

**U.S. District Court
Northern District of Texas (Dallas)
CRIMINAL DOCKET FOR CASE #: 3:24-mj-00190-RB-3**

Case title: USA v. Sanders et al

Date Filed: 02/22/2024

Other court case number: 24-00029-01/11-CR-W-BP
Western District of Missouri

Assigned to: Magistrate Judge
Clinton E. Averitte

Defendant (3)

Denise Sanders

represented by **William Hermesmeyer**
2600 E. Southlake Blvd.
Suite 120-181
Southlake, TX 76092
(469) 251-0592
Email: hermesmeyer.william@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment
Bar Status: Admitted/In Good Standing

Pending Counts

None

Disposition

**Highest Offense Level
(Opening)**

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

Out of District Arrest- Western
District of Missouri. Charging
defendant with violation of
terms of Supervised Release

Plaintiff**USA**

Date Filed	#	Docket Text
02/23/2024	<u>2</u>	ELECTRONIC Minute Entry for proceedings held before Magistrate Judge Clinton E. Averitte: Initial Appearance as to Denise Sanders held on 2/23/2024. The judge issued the oral order required by Fed. R. Crim. P. 5(f)(1). Written order to follow. Date of Arrest: 2/23/2024. Attorney Appearances: AUSA – Doug Brasher; Defense – William Hermesmeyer. (No exhibits) Time in Court – :14. (Court Reporter: Jeff Foster) (USPO Barnes.) (mcrd) (Entered: 02/25/2024)
02/23/2024	<u>3</u>	ELECTRONIC ORDER As to Denise Sanders: by this order -- issued to the prosecution and defense counsel -- the court confirms the disclosure obligation of the prosecutor under <i>Brady v. Maryland</i>, 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law. This written order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure, and is in addition to the oral order entered by the court on the first scheduled court date when both the prosecutor and defense counsel were present. (Ordered by Magistrate Judge Clinton E. Averitte on 2/23/2024) (mcrd) (Entered: 02/25/2024)
02/23/2024	<u>17</u>	CJA 20 Order appointing attorney. Attorney William Hermesmeyer for Denise Sanders appointed. This appointment continues through any appeal unless counsel is relieved by court order for good cause shown – See Miscellaneous Order 3 Criminal Justice Act Plan. Within one week, the court will contact you via email and provide a link to the eVoucher System. Any work done on an appeal must be billed per circuit instructions. For questions, consult the CJA Attorney Information page or use the directory to contact the courtroom deputy of the appointing judge. Copies of public documents filed prior to this appointment may be obtained via PACER. (Ordered by Magistrate Judge Clinton E. Averitte on 2/23/2024) (mcrd) (Entered: 02/26/2024)
02/23/2024	<u>18</u>	WAIVER of Rule 5 Hearings by Denise Sanders. (mcrd) (Entered: 02/26/2024)
02/23/2024	<u>19</u>	ORDER Setting Conditions of Release as to Denise Sanders (3) PR Bond. (Ordered by Magistrate Judge Clinton E. Averitte on 2/23/2024) (mcrd) (Entered: 02/26/2024)
02/23/2024	<u>20</u>	(Document restricted to court users only) Receipt for Surrender of Passport as to Denise Sanders. (mcrd) (Entered: 02/26/2024)
02/26/2024	<u>16</u>	(Document Restricted) CJA 23 Financial Affidavit by Denise Sanders. (mcrd) (Entered: 02/26/2024)
04/25/2024	<u>24</u>	Report of Proceedings under Rule 5(c)(3) and 5.1 as to Denise Sanders. Defendant is released from custody on bond pending further proceedings. Paperwork sent to Western District of Texas. (Ordered by Magistrate Judge Renee Harris Toliver on 4/25/2024) (mcrd) (Entered: 04/25/2024)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

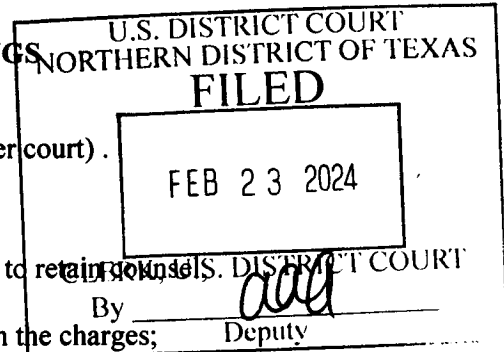
§ Case No. 3:24-mj-00190-RB *SEALED*

v.

DENISE SANDERS (3)

§ Charging District's Case No.

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**



I understand that I have been charged in another district, the (name of other court) .

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: February 23, 2024

Denise Sanders

Defendant's Signature

William Hernandez

Signature of defendant's attorney

William Hernandez

Printed name of defendant's attorney

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

~~DAISHA~~ SANDERS (1)

§
§
§
§
§

Case No. 3:24-mj-00190-RB *SEALED*

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: 1100 Commerce St., Dallas, TX 75242 as directed.

