No. _____
In the Supreme Court of the United States

LUIS RAMON ESPINAL-RIVERA,
PETITIONER

v.

UNITED STATES OF AMERICA,
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

PETITION FOR WRIT OF CERTIORARI

/s/ Francisco J. Adams-Quesada
Francisco J. Adams-Quesada, Esq.
U.S.C.A. 1st Cir. Bar No.
U.S.D.C. - P.R. Bar No. 222507
P.O. Box 361252
San Juan, PR 00936-1252
787-598-9543
Email: fjadamsquesada@gmail.com

QUESTIONS PRESENTED

Whether Bail Should Have Been Granted in this Case as the Petitioner Rebutted the Statutory Presumptions.

PARTIES TO THE PROCEEDINGS

The Parties to the Instant Proceedings Are Contained in the Caption of the Case.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES Page(s)

RULES AND STATUTES

1. U.S. Code:

In the Supreme Court of the United States

No. _____

LUIS RAMON ESPINAL-RIVERA,
PETITIONER

v.

UNITED STATES OF AMERICA,
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

PETITION FOR WRIT OF CERTIORARI

The Petitioner Luis Ramon Espinal-Rivera respectfully petitions for a writ of certiorari to review and vacate the judgment of the U.S. Court of Appeals for the First Circuit.

OPINION BELOW

The Judgment (App., *infra*, 1a) was entered on July 1st, 2019, in *U.S. v. Luis Ramon Espinal-Rivera*, under docket number 19-1366.

JURISDICTION

After the judgment was entered, no petition for rehearing was filed in this case. The jurisdiction of this Court rests on 28 U.S.C. § 1254(1). The district court had jurisdiction pursuant to 18 U.S.C. § 3231, and the court of appeals had jurisdiction pursuant to 28 U.S.C. § 1291.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the U.S. Constitution provides:

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, . . .nor be deprived of life, liberty, or property, without due process of law . . .

The Eighth Amendment to the U.S. Constitution provides:

> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

STATEMENT OF THE CASE

A. District Court Proceedings:

On February 20th, 2019, a District of Puerto Rico (hereinafter "P.R.") Grand Jury rendered a six count indictment against Petitioner and other seventy four individuals (DE 3), charging among others violations of 21 U.S.C. §§ 841, 846, 860, and 18 U.S.C. § 924(c).

On February 27th, 2019, Petitioner was arrested and on this same day the initial appearance hearing was held (DE 42), in which he was ordered temporarily detained (DE 55).

On March 6th, 2019, the arraignment and detention hearings were held (DE 99 & 318). After listening to the United States and the defense, the lower court ordered Petitioner's detention and on March 14th, 2019, it entered Order of detention pending trial (DE 181).

During the bail hearing, the defense specifically moved for bail in complete disagreement with the report submitted by the U.S. Probation Office (DE 318 at 5). In particular, the defense argued that this report reveals Petitioner's indigence and rests its findings on Petitioner's poor socioeconomic conditions and lack of properties and financial ties (DE 318 at 5).

The defense added that Petitioner was employed as a painter for Century Painting, also known as Advance Panting (DE 318 at 5-6). "But Mr. Espinal has always been working as a painter and I'll give the Court – this is a file that he prepares or he has prepared for the services that he will provide, not only painting but cleaning cars and doing the sort of work that he with his training that he has gathered throughout his life provides" (DE 318 at 6).

Petitioner was depicted as a good employee and his employer Century Painting advanced that it would be willing to keep the Petitioner as its employee as a painter and cleaning cars because they trust and respect him (DE 318 at 6-7).

Likewise, Petitioner is 35 years old and he responsible supports his five children working hard as a painter (DE 318 at 7). Based on his hard work and shown responsibility attributes, Petitioner has earned the respect of his community and neighbors in Obrero Ward in Santurce, Puerto Rico(DE 318 at 7; 9). He is generally described as "[a] tranquil, humble and a person that is always willing to provide to help others and be like a helper and provide services to others, and respectful(DE 318 at 7-8)".

