

ATTACHMENT A

A detention hearing was held on October 1, 2010, at which the proffer of the Assistant United States Attorney [“AUSA”] was as follows: Defendant has been charged in Count 1 of a multi-count indictment with conspiracy to distribute and possess with intent to distribute 280 or more grams of cocaine base. According to the AUSA, if convicted, defendant faces a mandatory minimum term of imprisonment of ten years with a maximum of life, a \$4,000,000 fine, and supervised release of between five years to life. Thus, defendant is charged with a “serious offense.”

The AUSA proffered that defendant Pitts is a member of “The Av,” a street gang in the North End of Hartford, which has engaged in “numerous crimes” of violence in protecting its turf. Defendant Pitts is a “close associate” of co-defendant Rome Adams, whose four cell phones were intercepted pursuant to court-authorized wiretaps. From May 10 through June 10, 2010, defendants Pitts and Adams engaged in multiple conversations regarding drug transactions of crack cocaine; although both men have separate suppliers and customers, they often assist one another in their drug trafficking. Both men expressed concern that their phones were being tapped, and defendant Pitts used defendant Adams’ cell phone often. Defendant Pitts once commented that the neighborhood in which he dealt drugs had become “hot” due to the large volume of his transactions.

During a conversation on May 24, 2010, defendant Pitts informed defendant Adams that Adams’ source in the South End of Hartford had been shot five times, three bullets to the chest and one to the head. Defendant Adams inquired if somebody had tried to “yack” the supplier, after which defendant Pitts sold defendant Adams two firearms. Defendant Pitts and this supplier had been trying to procure the same location for storing drugs; the supplier was shot there. Defendant Adams reassured defendant Pitts that they would find a new supplier.

The AUSA commented that the Pretrial Services Report prepared by the United States Probation Office ["USPO"] confirms that defendant has a "significant" criminal history. In April 2002, defendant was convicted of possession of narcotics, receiving a sentence of three years' probation. Five months later, in September 2002, he was convicted of assault in the third degree and sentenced to twelve months; the same day, his probation was revoked, and he was sentenced to fifteen months in prison, concurrent with the assault charge. In January 2006, he was convicted of sale of controlled substance, receiving three years' probation. A probation violation warrant was issued, with a court hearing scheduled for October 21, 2010.

In June 2007, defendant was convicted of interfering with a police officer/resisting arrest. In June 2009, he was convicted of threatening in the second degree, and again sentenced to two years' probation. In September 2009, he was arrested for assault in the first degree and criminal possession of a gun, regarding an individual who was shot seven times, including once in the chest. In March 2010, defendant's brother pled guilty to these charges, and the charges were nolle against defendant Pitts, because the cooperating witness was too frightened to testify, after receiving a threatening telephone call.

Defendant already has been arrested five times this past summer and fall. On July 12, 2010, he was arrested for home invasion, burglary in the first degree, assault in the third degree, and risk of injury to a child; he was released on a \$50,000 bond and is scheduled to appear in state court on these charges on October 21, 2010. According to the AUSA, these charges stem from an incident on June 30, 2010, in which he kicked down the door of estranged girlfriend's apartment, slapped her (lacerating her lip), grabbed their mutual son, and told her that she would never see the child again. On July 24, 2010, defendant was arrested for operating a motor vehicle without a license, and is scheduled to appear in state court on October 14, 2010.

On September 12, defendant was arrested for criminal violation of a restraining order, attempt to commit assault in the first degree, burglary in the first degree, and breach of peace in the second degree. According to the AUSA, these charges stem from an incident on July 25, 2010 (less than a month from the previous domestic relations incident), in which defendant attempted to break into the apartment of another former girlfriend who had obtained a Protective Order against him, and stabbed her in the stomach. Defendant was released on a \$100,000 bond and is scheduled to appear in state court on October 21, 2010.

On September 12, he was also arrested for operating a motor vehicle without a license, was released on a \$15,000 bond, and is scheduled to return to court on October 21, 2010. Lastly, on that same day, he was arrested for criminal mischief in the second degree, for an incident occurring on August 30, 2010, and is scheduled to appear in state court on October 21, 2010. As the AUSA observed, with five pending matters in the Superior Court within the last three months, defendant is “undeterred” by restrictions placed upon him by state court judges.

Defense counsel emphasized that defendant self-surrendered on these federal charges. He further proffered that while defendant has a “number of entries” on his criminal record, he has none for failure to appear, and this type of prosecution does not lend itself to a risk of intimidation or witness tampering. As to the charges that were nolle in March 2010, defense counsel added that the cooperating witness could not identify defendant as a “unknown male” who had intimated her during the telephone call. Defense counsel suggested that defendant be released on a bond, cosigned by his grandparents, who will pledge the equity in their home as collateral for the bond, as well as house arrest, having his grandparents as third party custodians, and electronic monitoring. (See also Dkt. #175).

The USPO recommended that defendant be detained both on the basis of risk of flight and danger to the community, in light of the criminal history that he has “amassed”

since age seventeen. He also commented that defendant's grandparents would not be suitable third party custodians, since defendant has resided with them almost all of his life, including when he engaged in previous criminal activity.