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ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
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SUE BEITIA, CLERK

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 10-00384 SOM-01
)	
Plaintiff,)	ORDER DETAINING DEFENDANT
)	ROGER CUSICK CHRISTIE
vs.)	WITHOUT BAIL
)	
ROGER CUSICK CHRISTIE,	(01))	
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ORDER DETAINING DEFENDANT ROGER
CUSICK CHRISTIE WITHOUT BAIL

This Court, the Honorable Kevin S.C. Chang, U.S. Magistrate Judge presiding, held the detention hearing for defendant Roger Cusick Christie ("Christie") on July 13, 2010. Appearances were as follows: Michael K. Kawahara, Assistant U.S. Attorney, for the Government, and Matthew C. Winter, Assistant Federal Public Defender, for Christie (who was also present in court).

Christie stands charged in the Indictment with three counts of marijuana trafficking offenses, each of which, if he is convicted, carry a statutory penalty of 5 - 40 years imprisonment. See 21 U.S.C. 841(b)(1)(B). As such, and given the

probable cause determination by the grand jury in returning the Indictment, the Bail Reform Act's rebuttable presumption (see 18 U.S.C. 3142(e)(3)(A)) that no condition or combination of conditions will assure defendant's appearance or the safety of the community is in effect with respect to Christie.

This Court has considered the matters contained in the Pretrial Services Report ("PSR") dated 7/13/10, including its recommendation that Christie be released on a \$50,000 bond and be subject to home detention at his residence in Hilo, HI.

However, based upon the matters contained in the PSR and called to the Court's attention during the hearing, this Court finds by clear and convincing evidence that Christie is a danger to the community and that no condition or combination of conditions will assure the community's safety. The reasons this Court comes to this conclusion are as follows:

(1) as charged in the Indictment, Christie's THC Ministry (hereinafter "Ministry") is alleged to be the centerpoint and focus of his charged marijuana manufacturing and trafficking activities;

(2) as indicated in the PSR, Christie advised Pretrial Services that "he has been operating [the] THC Ministry for the past ten years. He declined to provide his income, but informs he puts all of his earnings back into the ministry". In short, the Ministry has been Christie's sole livelihood and means of

support for a considerable period of time.

(3) as further indicated in the PSR, when officers searched the Ministry and Christie's residence on March 10, 2010, approximately two pounds of marijuana and almost \$20,000 was seized. Neither Christie nor co-defendant Sherryanne St. Cyr were arrested at that time.

(4) as further indicated in the PSR, when officers searched the Ministry and Christie's residence four months later on July 8, 2010, approximately one pound of marijuana and \$4,000-5,000 of cash was seized. In other words, it appeared that Christie decided to recommence the Ministry's trafficking activities sometime subsequent to the searches on March 10, 2010.

(5) it is reasonable to believe that if left on his own in the Hilo area (where all of the crimes alleged in the Indictment occurred) and consistent with his prior conduct set forth in (4) above, Christie would again recommence similar Ministry activities and thereby commit further crimes.


In view of the foregoing, and pursuant to 18 U.S.C. 3142(h)(2), it is hereby ordered and adjudged as follows:

(1) Defendant Christie is hereby committed to the custody of the Attorney General for confinement in a corrections facility separate, to the greatest extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant Christie shall be afforded reasonable opportunity for private consultation with counsel;


(3) On further order of this Court or on request if an attorney for the Government, the person in charge of the corrections facility in which Christie is confined deliver him to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: Honolulu, Hawaii, JUL 16 2010.



KEVIN S.C. CHANG
United States Magistrate Judge

APPROVED AS TO FORM:



MATTHEW C. WINTER
Assistant Federal Public
Defender