

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

APR 1 2020

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. No. 19-4447 KWR

MAROQUEZ CLAH,

Defendant.

ORDER DENYING MOTION TO MODIFY CONDITIONS OF RELEASE

This matter comes before the Court upon the Defendant's Emergency motion to Modify Conditions of Release (Doc. 19), and having considered the Motion, the government's Response (Doc. 20), the Defendant's Reply (Doc. 21), and the factors set forth in 18 U.S.C. 3142(g), the Court denies the Emergency Motion.

Given the Defendant's pattern of prior conduct, including the instant charge, the Defendant's Motion fails to demonstrate that sufficient safeguards can be put in place that will reasonably assure the safety of others in the community against the significant risk of the Defendant consuming alcohol and driving if permitted to reside with his parents outside of the structured environment of the Halfway House. The danger to the community is significant as demonstrated by the Defendant's pattern of conduct with demonstrates a willful disregard for the life and safety of himself and others.

While the Court sympathizes with the Defendant's current familial circumstances and concern over the COVID-19 pandemic, the significant risk that he poses the community if permitted to reside in an environment of only nominal supervision and limited device to prevent the consumption of alcohol and the high likelihood of another

intoxicated incident behind the wheel cannot be adequately addressed in the manner requested by the Defendant. Therefore, Clah's Motion to Modify Conditions of release is DENIED.

Handwritten signature of B. Paul Briones in black ink, written in a cursive style.

B. Paul Briones
B. Paul Briones
UNITED STATES MAGISTRATE JUDGE