Petitioner furthermore is a church going member of "Iglesia de Dios Mision Board" in Barrio Ward in Santurce, Puerto Rico (DE 318 at 8). Unfortunately, in 2016 Petitioner was involved in a domestic violence incident, however, he

completed all especial programs, counseling and therapies required for such state prior case as revealed by Psychologist Maria Del Mar Torres-Suria (DE 318 at 8).

Moreover, Petitioner "[w]ent to school until ninth grade but he did obtain eventually his high school diploma and the reason why he had to leave school at that time was because he fathered a child and he had to work at that early age. He couldn't stay in school but he went and was interested obviously in trying to be better in his life and he obtained the high school diploma . . . (DE 318 at 9)."

Petitioner's Godmother, Ms. Margarita Carino, corroborated the above-information and was willing to take Petitioner into her home with her daughter and grand children based on his good character and trustworthiness (DE 318 at 9-10).

During this hearing as well, the district court was informed that Petitioner has a history of kidney stones and diabetes (DE 318 at 10-11; 22). Conversely, the government indicated that based on Petitioner's lack of previous treatment, that his health condition would not be expected to be a future problem while under custody(DE 316 at 11).

The government stated that Petitioner was an armed drug point owner and that it had four witnesses who would corroborate the drug ownership fact and three would testify as to the firearm allegation (DE 318 at 11-12; 13, 14). The government added that Petitioner is connected to a violent gang and that he had

2007 previous misdemeanor conviction (DE 318 at 15). Hence, the government claimed that Petitioner was a risk of flight and a danger to the community and as a consequence, he should remain detained (DE 318 at 15).

The district court correctly found that Petitioner did not pose a significant risk of flight as he has been a lifelong resident in this community (DE 318 at 15), contrary to the probation office report (DE 318 at 18). In addition, he "[h]as a history of employment and not only a history of employment, he has relationships with people in the community, both neighbors and his church(DE 318 at 15-16)".

District court additionally found:

> The main concern here is really danger to the community. With a different type of drugs, he appears to be more related to the marijuana drug which is perhaps, not to minimize the seriousness of the offense, but perhaps not the most serious of the different types of drugs. Now, of greatest concern is that the government has proffered that at least three of the four witnesses that place this defendant as being a drug point owner indicate that they have seen him carrying a firearm while connected with these drug trafficking activities and one of these three witnesses also seen him with an extended magazine attached to the firearm which raises the question.
>
> It's not necessarily proof but at least raises the question as to whether this defendant has been in possession of machine guns and there appears to be also some evidence that this defendant has access to the leadership of the drug trafficking organization.
>
> Now, in terms of the defendant's prior encounters with the law, I will not take into account two of the seven matters because it's rather old for purposes of today. I mean that's been already more than ten years

> about that, however, even if you start from the year 2013, that's within the past six years. The defendant has had already – this would be his fourth arrest in the past six years and I'm not even taking into account the one of 2007. Now, granted we don't have convictions and that's something that the Court has to also put into the equation but it's a significant number of arrests within the past six years and the charges that we have here in this series are not trivial. Things like kidnaping, aggravated robbery, brandishing a firearm, domestic violence, possession of a weapon, et cetera.
>
> These are not trivial charges. Now, what I'm trying to convey here is that there is some precedent in terms of the case law that even if there are no convictions, if there's a pattern of arrests, it's something to be taken into account.
>
> I'm not saying that it's the most important factor. I'm not saying that is the only factor. I'm not saying that should be taken into account the same way as if there had been a conviction. I'm not suggesting any of those things but it is something to so to speak, put it into the mix of factors that the Court has to take into account.
>
> If you put that in conjunction with the government's proffer that at least three witnesses place this defendant as carrying firearms as part of his drug trafficking activities and the fact that the charges trigger a presumption of dangerousness to the community, I conclude that there is no combination of conditions that could reasonably assure the community's safety and, therefore, the defendant shall remain detained but not on risk of flight grounds. I respectfully disagree with the petition (DE 318 at 16-18).

Therefore, the defense rebutted the flight risk presumption, but not the presumption of danger to the community.

In reconsideration, the defense reminded the court that Petitioner worked very hard every day from 5:00 a.m. as a painter in and construction (DE 318 at 18-

19) and his financial condition did not reveal that he benefitted from millions of dollars in drug trafficking as contended by the government (DE 318 at 19, 20).