Place/Date/Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

*or appear in the
Western District of Missouri
as instructed by pretrial
services.*

*Appear Thursday, February
29, 2024
at 11:00 AM*

*before U.S. Magistrate
Judge Coates,
Kansas City,
Missouri.*

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

☐ (6) The defendant is placed in the custody of:

Person or organization

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed:

Custodian

Date

☐ (7) The defendant must:☒ (a) submit to supervision by and report for supervision to the Supervising Officer
telephone number 214/753-2500, no later than _____☒ (b) continue or actively seek employment.☐ (c) continue or start an education program.☒ (d) surrender any passport to:☒ (e) not obtain a passport or other international travel document.☒ (f) abide by the following restrictions on personal association, residence, or travel:☐ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or PROSECUTION, including: known & potential DISTRICT OF TEXAS AND DIRECTLY TO AND FROM☐ (h) get medical or psychiatric treatment: DISTRICT OF MISSOURI☐ (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: FOR COURT OR CONSULTATION WITH YOUR COUNSEL☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.☒ (k) not possess a firearm, destructive device, or other weapon.☒ (l) not use alcohol ☐ at all ☒ excessively.☒ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed to defendant by a licensed medical practitioner.☐ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.☐ (p) participate in one of the following location restriction programs and comply with its requirements as directed☐ (i) **Curfew.** You are restricted to your residence every day ☐ from _____ to _____, or ☐ as directed by the pretrial services office or supervising officer; or☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.☐ (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.☐ (r) you must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services or supervising officer.☒ (s) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.☐ (t)

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

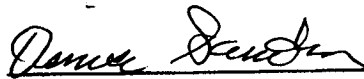
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

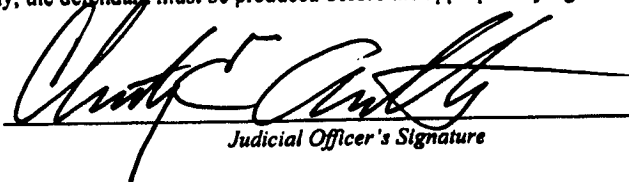


Defendant's Signature

 Address, City, and State
Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: February 23, 2024



Judicial Officer's Signature

CLINTON E. AVERITTE, U.S. MAGISTRATE

 Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

United States District Court
Northern District of Texas
Office of the Clerk
Dallas Division

USA

vs

Case Number: 3:24-MJ-190-RB

Sanders, Denise Renee

Receipt of Passport

The deputy clerk below acknowledges receipt of the following Passport.

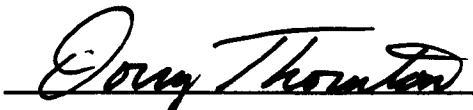
Identification Number: 665797640 USA

Tendered by: Denise Renee Sanders

For the Benefit of: Denise Renee Sanders

Description: Passport

Karen Mitchell
Clerk of Court

A handwritten signature in black ink, appearing to read "Doug Thornton", is written over a horizontal line.

Doug Thornton, Deputy Clerk

Date: 02/23/2024

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA	§	Case No. 3:24-mj-00190-RB
	§	Other Dist. Docket No. 24-00029-01/11-
	§	CR-W-BP
v.	§	
	§	Western District of Missouri
DENISE SANDERS (3)	§	Western Division

**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with the offense of **WIRE FRAUD**. Having been arrested in this district on a warrant issued on that/those charge(s), she appeared before Magistrate Judge Clinton E. Averitte for proceedings as follows:

Rule 5(c)(3) Transfer

- ☒ Defendant waived the requirement that a copy of the warrant be produced.
 - ☐ The government has produced a copy of the warrant, and
 - ☒ The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:
 - ☒ The defendant waived identity hearing.
 - ☐ An identity hearing was conducted, and the defendant's identity was established.
 - ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.
-

Rule 5.1: Preliminary Hearing

- ☒ No preliminary hearing is necessary because the defendant is charged by indictment.
 - ☐ The defendant waived a preliminary hearing.
 - ☐ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
 - ☐ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ There is probable cause to believe that the defendant committed the offense(s) charged.
 - ☐ There is **NOT** probable cause to believe that the defendant committed the offense(s) charged.
-

Rule 5(d)(3) Detention Hearing

- ☒ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing.
- ☐ The defendant elected to have a detention hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
 - ☐ The defendant should be detained.
 - ☐ The defendant should be released on bond.

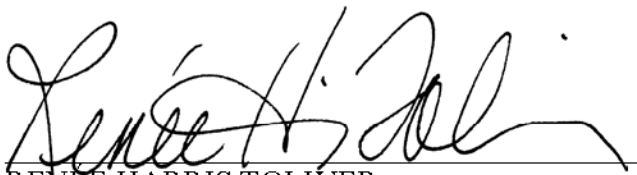
ORDER ENTERED ON THE FOREGOING REPORT

TO: UNITED STATES MARSHAL

- ☐ You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- ☒ It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- ☐ It is ORDERED that this defendant be discharged.

AS ANNOUNCED IN OPEN COURT ON 2/23/2024 BY MAGISTRATE JUDGE CLINTON AVERITTE.

SIGNED April 25, 2024.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE