



## USA v. Gonzalez-Ortuno

2018 | Cited 0 times | C.D. California | February 6, 2018

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I N THE UNITED STATES DISTRICT COURT F OR THE CENTRAL DISTRICT OF CALIFORNIA

U NITED STATES OF AMERICA,

P laintiff,

Case No. 18-MJ-00273-DUTY

O RDER OF DETENTION v . R OSALVA GONZALEZ- ORTLTNO,

Defendant.

I. T he Court conducted a detention hearing: q On motion of the Government [ 18 U. S.C. § 31420(1)]  
in a case: a lledgedly involving:

( ) a crime of violence. ( ) an offense with a maximum sentence of life imprisonment or d eath. /// / 1 2  
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() a narcotics or controlled substance offense with the maximum s entence often or more years. ( )any  
felony —where defendant convicted of two or more prior o ffenses described above. ( )any felony that  
is not otherwise a crime of violence that involves a m inor victim, or possession of a firearm or  
destructive device or any o ther dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

qX On motion by the Government or on the Court's own motion [ 18 U.S.C. § 31420(2)] in a case  
allegedly involving, on further allegation by the G overnment of:

( X) a serious risk that defendant will fl ee ( ) a serious risk that the defendant will ( )obstruct or  
attempt to o bstruct justice; ( )threaten, injure or intimidate a prospective witness o r juror, or  
attempt to do so.



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qX

The Court concludes that the Government is entitled to a rebuttable p resumption that no condition or combination of conditions will reasonably assure t he defendant's appearance as required and the safety of any person or the c ommunity [18 U.S.C. § 3142(e)(2)].

II. D The Court finds that no condition or combination of conditions will r easonably assure: D the appearance of the defendant as required.

q the safety of any person or the community. q The Court finds that the defendant has not rebutted by sufficient evidence t o the contrary the presumption provided by statute. 1 2 3 4 5 6 7 8 9 1 0 1 1 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 ~ 2 6 ~ 2 7 2 8

III. T he Court has considered: (a) the nature and circumstances of the offenses) c harged, including whether the offense is a crime of violence, a Federal crime of t errorism, or involves a minor victim or a controlled substance, firearm, explosive, o r destructive device; (b) the weight of evidence against the defendant; (c) the h istory and characteristics of the defendant; and (d) the nature and seriousness of t he danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also c onsidered all the evidence adduced at the hearing and the arguments, the a rguments of counsel, and the report and recommendation of the U.S. Pretrial S ervices Agency.

IV. T he Court bases its conclusions on the following: qX

As to risk ofnon-appearance: significant foreign ties; no legal i mmigration status; no viable bail resources

q As to danger to the community:

V. q The Court finds a serious risk that the defendant will

q obstruct or attempt to obstruct justice. q threaten, injure or intimidate a prospective witness or juror, or

a ttempt to do so. T he Court bases its conclusions on the following:

V I. I T IS THEREFORE ORDERED that the defendant be detained until trial. T he defendant will be committed to the custody of the Attorney General for c onfinement in a corrections facility separate, to the extent practicable, from p ersons awaiting or serving sentences or being held in custody pending appeal. T he defendant will be afforded reasonable opportunity for private consultation

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with counsel. On order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined will deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding. [ 18 U.S.C. § 3142(1)]

Dated: 2/6/2018 ~ 1

HON. ROZELLA A. OLIVER UNITED STATES MAGISTRATE JUDGE