Nonetheless and despite defense contention, the district court upheld its decision based on "[t]he government claims that they have not one, not two, but three individuals that claim to have seen the defendant personally carrying firearms while conducting drug trafficking activities and when we put that in conjunction with the defendant that although in the past six years has not had any prior convictions but has had a series of arrests for charges such as kidnaping, robbery, domestic violence and weapons violations, when we put that all together and the fact that we're dealing with charges that trigger rebuttable presumption of dangerousness to the community, I very specially submit that your argument which I will construe as a motion for reconsideration should be denied(DE 318 at 21)".

On March 21st, 2019, Petitioner appealed the order of detention to the District Court (DE 226), claiming among others, that he is not a risk of flight nor a danger to the community. The defense based its appeal to the district court on the fact that the Petitioner "[i]s a 35 year-old male who is a lifelong resident of Puerto Rico. He is the father of six children and provides the financial support required to fulfill their needs . . . He has always been a father who is present in all the aspects of his children's lives. He monitors their educational progress and extracurricular

activities; his children love him dearly and he loves and misses them greatly(DE 226)."

The defense seemed very concerned with the adverse emotional effect that defendant's detention would have on his children.

Moreover, "Petitioner lived with his common law wife, Waleska, and her four children, whom he also raised. They have a very strong bond characterized by love and mutual respect. Waleska describes Petitioner as a remarkable father, son, son in law and husband. He has always been respectful to Waleska and never treated her in a violent or aggressive way (DE 226 at 6-7)".

Furthermore,

> Petitioner has a long history of work in different fields. He started working when he was only 14 years old. Prior to his arrest he was working as a painter for Albans Painting. He paints in different sites around the island as directed by his supervisors.His employer certifies that he has been an excellent worker who is totally committed to his work. He follows the rules of the company, is respectful towards his coworkers, and always gives the extra mile to benefit the company. His employer would assure that Petitioner will be employed if he would be released pending trial. The support given by his employer in the face of the current situation, is the best evidence that he does not present a danger to the community. The people that spend more than forty hours a week with Petitioner attest to the fact that he is a tranquil and respectful person (DE 226 at 7).

In addition, the defense added in its motion the following in support of its petition for bail:

> Espinal's past encounters with the criminal justice system play in favor of release.He has always appeared before the Courts and complied with all the court' orders. Particularly, he participated in a domestic violence diversion program which he completed and subsequently the case was archived by the court based on his full compliance with the conditions of the program. More so, Espinal has no alcohol or drug use problems(DE 226 at 7).

In sum, the defense established through its witnesses during the detention hearing that Petitioner has strong community ties and that he is a respectful, noble responsible person, excellent student, honest, hard worker, and cooperative. Petitioner enjoys a good character. And his poor status, as he does not have any real properties, should not be a determinative factor to deny him bail (DE 226 at 8-9).

On March 22nd, 2019, the district court committed reversible error when it entered Order affirming the order of detention as the defense had alleged not rebutted the government's proffer (DE 228).

On April 2nd, 2019, the defense timely filed the instant notice of appeal.

On April 3rd, 2019, the district court entered the following Order:

> As to Luis R. Espinal-Rivera (14). At paragraph 16 in docket 226 (motion requesting de novo hearing,) defendant adduces that he will present additional witnesses to rebut the dangerousness and safety findings. It is not proper to request review of a magistrate judge decision with evidence not offered to said judicial officer. Accordingly, defendant should request a reopening of the bail hearing before seeking de novo review(DE 256).

However, the defense did not attempt to introduce new evidence or witnesses as its arguments were the same brought for the detention hearing and for the instant appeal.

B. Appellate Proceedings:

On May 13th, 2019, Petitioner, through his defense counsel, submitted his brief and on May 31st, 2019, the government submitted its brief.

Subsequently, on June 13th, 2019, the defense submitted the reply brief.

