

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 8:18-mj-1632-T-JSS

EDWIN SANTIAGO, JR.

ORDER


THIS MATTER is before the Court on Defendant's Motion for Bond (Dkt. 11) and the Government's motion to detain Defendant pursuant to 18 U.S.C. § 3142(f). In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a bail hearing was held on July 11, 2018. This Court concludes that the following facts require the detention of Defendant, Edwin Santiago, Jr., pending further order of the Court.

Defendant is charged in a Criminal Complaint with receipt and possession of child pornography in violation of 18 U.S.C. §§ 2252(a)(2) and (a)(4)(B). The Government seeks detention on grounds that Defendant is a risk of flight and danger to the community, as well as the statutory presumption applicable in this case. Upon consideration, for the reasons stated on the record at the hearing, and based on the factors under 18 U.S.C. § 3142(g), to specifically include the nature and circumstances of the case, the weight of the evidence against Defendant, and the history and characteristics of Defendant, the Court finds that Defendant should be detained pending the final outcome of this case. Specifically, the Court finds that Defendant's release would present a risk of flight and danger to the community given Defendant's lack of a suitable residence. Defendant seeks to reside with his mother who regularly provides childcare to her grandchildren within her home. Defendant's mother proposed providing the childcare in a nearby residence, which would cause her to leave Defendant unsupervised and within close

proximity of the children who are located nearby. Further, the Government's proffer concerning the nature and circumstances of the offense indicates that Defendant allegedly possessed child pornography and took steps to produce and distribute pornographic images of his child. The weight of the evidence against Defendant is also strong as the Government proffered that it has obtained incriminating evidence from the cellular phone which was inside Defendant's pocket at the time of his arrest. Defendant's history and characteristics also weigh against pretrial release. At the time of his arrest, Defendant allegedly resisted law enforcement officers and failed to immediately cooperate with the officers' instructions. Moreover, Defendant has only resided at his current residence for eight months, is unemployed, and has a gambling addiction according to his Pretrial Services Report. Accordingly, it is hereby **ORDERED** that Defendant's Motion for Bond (Dkt. 11) is **DENIED** and Defendant be **DETAINED**.

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. Defendant shall be afforded a reasonable opportunity for private consultation with counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

DONE and ORDERED in Tampa, Florida, on July 11, 2018.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record

United States Pretrial Services
United States Marshals Service