

AO 94 (Rev. 06/09) Commitment to Another District

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States District Court
Southern District of Texas
FILED

JUL 31 2018

David J. Bradley, Clerk of Court

United States of America

v.

Case No. 1:18-mj-01131-STV

MICHAEL LEE PRICE

Defendant

Charging District's

4:18-cr-00401

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Southern District of Texas,

Houston Division. The defendant may need an interpreter for this language:

The defendant: ☐ will retain an attorney.

☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date:

July 30, 2018


Judge's signature

U.S. Magistrate Judge Kristen L. Mix

Printed name and title

KRISTEN L. MIX
U.S. MAGISTRATE JUDGE
DISTRICT OF COLORADO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 18-mj-01131-KLM

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL LEE PRICE,

Defendant.

ORDER OF DETENTION

THIS MATTER came before the Court for a detention hearing on July 30, 2018. Present were the following: Robert Brown, Assistant United States Attorney; Kathleen Shen, Assistant Federal Public Defender, counsel for the defendant; and the defendant. The Court reviewed the Pretrial Services Report and considered the comments of counsel.

The Court has concluded that no condition or combination of conditions of release will reasonably assure the appearance of the defendant and the safety of the community, based upon the attached findings.

IT IS HEREBY 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; and

IT IS FURTHER ORDERED that the defendant is to be afforded a reasonable opportunity to consult confidentially with defense counsel; and

IT IS FURTHER ORDERED that upon order of this Court or on request of an attorney for the United States of America, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purposes of an appearance in connection with this proceeding.

DATED and ENTERED this 30th day of July, 2018.

BY THE COURT:

s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Case No. 18-mj-01131-KLM

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL LEE PRICE,

Defendant.

FINDINGS OF FACT, CONCLUSION OF LAW and REASONS FOR
ORDER OF DETENTION

THIS MATTER came before the Court for a detention hearing on July 30, 2018. The Court has taken judicial notice of the Pretrial Services Report and considered the comments of counsel.

In order to sustain a motion for detention, the government must establish that (a) there is no condition or combination of conditions which could be imposed in connection with pretrial release that would reasonably insure the defendant's presence for court proceedings; or (b) there is no condition or combination of conditions which could be imposed in connection with pretrial release that would reasonably insure the safety of any other person or the community. The former element must be established by a preponderance of the evidence, while the latter requires proof by clear and convincing evidence.

The Bail Reform Act, 18 U.S.C. § 3142(g), directs the Court to consider the following factors in determining whether there are conditions of release that reasonably assure the appearance of the defendant as required and the safety of any other person and the community:

- (1) [t]he nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug;
- (2) the weight of the evidence against the person;
- (3) the history and characteristics of the person, including –
 - (A) the person's character, 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
 - (B) whether at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State or local law; and

- (4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

In making my findings of fact, I have taken judicial notice of the information set forth in the entire court file and have considered the comments of counsel. Weighing the statutory factors set forth in the Bail Reform Act, I find the following:

First, the defendant has been charged with violating 18 U.S.C. § 922(o) and 924(a)(2), illegal possession of a machine gun and possession of an unregistered machine gun.

Second, the US Probation Office has confirmed that there is no pretrial halfway house placement available in the charging district, the Southern District of Texas.

Third, according to the Pretrial Services Report, the defendant has had a steady string of traffic violations since he turned 18 years old, he has a conviction for third degree sexual assault which was affirmed on appeal, he was initially charged with failure to report as a sex offender at least three times, he has two failures to appear and an outstanding state arrest warrant, he has been receiving short-term disability income and is in serious debt, he has no confirmed address in the charging district or where he has asserted that he can obtain employment, and his only relationship with someone in the charging district is with his girlfriend of approximately 45 days.

After considering all of the factors set forth in the Bail Reform Act and the offense charged in this case, I find, by a preponderance of the evidence, that no condition or combination of conditions of release will reasonably assure the appearance of the defendant. In support of that finding, I note the factors listed above, as well as the lengthy sentence that could be imposed if the defendant is found guilty of the charged offense.