On July 1st, 2019, the Court of Appeals entered Judgment finding among others that "Defendant Luis R. Espinal-Rivera appeals from a district court order directing that he be detained pretrial. After careful review of the record, the district court's decision, and the parties' appellate arguments, we conclude that we would not reach "a different result" and that affirmance is therefore appropriate. *U.S. v. O'Brien*, 895 F.2d 810, 814 (1st Cir. 1990); *see also U.S. v. Tortora*, 922 F.2d 880, 882 (1st Cir. 1990)(this court's review of detention decisions is independent, but "tempered by a degree of deference to the determinations made below"). The order of the district court is affirmed. *See* 1st Cir. R. 27.0(c)."

REASONS FOR GRANTING THE PETITION

In the whereby case, the U.S. Court of Appeals (USCA) affirmed the district court judgment, concluding among others "[w]e would not reach a different result and that affirmance is therefore appropriate".

Generally, "the Bail Reform Act of 1984 sets forth a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the accused and the safety of the community if there is probable cause to believe that the accused committed an offense for which he may receive a sentence of imprisonment for ten or more years pursuant to the Controlled Substance Act, 21 U.S.C. § 801."*U.S. v. Cidraz-Santiago*, 18 F.Supp. 3d 124, 126 (D.P.R. 2014)*(quoting U.S. v. Dillon*, 938 F.2d 1412, 1416 (1st Cir.1991) (*citing* 18 U.S.C. § 3142(e).

"The return of an indictment is sufficient to fulfill the probable cause prerequisite and invoke the presumption. . . In this case, the presumption is triggered by the indictment's drug-related counts, which mandate a minimum sentence of ten years. 18 U.S.C. § 3142(f)(1)(C)." *Cidraz-Santiago*, 18 F.Supp. 3d at 126-127.

District Court will additionally review the Magistrate Judge's Order De Novo. *U.S. v. Tortora*, 922 F.2d 880, 883 n.4 (1st Cir 1990); *U.S. v. Rodríguez-*

Adorno, 606 F.Supp.2d 232, 234 (D.P.R. 2009). And the Court of Appeals will independently review all detention decisions, giving deference to the lower court's determination. *U.S. v. O'Brien,* 895 F.2d 810, 814 (1st Cir. 1990); *U.S. v. Dillon*, 938 F.2d 1412, 1416 (1st Cir.1991).

In the case at hand, the offense charged against Petitioner provides for a maximum term of imprisonment of ten years or more, as prescribed in the Controlled Substances Act, 21 U.S.C. §§ 801, *et. seq*. And under 18 U.S.C. § 3142(e) a rebuttable presumption arises that no condition or combination of conditions exist that would reasonably assure the appearance of a defendant and the safety of the community. *See U.S. v. O'Brian*, 895 F.2d 810, 814-815 (1st Cir.1990).

To rebut these presumptions, Petitioner must present evidence "some evidence" to the contrary which demonstrates that "what is true in general is not true in his particular case." *See U.S. v. Pérez-Franco*, 839 F.2d 867, 870 (1st Cir.1988). The burden is one of production, not of persuasion. When a defendant produces such evidence, however, the presumption does not cease or disappear. The burden of persuasion remains on the government and the rebutted presumption retains evidentiary weight. *O'Brian*, 895 F.2d at 815; *U.S. v. Dillon*, 938 F.2d 1412, 1416 (1st Cir.1991). This means that "once triggered, the presumption

imposes on the defendant a burden of production. . . The burden is not heavy. . . It is satisfied introducing at least some evidence contrary to the facts presumed. . . ." *U.S. v. Vargas-Reyes*, 220 F.Supp.3d 221, 225 (D.P.R. 2016); *U.S. v. Cidraz-Santiago*, 18 F.Supp. 3d 124, 126 (D.P.R. 2014).

Moreover, 18 U.S.C. § 3142(g) provides the following factors to be considered for bail purposes:

> (1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of section 1591, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
>
> (2) the weight of the evidence against the person;
>
> (3) the history and characteristics of the person, including—
>
> > (A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and
> >
> > (B) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and
>
> (4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. In considering the conditions of release described in subsection

> (c)(1)(B)(xi) or (c)(1)(B)(xii) of this section, the judicial officer may upon his own motion, or shall upon the motion of the Government, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that, because of its source, will not reasonably assure the appearance of the person as required.

However, "nothing in this section shall be construed as modifying or limiting the presumption of innocence". *See* § 3142(j).

