

United States District Court
Eastern District of Michigan

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

Carlos Peak

Case Number: 08-30176

Defendant

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) I find that:
- 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 21 U.S.C. § 841 or 846;
- under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding 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

I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

I find that the government has established by clear and convincing evidence that 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 established the following factors under 18 U.S.C. § 3142(g):
- (a) nature of the offense - Defendant is charged in the Southern District of Ohio with credit fraud and identity theft. He is also wanted for forgery (outstanding warrant) in this state. The evidence appears strong, and includes defendant's admissions.
- (b) weight of the evidence - He is exploring the prospect of a Rule 20 Transfer of the Ohio charges.
- (c) history and characteristics of the defendant - History of alias identities and warrant for bad checks.
 - 1) physical and mental condition - Long history of drug abuse continuing to present.
 - 2) employment, financial, family ties - Poor educational and employment history. Has family ties to Eastern District of Michigan but no job or financial assets.
 - 3) criminal history and record of appearance - Three outstanding Failure to Appear warrants in state court misdemeanor cases. One felony warrant. Long criminal record includes four felony convictions (1 drug and 3 firearm crimes).
- (d) probation, parole or bond at time of the alleged offense -
- (e) danger to another person or community -

Pretrial Services recommends detention. I fully concur. This defendant's history suggests that he is immature, irresponsible, untrustworthy and dangerous (multiple firearms convictions). He has failed to appear in court three times on less serious offenses, and is wanted in both Ohio and Michigan for felony level crimes. I have no confidence that he would conform his conduct to any reasonable limitation or condition of bond. I view him as a substantial flight risk. The Ohio court requests detention.

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.

Date: April 11, 2008

s/Donald A. Scheer
Signature of Judge
Donald A. Scheer, United States Magistrate Judge
Name and Title of Judge