

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

APR -2 AM 10: 24

DEPUTY CLERK



UNITED STATES OF AMERICA §
 §
v. § 2:12-MJ-22
 §
CLAYTON FREDERICK OSBON (1) §

MOTION FOR PRETRIAL DETENTION AND CONTINUANCE

The United States asks for the pretrial detention of Defendant under Title 18, United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under 18 U.S.C.

§ 3142(f) because it is a case that involves:

- A crime of violence as defined in 18 U.S.C. § 3156(a)(4). (§3142(f)(1)(A)).
- An offense for which the maximum sentence is life imprisonment or death. (§ 3142(f)(1)(B)).
- Controlled substances offense for which the maximum sentence is 10 years or more. (§ 3142(f)(1)(C)).
- A felony that was committed after the defendant had been convicted or two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. (§ 3142(f)(1)(D)).
- A serious risk defendant will not appear. (§ 3142(f)(2)(A)).
- A serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror. (§ 3142(f)(2)(B)).
- A felony that involves a minor victim or that involves the possession or use of a firearm or destructive device, or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250 (§ 3142(f)(1)(E)).

2. **Reason for Detention.** The Court should detain defendant, under 18 U.S.C.

§ 3142(e), because no condition or combination of conditions will reasonably assure:

- Defendant's appearance as required.
- Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable

presumption against defendant under § 3142(e). The presumption applies because:

- Probable cause to believe defendant committed 10 + year drug offense or firearms offense, 18 U.S.C. § 924(c). (18 U.S.C. § 3142(e)).
- Previous conviction for "eligible" offense committed while on pretrial bond.

4. **Time for Detention Hearing.** The United States requests the Court conduct

the detention hearing:

- At first appearance.
- After continuance of three days.
- After continuance of 10 days under 18 U.S.C. § 3142(d).
- Moot at this time as defendant is in federal custody. Hearing requested if detention becomes a viable issue.

Grounds for 10 day continuance: The defendant is, and was at the time the

alleged offense was committed:

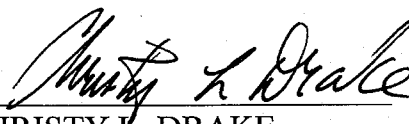
- on release pending trial for a felony under Federal, state, or local law;
- on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for an offense under federal, state, or local law;
- on probation or parole for an offense under federal, state, or local law; or
- is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20); and the defendant: may flee; or
- pose a danger to any other person or the community.

5. Other Matters.

Dated this 2nd day of April, 2012.

Respectfully submitted,

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