In this case, Petitioner believes that he successfully rebutted § 3142(e) presumptions, by producing and presenting evidence establishing that there are conditions and/or combination of conditions that would reasonably assure his presence at trial and assure the safety of the community. *U.S. v. Pérez-Franco*, 839 F.2d 867, 870 (1st Cir. 1988). His position is totally supported by the fact that the magistrate found that he did not pose a risk of flight(DE 318 at 17, 18) and the arguments and evidence presented during the bail hearing.

U.S. v. Salerno, 481 U.S. 739, 747-748, 107 S.Ct. 2095 (1987), held among others that the Bail Reform Act, 18 U.S.C. § 3142, *et. seq*., did limit the circumstances under which detention may be sought to those involved in the most serious of crimes (crimes of violence, offenses punishable by life imprisonment or death, serious drug offenses, or certain repeat offenders), *Id*. at 739-740, 2097, and was narrowly focused on a particularly acute problem in which the government's

interests are overwhelming, *Id*. at 740, 2098. In addition to first demonstrating probable cause, the government was required, in a "full-blown adversary hearing," to convince a neutral decision maker by clear and convincing evidence that no conditions of release can reasonably assure the safety of the community or any person, *Id*. at 750, *i.e.*, that the "arrestee presents an identified and articulable threat to an individual or the community." *Id*. at 751, 2103. Conversely, in this particular case, the district court affirmed the denial of bail without affording the defense a de novo hearing to consider and weigh the factors herein in existence(DE 228).

Once again, in this particular case, there is no controversy as to the applicable law. Petitioner herein must concede that the statutory presumptions of risk of flight and risk to the safety of the community are herein triggered based on the charges pending under the instant indictment and the amount of drugs claimed to be involved by the United States. Accordingly, the question at issue could be divided in two primary areas. First, the Court should consider whether Petitioner has been able to rebut the previously mentioned presumptions mandated by the applicable statute. Secondly, this Court in its review should have given greater weight to the evidence, testimony and other corroborated factors brought to the attention of the Court by the defense before it entered its ruling.

While this Court conducts its review, we must warn that the position of the United States must be evaluated with due care. In this case, the United States has consistently argue and re-argue and rehashed the same argument and facts, forcing the lower court to focus its inquiry primarily in the seriousness of the offense charged and disregarding all other factors present in this case which did overwhelmingly support the granting of bail. Again, we must caution that the detention determination should not become a mini trial nor be wholly based on an obsessive single factor alone or the potential to establish Petitioner's guilt.

In this particular case, we cannot deny that the nature of the offense herein charged is very serious and involves severe penalties. We cannot deny as well that the instant offense allegedly involves a large amount of drugs. However, in this case the record speaks by itself and there are plenty of arguments and evidence which certainly seem to rebut the risk of danger to the community. In addition, in light of the tremendous support received by Petitioner on behalf of his family and the multiple factors personally judged by the Magistrate Judge and brought to the attention of the district court, the lower court should have considered wise to conduct an evidentiary hearing to hear the parties and to weigh the evidence at bar. And if we should consider as a collateral issue our nation's precarious financial condition, the bail controversy could have serious implications in our daily

criminal practice, especially, if we would weigh the multiple § 3142(g) factors in existence in this particular case against the unjustified waste of resources and institutional funds involved in the unwarranted detention of Petitioner.

Moreover, in this case, the record below reveals that Petitioner is an excellent candidate to be released in bail under the supervision of the U.S. Probation Office. Likewise, the record reveals that the lower court failed to conduct a detention or evidentiary hearing to personally consider and weigh all the factors in existence in this case and required by the statute as well as to hear Petitioner and the United States. Hence, this Court should not grant a high degree of deference to the lower's court ruling as a brief review of the corroborated factors below will show both that Petitioner did rebut the statutory presumptions and that the lower court committed reversible error:

First, Petitioner does not have a significant prior criminal record. Hence, the recidivism level in this case seems to be non-existent. This means that if he is in fact found guilty of the pending charges, the instant offense could constitute a marked deviation from his normal life.

Second, Petitioner does not have a history of drug or alcohol abuse. And a urine sample yielded negative results to all illicit drugs. Therefore, it has been scientifically corroborated that he does not have a drug addiction condition.

