

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

UNITED STATES OF AMERICA,                    )  
  )  
  Plaintiff,                                    )  
  )  
  v.    ) Criminal Action No.  
  ) 10-00162-22-CR-W-FJG  
ADRIAN U. BARRETT,                            )  
  )  
  Defendant.                                    )

**DETENTION ORDER**

On June 9, 2010, the government moved to detain defendant Adrian Barrett 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 James Brown. 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 Susan Pinkerton 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 Susan Pinkerton, I find that:

1. Defendant, 34, is a lifelong resident of Kansas City. Defendant reported that he currently lives with his mother and

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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 Barrett.

four nephews; previously he was homeless for four years.

Defendant's mother reported that defendant lives off and on with her, and also stays with his grandmother. Defendant is not allowed to live full time with his mother due to her section 8 status.

2. Defendant's father is deceased. He has regular contact with his mother and sister. Defendant has never been married but has one child who was adopted by another family after defendant's parental rights were terminated when he was in custody.

3. Defendant has an 11th grade education. He has been unemployed for the past year. He previously worked off and on in construction. Defendant has no significant financial assets or liabilities.

4. Defendant is generally in good health. He began using marijuana at age 14, cocaine at 24, and benzodiazepines at age 34. He uses cocaine and marijuana daily. Defendant has been referred to drug treatment numerous times but either failed to attend or otherwise failed to complete the programs.

5. Defendant's criminal history includes the following:

Date	Charge	Disposition
03/22/1994	Sale of controlled substance	Placed on diversion
03/08/1995	Larceny under \$50	Guilty
06/14/1995	Violation of animal ordinance	Guilty
07/10/1997	Misc. city violation	Guilty

01/08/1997	Possession of controlled substance	Released
08/02/1997	1. Violation of protection order 2. Possession of controlled substance ( <b>Felony</b> )	1. Released 2. 3 years, SES, 3 years probation
<p>According to MSP&amp;P records, the above-noted offense conduct was a result of a vehicle stop wherein the defendant was unable to provide any identification and was attempting to conceal something in his left coat pocket with his left hand. Upon frisking the defendant for weapons, officers observed a plastic baggie protruding from the defendant's left coat pocket. The baggie contained a beige substance which field tested positive for cocaine and weighed .35 grams. While on supervision, the defendant incurred <b>violations</b> for use of marijuana (twice), new felony arrest on 7/7/00 (see below), use of cocaine (twice), possession of cocaine, and failure to complete Post Conviction Treatment Program. Although MSP&amp;P recommended revocation of the defendant's supervision, he was discharged on 9/19/00.</p>		
10/11/1997	1. Violation of animal ordinance 2. Violation of animal ordinance	1. Guilty 2. Pay resolved
10/28/1997	Violation of animal ordinance	Guilty
09/11/1998	Violation of animal ordinance	Bench warrant
09/07/1999	Auto theft	Released
05/16/2000	1. Violation of animal ordinance 2. Violation of animal ordinance	1. Guilty 2. Guilty
07/07/2000	Possession of controlled substance	Released
01/23/2001	Trafficking II ( <b>Felony</b> )	10 years, SES, 3 years probation

Defendant was released on bond supervision; however, **failed to appear** on one occasion resulting in a warrant, although his bond was reinstated. The printout indicated defendant was initially sentenced to 10 years with placement in 120-day institutional treatment. The defendant was released on a three year probation effective 7/12/02 after completion of institutional treatment. While on supervision, the defendant incurred **numerous violations**, including use of cocaine (four occasions), use of marijuana (five occasions), failure to follow a directive to enter substance abuse treatment, use of alcohol, failure to maintain employment, residency, **failure to report as directed** (twice), and failure to complete treatment. The defendant completed his sentence on 7/11/05.

03/29/2001	Sale of drugs	Sent to court
09/06/2001	<b>Failure to appear</b> (initial charge of trafficking)	Turned over to Jackson County
01/03/2003	Violation of animal ordinance	Guilty
01/23/2003	Driving while revoked or suspended	30 days, SES, 2 years probation
Defendant's probation was <b>revoked</b> for failure to pay court costs and complete community service hours.		
03/20/2004	Driving while revoked	SIS, 2 years probation
05/16/2004	Driving while revoked	Dismissed
06/01/2005	Trespassing	Nolle pros
08/01/2006	Simple assault	Nolle pros
10/03/2007	Simple assault	Dismissed
03/17/2008	Driving while revoked or suspended	Released

6. Defendant has **six outstanding warrants** including one for failure to appear with \$1,000 bond; four **moving violation warrants** with a total bond of \$2,650, and a **probation violation warrant** with a bond of \$1,000.

7. At the time of his arrest, defendant was in possession of marijuana and crack cocaine.

8. 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 has 11 outstanding warrants, he has a history of failure to appear, he is unemployed, he has a history of illegal drug use, he has failed at drug treatment programs, and he has a history of failing to report as directed. 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 ongoing drug-related arrests, he has incurred numerous violations while

on release, he has had probation revoked, and he has a 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 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