

United States District Court
DISTRICT OF KANSAS

UNITED STATES OF AMERICA

v.

ORDER OF DETENTION PENDING TRIAL

FREDERICO RAMSEY

Defendant

Case Number: 09-20046-04-CM-DJW

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

- (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
an offense for which the maximum sentence is life imprisonment or death.
an offense for which a maximum term of imprisonment of ten years or more is prescribed in
a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f) (1)(A)-(C), or comparable state or local offenses.
(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
(3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
(4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- (1) There is probable cause to believe that the defendant has committed an offense
for which a maximum term of imprisonment of ten years or more is prescribed in
under 18 U.S.C. § 924(c).
(2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- (1) There is a serious risk that the defendant will not appear.
(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by (clear and convincing evidence) (a preponderance of the evidence) that

(See attached pages)

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: May 5, 2009

s/ David J. Waxse

Signature of Judicial Officer

DAVID J. WAXSE, U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

\*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

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## **Part II - Written Statement of Reasons for Detention**

There is a statute with a set of factors I have to look at to determine whether or not there are conditions of release that would assure your appearance and protect the community.

The first factor is the nature and circumstances of the offense charged, including whether it is a crime of violence or involves controlled substances or firearms. Obviously this does, so that is a negative.

The next factor is the weight of the evidence. The Grand Jury has made a determination of probable cause, so that is a negative factor.

The next factor is your character, including your physical and mental condition. That is somewhat mixed as to whether or not you would comply with conditions.

Family ties are positive.

Employment is negative because you do not have any employment. You have had the ability to obtain employment, but apparently have not been able to keep it.

The next factor is financial resources. There is no indication you have substantial resources that would enable you to flee, so that is a positive.

Length of residence in the community is positive.

Community ties are positive.

Past conduct, which includes history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, is a problem. You not only have been charged with numerous offenses, but on several occasions you have been charged and then ignored the charge and not appeared in court, which has resulted in several bench warrants for failure to appear.

The next factor is whether at the time of the current offense or arrest you were on probation, parole, or other release, and it appears that you were.

The final factor is the nature and seriousness of the danger that would be posed to any person in the community if you are released. Dealing heroin is obviously a danger to the community as indicated by the charge that somebody is alleged to have already died as a result of these dealings.

Considering all those factors together, I think there are probably conditions I could set but I do not have any confidence that you would comply with them. When you were released on probation prior to this offense, one of the conditions was that you not further violate the law. Alleged in this Indictment is that you ignored that condition and violated the law. Based on that I am going to order you detained pending further hearing.