

ATTACHMENT A

A detention hearing was held on April 25, 2013, at which the proffer of the Assistant United States Attorney ["AUSA"] was as follows: Defendant was first arrested on April 3, 2013, pursuant to a criminal complaint, 13 MJ 136 (WIG), and then was indicted one week later, on April 10, 2013, in a one-count indictment, charging him with conspiracy to possess with intent to distribute, and to distribute, heroin, in violation of 21 U.S.C. § 846. According to the AUSA, if convicted, defendant faces up to twenty years in prison, and due to his prior convictions, faces a similar sentence under the Sentencing Guidelines. The AUSA also proffered that at the time of his arrest on April 3, 2013, a shotgun and a 22 caliber pistol were found on the third floor of his apartment building, and more than one hundred rounds of ammunition were found in his apartment. These weapons cause the Government to have "grave concern" about defendant. As a result, the Government is considering a Superseding Indictment, charging him as a felon in possession, and due to defendant being classified as an armed career offender, he could face a mandatory minimum term of fifteen years of prison on that charge.

The AUSA made reference to the comprehensive Pretrial Service Report prepared by the United States Probation Officer ["USPO"], which indicates that from 1982, when he was twenty-one years old, until 2011, when the defendant was fifty-one years old, he has been convicted a staggering twenty-four times. The AUSA observed that defendant has a "very significant and lengthy rap sheet" that "spans decades," and which includes multiple acts of violence, including assault and unlawful discharge of a firearm in February 1982, first degree robbery (two charges) also in February 1982, carrying a weapon without a permit and theft of a firearm also in February 1982, threatening in January and July 1988, assault and unlawful restraint in 1989, sexual assault in 1998, violation of a restraining order, assault and three counts of probation violation in September 2006, threatening in December 2006, failure

to register as a sex offender in 2009, and violation of probation in 2011.

Defense counsel proffered that the "majority" of defendant's convictions occurred prior to 2000, and that those within the past thirteen years are "not of terrible severity." He also emphasized that defendant had no failures to appear and he always came to court. He also added that the weapons were found in a third floor attic space, which is "unused," that the family generally uses storage in the basement, and that he was arrested on April 3, 2013 "without incident." Defense counsel suggested that defendant be released on a \$100,000 non-surety bond (with additional co-signers, if required), that he reside with his mother (because his wife has one prior felony conviction), and that he be subject to home detention and electronic monitoring. Defendant's wife, mother, and one additional relative was present in the courtroom.

The Government seeks detention both on the risk of flight and danger to the community. The USPO recommended that defendant be detained in light of his criminal history, which includes four charges of probation violation, thus reflecting an inability to follow court orders.