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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.)
15 RYAN CLEARY,)
16 Defendant.)
17 _____)

No. CR

CR12-0561

GOVERNMENT'S NOTICE OF REQUEST
FOR DETENTION

18
19 Plaintiff, United States of America, by and through its
20 counsel of record, hereby requests detention of defendant and gives
21 notice of the following material factors:

22 _____ 1. Temporary 10-day Detention Requested (§ 3142(d))
23 on the following grounds:

24 _____ a. present offense committed while defendant was on
25 release pending (felony trial), (sentencing),
26 (appeal), or on (probation) (parole); or

27 _____ b. defendant is an alien not lawfully admitted for
28 permanent residence; and

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- c. defendant may flee; or
- d. pose a danger to another or the community.
- 2. Pretrial Detention Requested (§ 3142(e)) because no condition or combination of conditions will reasonably assure:
 - a. the appearance of the defendant as required;
 - b. safety of any other person and the community.
- 3. Detention Requested Pending Supervised Release/Probation Revocation Hearing (Rules 32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):
 - a. defendant cannot establish by clear and convincing evidence that he/she will not pose a danger to any other person or to the community;
 - b. defendant cannot establish by clear and convincing evidence that he/she will not flee.
- 4. Presumptions Applicable to Pretrial Detention (18 U.S.C. § 3142(e)):
 - a. Title 21 or Maritime Drug Law Enforcement Act ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense with 10-year or greater maximum penalty (presumption of danger to community and flight risk);
 - b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b, or 2332b(g)(5)(B) with 10-year or greater maximum penalty (presumption of danger to community and flight risk);

1 ___ c. offense involving a minor victim under 18 U.S.C.
2 §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245,
3 2251, 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-
4 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425
5 (presumption of danger to community and flight
6 risk);

7 ___ d. defendant currently charged with an offense
8 described in paragraph 5a - 5e below, AND
9 defendant was previously convicted of an offense
10 described in paragraph 5a - 5e below (whether
11 Federal or State/local), AND that previous
12 offense was committed while defendant was on
13 release pending trial, AND the current offense
14 was committed within five years of conviction or
15 release from prison on the above-described
16 previous conviction (presumption of danger to
17 community).

18 X 5. Government Is Entitled to Detention Hearing
19 Under § 3142(f) If the Case Involves:

20 ___ a. a crime of violence (as defined in 18 U.S.C.
21 § 3156(a)(4)) or Federal crime of terrorism (as
22 defined in 18 U.S.C. § 2332b(g)(5)(B)) for which
23 maximum sentence is 10 years' imprisonment or
24 more;

25 ___ b. an offense for which maximum sentence is life
26 imprisonment or death;

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- c. Title 21 or MDLEA offense for which maximum sentence is 10 years' imprisonment or more;
- d. any felony if defendant has two or more convictions for a crime set forth in a-c above or for an offense under state or local law that would qualify under a, b, or c if federal jurisdiction were present, or a combination or such offenses;
- e. any felony not otherwise a crime of violence that involves a minor victim or the possession or use of a firearm or destructive device (as defined in 18 U.S.C. § 921), or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250;
- f. serious risk defendant will flee;
- g. serious risk defendant will (obstruct or attempt to obstruct justice) or (threaten, injure, or intimidate prospective witness or juror, or attempt to do so).

6. Government requests continuance of _____ days for detention hearing under § 3142(f) and based upon the following reason(s):

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7. Good cause for continuance in excess of three days exists in that:

DATED: June 12, 2012

Respectfully submitted,

ANDRÉ BIROTTE JR.
United States Attorney

ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division



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