

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 10-00320-15-CR-W-DGK
)
JOSEPH MICHAEL LOPEZ,)
)
 Defendant.)

**MOTION OF THE UNITED STATES FOR
REVOCATION OF BOND**

Comes now the United States of America, by the United States Attorney for the Western District of Missouri, and does hereby move the Court for an order revoking the previously granted release and bond of the defendant based on violations of bond conditions.

SUPPORTING SUGGESTIONS

On Wednesday, November 17, 2010, a Federal Grand Jury, sitting in Kansas City, Missouri, returned an indictment on 19 individuals (the defendant herein was number 15) for a variety of drug related charges including conspiracy to distribute marijuana. On Tuesday, November 23, 2010, the defendant appeared before the Court for an arraignment on the charges contained in the indictment returned in this case on November 17, 2010 and for a detention hearing based on the Government's motion.

During that detention hearing, the Government submitted evidence in very summary fashion, of what the Government believes is this defendant's role in the marijuana distribution conspiracy. Part of that evidence indicated that this defendant was actively involved in the physical distribution of pound quantities of marijuana. Following the hearing on the

government's motion for detention, which included argument of defense counsel for release and presentation of the pre-trial service officer's report on the defendant, the Court granted the defendant bond, based on certain conditions. One of those conditions, paragraph 9(h), was that the defendant not use marijuana.

On Thursday, January 6, 2011, the pre-trial service officer submitted a "violation report" to the Court (with copies to the Government and defense counsel). This report set out a series of marijuana use violations by the defendant.

This defendant is before the Court on a marijuana distribution indictment. AFTER his release on said charges, he has tested positive on multiple occasions for marijuana use, in direct violation of the terms and conditions of his release. The manner and means of said testing is not in question. Notice of the conditions violated is not in question. He has denied such use. Based on the evidence presented at the detention hearing, the allegations contained within the pre-trial service officer's report, and the fact that this is a marijuana case, the very drug the defendant is continuing to use while on release, the Government requests the Court to revoke the previously imposed bond of this defendant and remand him to custody.

Respectfully,

Beth Phillips
United States Attorney

By */s/ Bruce Rhoades*

Bruce Rhoades #88156 (AR)
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East 9th Street, Fifth Floor
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on January 7, 2011, to the Electronic Filing System (CM/ECF) of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

Dione C. Greene
2345 Grand Boulevard - Suite 200
Kansas City, Missouri 64108
Attorney for Defendant

/s/ Bruce Rhoades

Bruce Rhoades
Assistant United States Attorney