

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

UNITED STATES OF AMERICA

v.

MICHAEL PATRICK REDENTE

No. 6:15-CR-019-C

**GOVERNMENT'S MOTION FOR
IMMEDIATE REMAND OF DEFENDANT INTO CUSTODY**

The United States of America (the "Government") hereby moves that this honorable Court immediately remand the defendant into custody in accordance with law, and in support of said motion, would show the Court as follows:

On June 17, 2015, Defendant Michael Patrick Redente was indicted for possession of prepubescent child pornography, in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2) and Title 18, United States Code, Section 2. The offense date was April 21, 2015, which was the same date that Homeland Security Investigations ran a search warrant at Redente's residence. Three days later, on April 24, 2015, Redente attempted suicide at his residence by lighting two charcoal grills in his bathroom, and sealing himself in that room. He was saved from asphyxiation when he was found unconscious by his wife, and he was airlifted to San Antonio for treatment. On June 29, 2015, after a contested detention hearing, the Honorable Nancy M. Koenig ordered Redente released from custody on conditions. Among the conditions of release was the condition that he maintain his residence as directed by the USAF, Goodfellow AFB, and

Pretrial Services. On July 29, 2015, Redente entered a plea of guilty to possession of prepubescent child pornography, and the Honorable Nancy M. Koenig continued Redente on his conditions of release, denying the government's request that Redente be remanded into custody. The parties and Honorable Nancy M. Koenig have been notified that the United States Air Force is in the process of discharging Redente from his military service, and they will soon, therefore, have no involvement in his supervision and he will not be permitted to reside on the base. On August 18, 2015, the Honorable Sam R. Cummings followed the recommendation of the Honorable Nancy M. Koenig in accepting Redente's guilty plea, and adjudged Redente guilty.

Statutory Authority

Pursuant to law, Defendant Redente should now be remanded into custody. Title 18, United States Code, Section 3143(a) states as follows:

Release or detention of a defendant pending sentence or appeal

- (1) Except as provided in paragraph (2), the judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence, other than a person for whom the applicable guideline promulgated pursuant to 18 U.S.C. 994 does not recommend a term of imprisonment, be detained, unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c). If the judicial officer makes such a finding, such judicial officer shall order the release of the person in accordance with section 3142(b) or (c).
- (2) The judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) of subsection (f)(1) of section 3142 and is awaiting imposition or execution of sentence be detained unless-

(A)(i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or
(ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; and
(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community.

Redente has been convicted of an offense described in subparagraph (A) of subsection (f)(1) of section 3142, and he is awaiting imposition or execution of sentence. There is no substantial likelihood that a motion for acquittal or new trial will be granted, and the Government has not recommended that “no sentence of imprisonment be imposed” on Redente. 3142(f)(1)(A) relates to crimes of violence. Title 18, United States Code, Section 3156(a)(4)(C), defines the term “crime of violence” to mean . . . “any felony under chapter 109A, 110, or 117.” Redente has been convicted of a violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2), which is an offense under chapter 110. Redente, therefore, is required by law to be remanded into custody.

Respectfully submitted,

JOHN R. PARKER
UNITED STATES ATTORNEY

/s/ Steven M. Sucsy

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CERTIFICATE OF CONFERENCE

I certify that I conferred with Frank Sellers, attorney for Michael Patrick Redente, concerning the contents of this motion, and he is opposed to the granting of the motion.

/s/ Steven M. Sucsy

STEVEN M. SUCSY

Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served by electronic filing on August 19, 2015, on Frank Sellers, attorney for Michael Patrick Redente.

/s/ Steven M. Sucsy

STEVEN M. SUCSY

Assistant United States Attorney