

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) Criminal Action No.  
 ) 10-00162-17-CR-W-FJG  
 ANDREYA JONES, )  
 )  
 Defendant. )

**DETENTION ORDER**

On November 10, 2010, I held a detention hearing on the government's motion to detain defendant Andrey Jones without bond pending trial. 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, a superseding 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 was arrested and appeared before me for a first appearance on November 8, 2010. During the first appearance proceeding, 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 November 10, 2010. Defendant appeared in person, represented by Nickalaus Seacord. 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>. Defendant made the following proffer: Defendant made a trip to Columbia, Missouri, to visit a friend; that is the furthest she has been from Kansas City. She has lived with her mother and can continue to live with her mother if released on bond. Defendant agrees to enter drug treatment if released. Detective Don Stanze testified.

## **II. FINDINGS OF FACT**

On the basis of the evidence presented during the detention hearing, I find that:

1. Defendant, 28, is a lifelong Kansas City resident. She indicated she has been living “here and there” with friends since approximately March

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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).”

2010 when the “feds” kicked in the door to her house. Defendant has regular contact with her mother and occasional contact with her siblings who live locally. Another sibling is incarcerated. Defendant has no contact with her father. Defendant has never been married and has no children. She has been involved in her current relationship for the past three years. Her girl friend is currently incarcerated on a parole violation.

2. Defendant has received Supplemental Security Income since 2008 due to mental health problems. She is not currently taking any medication, has not taken any medication since 2008, and is not under the care of any doctor. Defendant has no financial assets or liabilities.

3. Defendant is generally in good health. She began using marijuana at age 15, uses it daily, and last used it three days ago. She used designer drugs twice about two years ago. She began using cocaine at age 24, uses it three times per week (down from her previous daily use), and last used it four days ago. Defendant has been diagnosed with bi-polar disorder, depression, and anxiety.

4. Defendant’s criminal history includes the following:

Date	Charge	Disposition
06/06/1999	Auto theft	Released
08/05/1999	Simple assault	Released to other agency
11/18/1999	Auto theft	Released
08/10/2000	Obstruct officer	Guilty

12/27/2000	Tampering	Released
04/30/2001	1. Possession of marijuana 2. Tampering	1. Guilty 2. Released
06/01/2001	Possession of marijuana	Guilty
11/02/2001	Tampering	Released
11/12/2001	Tampering	Released
12/19/2001	Tampering	Released
01/11/2002	Simple assault	Discharged
01/01/2003	Tampering	Released
05/13/2003	1. Robbery II ( <b>Felony</b> ) 2. Armed criminal action	1. Five years in prison 2. Dismissed

According to MSP&P records, prior to sentencing, defendant was placed on house arrest; however, she violated those conditions and was placed in the county jail. MSP&P records reflect the offense conduct involved the victim walking down the street when he was approached by a black male asking for a light. As the male approached the victim, a vehicle pulled up with two subjects inside, including defendant. The subjects exited the vehicle and went through the victim's pockets while he was held at gunpoint. The victim's wallet, bank cards, bus pass, and \$30 cash was stolen. The three subjects fled in the aforementioned vehicle, which was later stopped by police who were en route to the scene of the robbery. The defendant was received at the MO Department of Corrections on 7/13/04 and released to field supervision on 4/18/05. According to MSP&P records, the defendant incurred violations for alcohol use, employment, and failure to successfully complete the KC Community Release Center, resulting in her being returned to custody on 9/8/05. Records reflect the defendant was released to field supervision on 12/29/05. From 12/29/05 until her return to custody on 3/27/08, the defendant incurred violations for use of marijuana (five occasions); use of cocaine (six occasions); use of ecstasy; new arrest for Driving While Suspended; use of alcohol; and failure to complete outpatient treatment. While MSP&P recommended the defendant be placed in 120-day institutional treatment (due to repeated failed treatment attempts in the community), the defendant advised she did not want to enter the treatment program and would rather serve the remainder of her sentence. The defendant's supervision was revoked on 3/27/08 and she was released from custody on 8/17/08 upon completion of her sentence.

04/16/2009	1. Simple assault 2. Destruction of property	Dismissed
08/29/2009	Simple assault	Dismissed
01/13/2010	Burglary	Unknown
02/25/2010	Dist/Del/Manuf. controlled substance	Unknown
03/15/2010	Tampering	Unknown
11/06/2010	Poss/Mfg/Sell illegal weapon	Defendant was a passenger in a vehicle which contained a firearm under the driver's seat; however, there was no evidence to link defendant to the firearm, and the driver fled the scene.

Defendant has an outstanding warrant for payable contempt (\$200 bond) and a moving violation (\$2,000 bond).

5. On June 9, 2010, police attempted to execute the arrest warrants in this case. They went to defendant's residence and spoke with her mother who said defendant was in Columbia, Missouri. The following week, police spoke to defendant's mother and her aunt and told both of them to tell defendant to surrender or contact police regarding her outstanding federal warrant. Defendant did not contact law enforcement.

6. If convicted, defendant faces a statutory minimum prison sentence of ten years and a 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 conspiracy to distribute a large quantity of cocaine. She has a long criminal history including a felony conviction and assaultive behavior. She has had poor adjustment to supervision in the past, incurring multiple violations resulting in supervision being revoked multiple times. Defendant has a history of serious illegal drug abuse and a history of untreated mental illness. 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.

Therefore, it is

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 her 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 her appearance in connection with a court proceeding.

          /s/ Robert E. Larsen            
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
November 10, 2010