Third, Petitioner comes from a very poor family and he does not have any significant properties that could be used to post a secured bail. However, this factor alone should not be employed to justify denying bail in this case.

Fourth, Petitioner has always worked hard as a painter, in construction and washing cars to earn his livelihood and he has always supported his children and family both financially and emotionally. He has fathered five children, whom he has kept daily contact and whom he has always totally financially and emotionally supported. He is a good father and his children are healthy and in the right track in life. This means that his children and family depend almost entirely on his financial support.

Fifth, multiple members of his community, including his employer and God mother, vouched for Petitioner's high sense of responsibility and strong character.

Sixth, Petitioner does not have any foreign or international contacts, hence, he does not pose a risk of flight as determined by the Magistrate Judge.

Seventh, Petitioner is a good son as his mother attended the detention hearing and she corroborated the good nature and high sense of responsibility of him.

Eighth, Petitioner is a good husband as his wife was willing to vouch for him. He has secured a very stable relationship and family.

Furthermore, the United States is only required to present the indictment to trigger the statutory presumptions. *See*, *e.g.*, *U.S. v. Suppa*, 799 F.2d 115 (3rd Cir.1986). Accordingly and as mentioned before, the United States should not employ the detention hearing to reprise of all of the evidence presented before the Grand Jury or to "rehash probable cause", specifically, when such arguments constitute mere allegations at this stage of the criminal proceeding, where no evidence whatsoever has been disclosed to Petitioner. Instead, the United States should have complied with its ministerial obligation to ultimately show that Petitioner could be a risk of flight or danger to the community. *See*, *e.g.*, *U.S. v. Williams*, 798 F. Supp. 34, 36(D.D.C.1992). However, in this particular case, the United States has simply failed to comply with its burden and as a consequence, it failed to establish risk of flight by a preponderance of the evidence as well as to establish danger to the community by clear and convincing evidence. *See*, *e.g.*, *U.S. v. Patriarca*, 948 F.2d 789 (1st Cir.1991). Therefore, the United States did lead the district court to commit reversible error in light of the multiple factors herein in existence in support of release in bail. And to exacerbate matters even more, the district court failed to conduct a detention hearing to personally examine the evidence, to hear the parties herein, as well as to consider the findings of the pretrial investigation, which seem to verify the Magistrate Judge's findings.

CONCLUSION

For the reasons set forth above, it is hereby hence very respectfully requested for this Honorable Court to grant this petition for a writ of certiorari.

RESPECTFULLY SUBMITTED.

At San Juan, Puerto Rico, this 19th day of August, 2019.

/s/ Francisco J. Adams-Quesada
Francisco J. Adams-Quesada, Esq.
U.S.C.A. 1st Cir. Bar No.
U.S.D.C. - P.R. Bar No. 222507
P.O. Box 361252
San Juan, PR 00936-1252
787-598-9543
Email: fjadamsquesada@gmail.com

United States Court of Appeals
For the First Circuit

No. 19-1366

UNITED STATES,

Appellee,

v.

LUIS R. ESPINAL-RIVERA, a/k/a Espi, a/k/a Luis Pinal, a/k/a El Gordo,

Defendant, Appellant.

Before

Howard, Chief Judge,
Torruella and Barron, Circuit Judges.

JUDGMENT

Entered: July 1, 2019

Defendant Luis R. Espinal-Rivera appeals from a district court order directing that he be detained pretrial. After careful review of the record, the district court's decision, and the parties' appellate arguments, we conclude that we would not reach "a different result" and that affirmance is therefore appropriate. United States v. O'Brien, 895 F.2d 810, 814 (1st Cir. 1990); see also United States v. Tortora, 922 F.2d 880, 882 (1st Cir. 1990) (this court's review of detention decisions is independent, but "tempered by a degree of deference to the determinations made below").

The order of the district court is affirmed. See 1st Cir. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc: Francisco Javier Adams-Quesada, Luis R. Espinal-Rivera, Myriam Yvette Fernandez-Gonzalez, Mariana E. Bauza Almonte, Alberto R. Lopez Rocafort, Maria L. Montanez-Concepcion, Antonio Perez-Alonso