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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 10-00384-01 LEK
)	
Plaintiff,)	ORDER DENYING DEFENDANT'S
)	SECOND MOTION TO REOPEN
vs.)	DETENTION HEARING
)	
ROGER CUSICK CHRISTIE, (01))	
)	
Defendant.)	
_____)	

ORDER DENYING DEFENDANT'S SECOND MOTION
TO REOPEN DETENTION HEARING

This matter came before the Court on the Defendant's Second Motion to Reopen Detention Hearing and For Release on Bond. A hearing was held on June 5, 2012. The Court reviewed the Pretrial Services Agency report and its addenda, reviewed the submissions of counsel, reviewed the record and court file in the case, and heard counsel's argument on the motion.

The Court has considered the factors in 18 U.S.C. §§ 3142(c)(3), (f)(2), and (g). Based upon a review of the foregoing, the Court denies, without prejudice, Defendant's Second Motion to Reopen Detention Hearing and For Release on Bond, finding that although there are new circumstances which did not exist at the time of the original hearing, these circumstances do not have a material bearing on the issue of whether there are conditions of release that will reasonably assure the appearance of the defendant and the safety of other persons and the community. Specifically, the Court considered the length and reasons for the trial continuance from February 28, 2012 to January 23, 2013, the circumstances surrounding the illness of the defendant's mother and the availability of an emergency furlough should it become necessary, and the defendant's marriage to his co-defendant, Sherry-Anne St. Cyr, and her conduct while on pretrial release. The Court finds that none of these circumstances, either individually or collectively, substantially affect the prior determination that there are no condition or combination of conditions which would reasonably assure the safety of the community. This prior determination was supported by clear and convincing evidence and was affirmed on appeal by the Ninth Circuit Court of Appeals. Should new circumstances arise, the defendant may renew his motion at a later time.

Accordingly, IT IS ORDERED that the defendant remain in the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; that the defendant be afforded reasonable opportunity for private consultation with counsel; and that, on order of a Court of the United States or on request from an attorney for the government, the person in charge of the corrections facility in which defendant is confined deliver the defendant to a United States Marshal for the purposes of appearance or in connection with any Court proceeding.

DATED: Honolulu, Hawaii, June 6, 2012.




Kevin S.C. Chang
United States Magistrate Judge

UNITED STATES v. ROGER CUSICK CHRISTIE

Cr. No. 10-00384-01 LEK

"Order Denying Defendant's Second Motion to Reopen Detention Hearing"