

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 10-00162-13-CR-W-FJG
GREGORY YOUNG,)
)
)
 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 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 F. A. White, Jr.

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 Nick Zych as the testimony he would give, under oath, if called as a witness. I took judicial notice of the statutory presumption against release¹. No other evidence was offered by either party.²

II. FINDINGS OF FACT

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

1. Defendant, 37, is a lifelong resident of Kansas City. Defendant has regular contact with one of his seven siblings. Defendant is divorced and has one teenaged child from that marriage. He fathered three other children from two previous relationships. He is currently married and living with his wife, his oldest child, and his wife's two children.

¹18 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)."

²Detective Don Stanze testified at the joint detention hearing; however, none of his testimony was relevant to defendant Young.

2. Defendant has a GED. He has been unemployed since December 2009 due in part to having been in a serious automobile accident. He previously worked as a truck driver, a warehouse worker, and a laborer. Defendant has no significant financial assets or liabilities.

3. Defendant is generally in good health. He has a history of marijuana and PCP usage, having used both of them the day before his arrest. Defendant has a history of cocaine usage but has not used it for the past year. Defendant tested positive for cocaine, morphine, and alcohol in September and October 2008 and marijuana in September 2002 while on probation.

4. Defendant's criminal history includes the following:

Date	Charge	Disposition
08/02/1992	Simple assault	Unknown
09/25/1992	Unlawful use of a weapon (Felony)	SIS, 1 year probation
03/15/1995	Assault	Released
02/02/1997	DUI	Guilty
07/20/1997	Indecent exposure	Fined
09/26/1997	Destruction of property	Dismissed
11/13/1997	Possession of controlled substance	No further action
04/24/1999	Simple assault	Dismissed
01/17/2002	Simple assault	Discharged
02/24/2002	Possession of controlled substance (Felony)	3 years, SES, 3 years probation

02/24/2002	Resisting officer	Unknown
04/29/2002	1. Possession of drug paraphernalia 2. Possession of marijuana	30 days in jail
09/25/2002	1. Possession of controlled substance (Felony) 2. Possession of controlled substance (Felony)	1. 5 years in prison 2. 5 years in prison Four months after sentencing, he was placed on 6/ years probation
Defendant had violations for drug usage, failure to pay costs/fees, and failure to report new arrest. On 2/18/08, his probation was extended for one year.		
06/19/2004	Driving while suspended	SIS, 2 years probation
03/31/2006	Driving without registration	SIS, 1 year probation, probation was revoked , and he was sentenced to two days in jail
12/25/2006	Simple assault	Dismissed
Defendant's wife reported that she and defendant got into a verbal argument and defendant jumped on top of her and grabbed her face. She refused medical treatment.		

5. Defendant has two Kansas City, Kansas, traffic warrants with an \$85 bond and a Leawood, Kansas, traffic warrant with a \$625 bond.

6. When defendant was arrested, he consented to a search of his residence. Police found **three weapons** (two of them loaded), several rounds of ammunition, a handgun holster, and heroin.

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 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 has had probation revoked in the past; he has incurred numerous violations while on supervision in the past; he has a long and serious drug abuse history, and he was in possession of drugs, ammunition, and three weapons 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