

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 4:18-CR-00694 CDP DDN  
 )  
 BRIAN RAY, )  
 )  
 Defendant. )

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION TO SET BOND**

Comes now the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Paul J. D’Agrosa, Assistant United States Attorney for said District, and for its response to Defendant’s motion to set bond states as follows:

1. Defendant is charged by way of indictment with four counts of possession with intent to distribute narcotics. These offenses carry a maximum term of imprisonment of ten years or more as prescribed in the Controlled Substances Act (Title 21, United States Code, Section 801, et seq.), or chapter 705 of Title 46 (Maritime Drug Law Enforcement). In two of the counts (Counts Two and Four), Defendant possessed with intent to distribute in excess of 50 grams or more of a mixture or substance containing methamphetamine which upon conviction carry a statutory, mandatory minimum sentence of five (5) years imprisonment.

2. Accordingly, a rebuttable presumption arises pursuant to Title 18, United States Code, Section 3142(e)(3) that there are no conditions or combination of conditions which will

reasonably assure the appearance of the defendant as required, and the safety of any other person and the community.

3. Defendant was arrested in November, 2017 after United States Postal Inspectors intercepted a suspicious package from San Diego, California, addressed to Defendant at his Indiana Street address. After obtaining a search warrant for the package, law enforcement discovered over 27 grams of methamphetamine. A controlled delivery was made and Defendant was arrested after accepting delivery of the package. Police executed an anticipatory search warrant of Defendant's residence and seized heroin and fentanyl, drug paraphernalia, multiple scales and plastic packaging. Defendant confessed. The Postal Inspectors also confirmed that multiple packages were being mailed to Defendant's residence.

4. In June, 2018, police learned that Defendant was distributing narcotics out of his new residence on Forest Park Avenue. After obtaining a search warrant, police executed the warrant on June 22, 2018. Defendant was arrested leaving his apartment and had on his person multiple envelopes containing methamphetamine. During a search of his apartment, police seized over 50 grams of methamphetamine, marijuana, \$3,500 U.S. Currency, envelopes used to distribute the methamphetamine, packaging used to distribute narcotics and digital scales. Defendant confessed.

5. After a warrant was issued for Defendant's arrest for the conduct alleged in June, 2018, police learned that Defendant was occupying a hotel room and distributing narcotics from the room. Police arrested Defendant on July 11, 2018, in a hotel room. Police seized over 50 grams of methamphetamine, paraphernalia and packaging consistent with drug distribution (multiple scales, plastic bags, envelopes for mailing). Police also seized an envelope ready for distribution

– the envelope contained methamphetamine with a hand-written note which read “HAVE A DOPE A\$\$ DAY :). “

6. Defendant has resided in Illinois for nine (9) years. His two prior residences in St. Louis were abandoned after he was arrested in each residence for distributing methamphetamine. He admitted to Pretrial Services that he did not have a stable residence and was staying in various hotel rooms prior to his arrest. As noted above, he was distributing drugs from his last hotel room.

7. Defendant noted to Pretrial that he “does not have any contact with any of his family members.” Defendant now says he can live with his mother, but she resides in Alton, Illinois. Given Defendant’s transient behavior while avoiding arrest for the June, 2018 conduct, Defendant poses a flight risk.

8. Defendant has no verifiable employment. His “job” was selling drugs, which he continued to do after being arrested in November, 2017 and then again in June, 2018.

9. Defendant claims that he has a terminal illness. This fact, coupled with Defendant’s mental health history and daily drug use, creates not only a danger to the community but potentially a danger to himself.

WHEREFORE, the Government requests this Court deny Defendant’s motion for bond. Defendant has not overcome the presumption of detention and should be detained.

Respectfully submitted,

JEFFREY B. JENSEN  
United States Attorney

/s/Paul J. D’Agrosa  
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**CERTIFICATE OF SERVICE**

A copy of foregoing was delivered this 1<sup>st</sup> day of October, 2018 to Mr. Bob Wolfrum, attorney for Defendant, via this Courts electronic case filing system.

/s/ Paul J. D'Agrosa