DATED and ENTERED this 30th day of July, 2018.

BY THE COURT:

s/ Kristen L. Mix
U.S. Magistrate Judge
Kristen L. Mix

TERMED

**U.S. District Court - District of Colorado
District of Colorado (Denver)
CRIMINAL DOCKET FOR CASE #: 1:18-mj-01131-KLM-1**

Case title: USA v. Price
Other court case number: 4:18-cr-401 Souther District of
Texas in Houston

Date Filed: 07/18/2018
Date Terminated: 07/30/2018

Assigned to: Magistrate Judge Kristen
L. Mix

Defendant (1)

Michael Lee Price
TERMINATED: 07/30/2018

represented by **Kathleen Shen**
Federal Public Defender's Office-
Denver
633 17th Street
Suite 1000
Denver, CO 80202
303-294-7002
Fax: 303-294-1192
Email: kathleen_shen@fd.org
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Highest Offense Level (Opening)

None

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

18:922(O) ILLEGAL POSSESSION
OF A MACHINE GUN, 26:5861(D)
POSSESSION OF UNREGISTERED

Disposition

Disposition

Disposition

MACHINE GUN

Plaintiff**USA**represented by **Robert M. Brown**

U.S. Attorney's Office-Denver
 1801 California Street
 Suite 1600
 Denver, CO 80202
 303-454-0355
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Agency Attorney

Date Filed	#	Docket Text
07/18/2018	<u>1</u>	RULE 5 AFFIDAVIT from the Southern District of Texas in Houston, as to Michael Lee Price (1). (nmarb,) (Entered: 07/18/2018)
07/18/2018	2	CASE REASSIGNED as to Michael Lee Price. The case was drawn in error. This case is directly reassigned to Judge Kristen L. Mix. All future pleadings should be designated as 18-mj-01131-KLM. (Text Only Entry) (nmarb,) (Entered: 07/18/2018)
07/18/2018	3	Arrest of Michael Lee Price. Initial Appearance - Rule 5 set for 7/18/2018 02:00 PM in Courtroom A 401 before Magistrate Judge Kristen L. Mix. (Text Only entry)(nmarb,) (Entered: 07/18/2018)
07/18/2018	4	MINUTE ENTRY for Initial Appearance in Rule 5(c)(3) Proceedings as to Michael Lee Price held before Magistrate Judge Kristen L. Mix on 7/18/2018. Defendant present in custody. Defendant advised. Court appoints counsel. Identity and Detention Hearing set for 7/23/2018 1:30 PM in Courtroom A401 before Magistrate Judge Kristen L. Mix. Defendant remanded. (Total time: 3 minutes, Hearing time: 2:11-2:14) APPEARANCES: Robert Brown on behalf of the Government, Kelly Christl on behalf of the defendant, Robert Haberman on behalf of probation. FTR: KLM Courtroom A401. (lgale,) Text Only Entry (Entered: 07/18/2018)
07/18/2018	5	ORDER APPOINTING COUNSEL as to Michael Lee Price by Magistrate Judge Kristen L. Mix on 7/18/18. Text Only Entry (lgale,) (Entered: 07/18/2018)
07/18/2018	<u>6</u>	CJA 23 Financial Affidavit by Michael Lee Price. (lgale,) (Entered: 07/18/2018)
07/19/2018	<u>7</u>	NOTICE OF ATTORNEY APPEARANCE: Kathleen Shen appearing for Michael Lee Price Attorney Kathleen Shen added to party Michael Lee Price (pty:dft) (Shen, Kathleen) (Entered: 07/19/2018)

