

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,
)
) v.
) Criminal Action No.
) 10-00162-20-CR-W-FJG
KEIYATIE R WHITE,)
)
) Defendant.

DETENTION ORDER

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 two counts of distributing crack cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). Defendant appeared before me for a first appearance on June 9, 2010. I sua sponte set a detention hearing, and defendant was remanded to the custody of the United States Marshal.

A detention hearing was held before me on June 14, 2010. Defendant appeared in person, represented by Lance Sandage. 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 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 Penney Hodges, I find that:

1. Defendant, 28, has lived in Kansas City, Des Moines, and Minneapolis. He has lived in Kansas City since 2007. Defendant's father lives in Minneapolis along with defendant's two half siblings. He has regular contact with his family. Defendant has never been married but has four children living in

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 White.

Minneapolis. He is court ordered to pay \$245 per month for the oldest child, and is \$24,000 in arrears.

2. Defendant has been employed at a hotel since May 2008. He does grounds work and miscellaneous tasks. He worked briefly for a roofing company and as a security guard while living in Minneapolis. Defendant has no financial assets and no liabilities other than the back child support.

3. Defendant is generally in good health. He has been using marijuana and cocaine since age 18. He uses marijuana daily and last used it three weeks ago. He uses cocaine weekly and last used it three days ago. Defendant is supposed to be participating in a drug abuse treatment program as a condition of his probation but his attendance has been described as sporadic.

4. Defendant's criminal history includes the following:

Date	Charge	Disposition
09/13/2001	Drugs 5th degree	Acquitted
03/11/2003	Drugs 5th degree (Felony)	SIS, 3 years probation, conditional confinement for 6 months, 3 years suspended, 1 year/1 day
03/18/2003	Drugs 5th degree	Not prosecuted
06/06/2003	Drugs 1st degree	Dismissed
09/05/2003	Giving false name to police officer	Unknown
12/31/2003	Receiving stolen property	Unknown
06/02/2005	Drugs 5th degree	Unknown
02/22/2006	Drugs 5th degree	Unknown

03/06/2007	Indecent exposure	Unknown
05/31/2007	Armed robbery	Released
09/26/2007	Domestic assault - intent to cause far of harm or death	Unknown
01/28/2008	Armed robbery	Released
02/14/2008	Robbery 2nd degree (Felony)	5 years suspended, 3 years probation
<p>According to MO Probation and Parole records, the victim reported he was walking home when he noticed the defendant and a juvenile following him. When the victim began walking up the first set of stairs to his apartment, he was shoved to the ground by the defendant. The victim stated the defendant hit him with a plastic bag that contained a half gallon of vodka and some soda. Reports indicate the defendant told the juvenile to kick the victim in the face. The victim stated he crawled into the bushes, and with his hand up, began screaming for help. The defendant and the juvenile left the scene with the victim's cash, but were later apprehended by the police and identified by the victim. According to the defendant, he was released on bond while this case was pending, and had no failure to appear history. According to MO Probation and Parole records, shortly after the defendant was placed on probation (9/19/08), he incurred violations for failure to report (absconding) and for failure to complete outpatient drug treatment. He also incurred other violations for failure to report/absconding, failure to complete electronic monitoring, failure to return while on electronic monitoring, and for drug use (crack/marijuana). The defendant's probation officer stated he will complete a violation report asking for warrant and revocation of the defendant's probation based on the instant offense charge.</p>		
08/04/2009	Tampering w/motor vehicle	Released
11/11/2009	Sale of drugs	Corresponds to the instant indictment

5. 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 up to 20 years in prison on the 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 is facing possible revocation of his parole, he has a history of failure to appear and absconding, and he gave a false name to police officers. 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 two felony convictions and violent behavior, he was not attending drug treatment regularly despite his serious drug use, and he has had a poor adjustment to supervision in the past. 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