2010.

7. On March 29, 2010, Special Agent Steven Lester saw a grey Dodge Magnum with temporary Missouri tags arrive at the shelter house at the lake in Swope Park. On the same day, at 4:45 p.m., a Kansas City detective observed co-defendant Shawn Hampton arrive in a dark grey SUV and meet with defendant. At 4:47 p.m., Hampton left, then defendant left in the grey Dodge Magnum and was followed by surveillance crews. Officers observed defendant pull in the driveway of 4266 E. 62nd Street, Kansas City,

Missouri. Officers attempted to conduct a car check but defendant **fled** the vehicle and ran toward the rear of the residence. The officers conducted an inventory search of defendant's car and recovered a clear bag containing 115.2 grams of marijuana, a white plastic bag containing ten live .45 caliber rounds of **ammunition**, a glass vile containing an unknown liquid which had a strong odor of PCP, and an electronic scale containing a beige residue. A drug-sniffing dog located a clear plastic bag which contained 0.3 grams of crack cocaine along the east rear fence of 4266 E. 62nd Street.

8. The defendant's rap sheet lists him as gang affiliate.

9. 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 as well as revocation of his probation, and he fled from police during an attempted car check. 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 has a long criminal history including four felony convictions and violent behavior; he was on supervision at the time of this offense; he has had probation and supervised release revoked in the past; he has incurred numerous violations while on supervision in the past; he previously discharged a firearm into the air; he is affiliated with a gang; and he was in possession of drugs, a scale, and ammunition at the time of his arrest. 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 15, 2010