

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	Case No. 10-00162-02-CR-W-FJG
	)	
RICARDO NEVAREZ,	)	
	)	
Defendant	)	

**DEFENDANT’S WRITTEN REQUEST FOR RELEASE PENDING TRIAL**

COMES NOW defendant above named, by and through his attorney, Carl E. Cornwell and pursuant to 18 United States Code Section 3142 offers this written request for release.

IN SUPPORT OF SAID REQUEST defendant states to the Court:

1. That the case is currently set at 9:30 a.m. on the 14<sup>th</sup> day of June, 2010 for a detention hearing. Counsel for defendant is set for sentencing in front of the Honorable Julie Robinson, Federal Judge in the United States District Court for the District of Kansas in Topeka, Kansas in *United States of America v. Ramon Munguia*. The Court has given counsel permission to file this written request.
2. The defendant is charged in Count 1 of the Indictment. He potential sentence if the prosecution can prove it’s case beyond a reasonable doubt is not less than 10 years and not more than life. It’s a Class A felony. 18 United States Section 3142(g) sets out the factors to be considered by the Court. The Court looks at whether or not there are conditions of release that will reasonably

assure the appearance of defendant and the safety of any other person and the community. The defendant is 28 years of age, has no criminal convictions, is a U.S. Citizen, is married and resides with his wife Ana Nevarez at 69 S. 14<sup>th</sup> Street in Kansas City, Kansas 66102. His wife is employed with Neurological Consultants and has been with them since October of 2009. Defendant is currently unemployed. His parents Raymundo and Felcitas Nevarez live at 2000 Orville Avenue, Kansas City, Kansas 66101. They are citizens of this country and have been gainfully employed for decades. Defendant has no criminal history other than minor traffic tickets as far as counsel has been able to find out.

3. This is crime involving a controlled substance violation and therefore the Court has to look into the nature and circumstances of the offense charged. Counsel has nothing more at this point than the Indictment. The Indictment sets out that the alleged conduct was between July 1, 2009 and the date of the Indictment of May 26, 2010. The defendant was arrested on an arrest warrant without incident and taken into custody. The Court is also to consider the weight of the evidence against the defendant and at this point, counsel has no idea what the prosecution has as regards the weight of the evidence against the defendant.
4. 18 United States Code Section 3142(g)(3)(a) talks about the fact that the Court needs to consider the history characteristics of defendant. As stated, the defendant is a 28 year life long resident of the metropolitan area and is a citizen. He has tremendous family ties to the area. His family, including his

mother, father, wife and brother have been in to counsel with defendant's attorney and will do whatever is necessary including signing on any bond to assure the defendant's presence. The family has committed their financial resources to help the accused. He has no past criminal history nor does he have any history related to drug or alcohol abuse. There is no question that he understands the serious nature of the charge and will appear at every required court appearance.

5. The defendant was not at the time of the current offense on probation, parole or release pending trial.
6. There is no indication, at least in counsel's mind, that defendant would pose a danger to the safety of the community.
7. In summation, defendant will not be a flight risk, nor is he a danger to the community. He is asking the court to fashion a release order that would allow him to be at his home in Kansas City, Kansas pending trial. While there is a presumption that the defendant should be detained, he prays to the Court that he has appropriately rebutted that presumption.

Respectfully submitted,

/s/ Carl E. Cornwell  
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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of June, 2010, I electronically filed the foregoing Entry of Appearance with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Brent Venneman  
Assistant United States Attorney  
400 E. Ninth Street, Suite 5510  
Kansas City, MO 64106

/s/ Carl E. Cornwell  
Attorney for Defendant