

1 **THOMAS E. MOSS**  
2 **UNITED STATES ATTORNEY**  
3 **RAFAEL M. GONZALEZ, JR.**  
4 **ASSISTANT UNITED STATES ATTORNEY**  
5 **DISTRICT OF IDAHO**  
6 **MK PLAZA, PLAZA IV**  
7 **800 PARK BOULEVARD, SUITE 600**  
8 **BOISE, IDAHO 83712-9903**  
9 **TELEPHONE (208) 334-1211**

U.S. DISTRICT COURT  
DISTRICT OF IDAHO  
Filed at \_\_\_\_\_  
JUN 23 2004  
CLERK, U.S. DISTRICT COURT  
By AK Deputy

7 **IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO**

9 **UNITED STATES OF AMERICA,** )  
10 )  
11 **Plaintiff,** )  
12 )  
13 **vs.** )  
14 **MARICELA CORTES-CASTILLO,** )  
15 **Defendant.** )

**Case No. CR 04-092-S-EJL**

**MOTION FOR DETENTION**

15 The United States, by and through Thomas E. Moss, United States Attorney for the  
16 District of Idaho, and Rafael M. Gonzalez, Jr., Assistant United States Attorney for the District of  
17 Idaho, moves the Court, pursuant to 18 U.S.C. § 5034 (*see also* 18 U.S.C. §§ 3142(a)(4) and  
18 3142(e)), for an order directing that a hearing be held for the purpose of holding defendant **Maricela**  
19 **Cortes-Castillo** without bail prior to trial.

20 ( ) Pursuant to Title 18 U.S.C. § 3142(f), the United States asks for a continuance of  
21 1 days from the date of the defendant's first appearance before a judicial officer. The  
22 continuance is requested in order for an Assistant United States Attorney to prepare for the Detention  
23 Hearing, and arrange for witnesses;

24 The prosecution will introduce evidence as follows pursuant to the specific sections of  
25 Title 18, U.S.C., as indicated:

26 ( ) § 3142(f)(1)(A) - a crime of violence;  
27  
28

1           ( ) § 3142(f)(1)(B) - an offense for which the maximum sentence is life imprisonment  
2 or death;

3           ( ) § 3142(f)(1)(C) - an offense for which a maximum term of imprisonment of ten  
4 years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801, et seq.), the  
5 Controlled Substances Import and Export Act (21 U.S.C. § 951, et seq.), or Section 1 of the Act of  
6 September 15, 1980 (21 U.S.C. § 955a);

7           ( ) § 3142(f)(1)(D) - any felony committed after the person had been convicted of two  
8 or more prior offenses described in § 3142(f)(1)(A) through (C), or two or more State or local  
9 offenses that would have been offenses described in § 3142(f)(1)(A) through (C) if a circumstance  
10 giving rise to Federal jurisdiction had existed;

11            § 3142(f)(2)(A) - a serious risk that the person will flee;

12           ( ) § 3142(f)(2)(B) - a serious risk that the person will:

13                   ( ) obstruct or attempt to obstruct justice, or

14                   ( ) threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate  
a prospective witness or juror; or

15                   ( ) otherwise pose a danger to any other person or the community.

16 DATED this 23<sup>rd</sup> day of June, 2004.

17                   **THOMAS E. MOSS**  
18                   **United States Attorney**  
19                   By: 

20                   **RAFAEL M. GONZALEZ, JR.**  
21                   **Assistant United States Attorney**

22 rmg\dct.mot.jfc.wpd