FILED
CLERK, U.S. DISTRICT COURT
03/25/2022
CENTRAL DISTRICT OF CALIFORNIA
BY: KC DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

George Hernandez,

Defendant.

Case No.: 5:22-CR-00082-SB

ORDER OF PRETRIAL DETENTION
(18 U.S.C. §§ 3142(e), (i))

I.

A. (X) On motion of the Government in a case that involves:

1. ( ) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of ten years or more is prescribed.

2. (X) an offense for which the maximum sentence is life imprisonment or death.

3. (X) an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act, or the Maritime Drug Law Enforcement Act.

4. ( ) any felony if defendant has been convicted of two or more offenses described above, two or more state or local offenses that would have been offenses described above if a circumstance giving rise to federal jurisdiction had existed, or a combination of such offenses..

5. ( ) any felony that is not otherwise a crime of violence that involves a minor victim, or that involves possession or use of a firearm or destructive device or any other dangerous weapon, or that involves a failure to register under 18 U.S.C § 2250.

B. On motion (X) by the Government / ( ) of the Court *sua sponte* in a case that involves:

1. (X) a serious risk defendant will flee.

2. ( ) a serious risk defendant will:

a. ( ) obstruct or attempt to obstruct justice.

b. ( ) threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

C. The Government (X) is / ( ) is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure defendant's appearance as required and the safety or any person or the community.

II.

The Court finds that no condition or combination of conditions will reasonably assure:

A. (X) the appearance of defendant as required.

B. (X) the safety of any person or the community.

III.

The Court has considered:

A. the nature and circumstances of the offense(s) charged;

B. the weight of the evidence against defendant;

C. the history and characteristics of defendant; and

D. the nature and seriousness of the danger to any person or the community that would be posed by defendant's release.

IV.

The Court has considered all the evidence proffered and presented at the hearing, the arguments and/or statements of counsel, and the Pretrial Services Report and recommendation.

V.

The Court concludes:

A. (X) Defendant poses a serious flight risk based on:

(X) information in Pretrial Services Report and Recommendation

(X) other: indictment

B. (X) Defendant poses a risk to the safety of other persons and the community based on:

(X) information in Pretrial Services Report and Recommendation

(X) other: indictment

C. ( ) A serious risk exists that defendant will:

1. ( ) obstruct or attempt to obstruct justice,

2. ( ) threaten, injure, or intimidate a witness/juror, or attempt to do so,

based on: _____

_____

_____

_____

D. (X) Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142(e) that no condition or combination of conditions will reasonably assure the appearance of defendant as required.

E. (X) Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142(e) that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

VI.

A. IT IS THEREFORE ORDERED that defendant be detained prior to trial.

B. IT IS FURTHER ORDERED that defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

C. IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private consultation with counsel.

D. IT IS FURTHER ORDERED that, 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 in which defendant is confined deliver defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 25, 2022

SHERI PYM
United States Magistrate Judge