07/19/2018	<u>8</u>	Arrest Warrant Returned Executed on 7/17/18 in case as to Michael Lee Price. (nmarb,) (Entered: 07/19/2018)
07/23/2018	9	<p>MINUTE ENTRY for Identity and Detention Hearing as to Michael Lee Price held before Magistrate Judge Kristen L. Mix on 7/23/2018. Defendant present in custody. Defendant waives identity hearing. Waiver accepted. Argument by counsel for the government and defense counsel as to the issue of detention. The Court will grant the defendant a bond if he is accepted at a halfway house in the charging district. Release on Bond Hearing set for 7/26/2018 10:00 AM in Courtroom A 401 before Magistrate Judge Kristen L. Mix to determine if there is a halfway house in the charging district. Defendant remanded. (Total time: 13 minutes, Hearing time: 1:52-2:05)</p> <p>APPEARANCES: Jeremy Sibert on behalf of the Government, Kathleen Shen on behalf of the defendant, Michelle Sinaka on behalf of probation. FTR: KLM Courtroom A401. (lgale,) (Entered: 07/24/2018)</p>
07/23/2018	<u>10</u>	WAIVER of Rule 5 & 5.1 Hearings by Michael Lee Price (lgale,) (Entered: 07/24/2018)
07/26/2018	11	<p>MINUTE ENTRY for Bond Release Hearing as to Michael Lee Price held before Magistrate Judge Kristen L. Mix on 7/26/2018. Defendant present in custody. Pat Hanley from Pretrial Services informs the Court that the U.S. Probation Office in Houston, Texas does not have a pretrial release halfway house for the Defendant to be released to. The court notes that due to AUSA Jeremy Sibert not being present in court today, the court is not inclined to release the Defendant on any other conditions at this time and therefore will revisit the issue of detention. Detention Hearing set for 7/30/2018 01:30 PM in Courtroom A 401 before Magistrate Judge Kristen L. Mix. Defendant remanded. (Total time: 3 minutes, Hearing time: 10:12-10:15)</p> <p>, Kathleen Shen on behalf of the defendant, Pat Hanley on behalf of pretrial. FTR: KLM - 401. (morti,) Text Only Entry (Entered: 07/26/2018)</p>
07/30/2018	12	<p>COURTROOM MINUTES for proceedings held before Magistrate Judge Kristen L. Mix: Detention Hearing as to Michael Lee Price held on 7/30/2018. Defendant present in custody. Arguments by counsel. Defendant ordered detained. Defendant remanded. (Total time: 10 minutes, Hearing time: 1:44 - 1:54 p.m.)</p> <p>APPEARANCES: Robert Brown and Jeremy Sibert on behalf of the Government, Kathleen Shen on behalf of the Defendant, Pat Hanley and Gary Burney on behalf of Pretrial. FTR: Courtroom A401. (slibi,) Text Only Entry (Entered: 07/30/2018)</p>
07/30/2018	<u>13</u>	COMMITMENT TO ANOTHER DISTRICT as to Michael Lee Price. Defendant committed to Southern District of Texas - Houston Division, by Magistrate Judge Kristen L. Mix on 7/30/2018. (slibi,) (Entered: 07/30/2018)
07/30/2018	14	MAGISTRATE CASE TERMINATED as to Michael Lee Price by Magistrate Judge Kristen L. Mix on 7/30/2018. Text Only Entry (slibi,) (Entered: 07/30/2018)

07/30/2018	15	Notice to Southern District of Texas, Houston Division of Rule 5 Initial Appearance: Please use PACER court links to access the public docket and documents. If the District of Colorado has a surrendered passport, it is being mailed to your court via USPS certified mail with return receipt. For a bond transmittal, please contact our case administration specialist at [cod.docketing.uscourts.gov] If you wish to designate a different email address for future transfers, please send your request to InterdistrictTransfer_TXND@txnd.uscourts.gov. as to Michael Lee Price Your case number is:4:18-cr-00401. (Text Only Entry) (slibi,) (Entered: 07/30/2018)
07/30/2018	16	ORDER OF DETENTION as to Michael Lee Price by Magistrate Judge Kristen L. Mix on 7/30/18. (morti,) (Entered: 07/30/2018)

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