

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS, SPRINGFIELD DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MICHAEL WILLIAMS,)
)
Defendant.)

Case No. 18-MJ-03008

ORDER OF DETENTION

In accordance with the Bail Reform Act, 18 U.S.C. § 3148(b), a detention hearing was held in this case on January 29, 2018. The Court has determined that the defendant, Michael Williams, must be held without bond pending further proceedings.

The Court has considered all of the factors listed in 18 U.S.C. § 3142(g) and all of the evidence and information presented by the parties and in the Pretrial Services Report relating to those factors. After weighing those factors and the available evidence, the Court concludes the United States' motion for detention should be allowed.

The Court finds the following information has been established by clear and convincing evidence and that the defendant poses a danger to the community if released.

Charges and Penalties

On January 25, 2018, the defendant was charged in a criminal complaint charging that on January 24, 2018, the defendant knowingly and intentionally distributed 50 grams or more

of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A). The penalties for violating the above statute, in instances where a defendant does not have a prior drug conviction is not less than 10 years and not more than life imprisonment, not more than a \$10,000,000 fine, and not less than 5 years supervised release, and a \$100 mandatory special assessment. Where a defendant has a prior drug conviction, the statutory penalties are increased to not less than 20 years and not more than life imprisonment, not more than a \$20,000,000 fine, and not less than 10 years of supervised release, and a \$100 mandatory special assessment.

Findings of Fact and Reasons Detention Required

Based upon the credible evidence and information received during the defendant's detention hearing, the Court finds:

1. Section 3142(g) sets forth factors that the court is to consider in determining whether there are any conditions of release that will reasonably assure the appearance of the defendant as required or the safety of any other person and the community. Those factors are: (1) the nature and circumstances of the offense charged, including whether the offense involves a controlled substance or firearms; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the defendant, including physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and (4) the nature and

seriousness of the danger to any person or the community that would be posed by the defendant's release. The factors set forth in Section 3142(g) favor detention of the defendant.

2. The nature and circumstances of the offense charged are very serious. This case involves controlled substances and firearms. In total, over 300 grams of methamphetamine were either purchased from the defendant or recovered from the defendant's house when law enforcement executed a search warrant. In addition to the methamphetamine recovered from the defendant's house, six firearms were recovered, including multiple firearms located with or near the defendant at the time of his arrest. The defendant possessed a handgun and meth in his bed as well as an assault rifle near the bed. Inside the home were large quantities of methamphetamine and the defendant sold methamphetamine from that home. This weighs in favor of detention.

3. The weight of the evidence against the defendant is also strong. Between January 8, 2018 and January 24, 2018, the defendant participated in multiple sales of methamphetamine to confidential sources. Over that same time period, the defendant made \$5,000 through drug sales and was otherwise unemployed. Moreover, the defendant made admissions in a recorded jail phone call discussing his possession of a firearm and about law enforcement's recovery of items including his safe. Inside the safe, drugs and money were found. These factors weigh in favor of detention.

4. The defendant's history and characteristics also support a finding of detention. The defendant has not been able to successfully follow terms of release. In 2002, his

supervision on a state case was revoked and defendant was sentenced to jail. In 2016, a petition was filed to revoke his conditional discharge. In the past, the defendant has participated in residential drug treatment on five occasions and yet continued to use methamphetamine on a daily basis for years including on the day of his arrest. The defendant's failure to comply with past terms of release weigh in favor of detention.

5. Pursuant to 18 U.S.C. § 3142(e), certain drug offenses support a presumption that no condition or combination of conditions will reasonably assure the defendant's appearance in court or the safety of the community. Certain groups of offenders, such as drug defendants, "are likely to continue to engage in criminal conduct undeterred either by the pendency of charges against them." *United States v. Dominguez*, 783 F.2d 702, 707 (7th Cir. 1986). Here, the presumption exists and is supported by the evidence at the defendant's detention hearing.

6. The United States recommends the detention of the defendant.

7. Based upon the clear and convincing evidence presented at the detention hearing, I find that the defendant is unlikely to abide by any condition or combination of conditions of release.

IT IS THEREFORE ORDERED that 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 United States, 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.

ENTER: January 31st, 2018.

___s/ Tom Schanzle-Haskins___
TOM SCHANZLE-HASKINS
UNITED STATES DISTRICT JUDGE