

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

August 3, 2026

Before

DAVID F. HAMILTON, *Circuit Judge*
DORIS L. PRYOR, *Circuit Judge*
JOSHUA P. KOLAR, *Circuit Judge*

No. 26-2174	UNITED STATES OF AMERICA, Plaintiff - Appellee v. JAMAR SCOTT, Defendant - Appellant
Originating Case Information: District Court No: 3:23-cr-30067-CRL-2 Central District of Illinois District Judge Colleen R. Lawless	

Upon consideration of the **MEMORANDUM IN SUPPORT OF MOTION TO VACATE DETENTION ORDER**, filed on July 28, 2026, by counsel for the appellant,

IT IS ORDERED that the motion for release is **DENIED**. *See* Fed. R. App. P. 9(a); 18 U.S.C. § 3145. Because this is an appeal from a pretrial detention order, this order resolves the appeal. *See* Fed. R. App. P. 9(a); Cir. R. 9(a).

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APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
JAMAR SCOTT)
Defendant.)
Case No. 23-CR-30067

ORDER

COLLEEN R. LAWLESS, United States District Judge:
Before the Court is Defendant Jamar Scott's Motion to Review Magistrate's Detention Order. (Doc. 132).

I. BACKGROUND

Scott is charged with bank fraud, conspiracy to commit bank fraud, conspiracy to commit aggravated identity theft, and aiding and abetting aggravated identity theft. (Doc. 87). After several continuances, the Magistrate Judge held a detention hearing and ordered Scott detained, finding the factors in 18 U.S.C. § 3142(g) favor detention and that no condition or combination of conditions of release would reasonably assure his appearance. (November 1, 2024 Minute Entry; Doc. 81). The Magistrate Judge also found a serious risk existed that Scott would obstruct or attempt to obstruct justice if he were released based on his conduct while detained. Scott later asked the Court to reopen his detention hearing under 18 U.S.C. § 3142 (f)(2). (Doc. 101). The motion was denied, and Scott now seeks review of the Magistrate Judge's detention order 18 U.S.C. § 3145(b).

II. DISCUSSION

A. Legal Standard

Under the Bail Reform Act of 1984, a defendant may be detained in custody pending trial if the court finds "no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community." 18 U.S.C. § 3142(e)(1). A finding of either flight risk or danger to the community is sufficient to detain a defendant before trial; a court need not find both to justify detention. *United States v. Daniels*, 772 F.2d 382, 383 (7th Cir. 1985). The government must prove risk of flight by a preponderance of the evidence and must prove danger to any person or the community by clear and convincing evidence. 18 U.S.C. § 3142(f); *United States v. Portes*, 786 F.2d 758, 765 (7th Cir. 1985).

To determine whether there are conditions of release which will reasonably assure the appearance of the defendant or the safety of any other person and the community, the court considers the factors in Section 3142(g):

- (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

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(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.

18 U.S.C. § 3142(g). If the judicial officer determines that no release conditions or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, "the judicial officer shall order the detention of the person before trial." *Id.* § 3142(e)(1).

Under Section 3145(b), a defendant may move for the district court to review a magistrate judge's release or detention order. Under this standard, the district court conducts a *de novo* review and need not defer to the magistrate judge's findings. *United States v. Wilks*, 15 F.4th 842, 847 (7th Cir. 2021). This standard does not require that new evidence or information be available before reconsideration. *United States v. Cox*, 2019 WL 6318407, at *3 (N.D. Ind. Nov. 26, 2019).

B. Analysis

(1) Scott's Initial Appearance

Scott argues procedural errors occurred at his initial appearance that should have resulted in his immediate release on October 18, 2024. He contends neither the Government nor the Magistrate Judge moved for detention pursuant to Sections 3142(f)(2)(A) or (B), which, on the Government or Court's motion, require a detention hearing to be held when a defendant poses a serious flight risk or serious risk of

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obstructing justice. 18 U.S.C. §§ 3142(f)(2)(A), (B). However, even though the Government did not specifically state Section 3142(f)(2), it did, over no procedural objections, seek detention at Scott's initial appearance. Scott did not argue that the Government failed to meet its initial showing that it was entitled to a detention hearing under Section 3142(f)(2), nor did he object to his temporary detention for preparation of the pretrial services report. Therefore, Scott's request for release on this basis is denied.

Scott also asserts the Magistrate Judge erroneously continued his detention hearing at his initial appearance. Under Section 3142(f)(2), detention hearings must be held "immediately upon the person's first appearance before the judicial officer *unless that person, or the attorney for the Government, seeks a continuance.*" *Id.* § 3142(f)(2) (emphasis added). The hearing recording indicates the Magistrate Judge *sua sponte* continued the hearing for five days over no objections to allow preparation of a pretrial services report. (October 18, 2024 Recording). Even assuming the continuance of Scott's detention hearing violated Section 3142(f)(2), the Supreme Court has found that "[n]either the timing requirements nor any other part of the [Bail Reform] Act can be read to require, or even suggest, that a timing error must result in release of a person who should otherwise be detained." *United States v. Montalvo-Murillo*, 495 U.S. 711, 718 (1990). The detention hearing in *Montalvo-Murillo* involved several procedural irregularities including, as is the case here, a *sua sponte* continuance from the magistrate judge to allow preparation of a pretrial services report. *Id.* at 715. Although the Court in dicta did note that, "[i]t is conceivable that some combination of procedural irregularities could render a detention

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hearing so flawed" as to invalidate it, the procedural issues Scott raises here did not make his detention hearing "so flawed" as to warrant his release. *Id.* at 717.

(2) Scott's Detention Hearing

Scott next argues the Government did not meet its burden at his November 1, 2024 detention hearing. As discussed above, detention must be ordered if the Court finds Scott is a flight risk or a danger to the community. This Court finds that the Government did not sufficiently prove Scott was a danger to the community.¹ The Court considers the factors in Section 3142(g) to determine whether detention is warranted.

The nature and circumstances of the offenses charged weigh in favor of detention. Scott is charged with identity theft, which shows he has the ability and wherewithal to create fraudulent identity documents that could facilitate flight. *See United States v. Spears*, No. 2:10-CR-55, 2010 WL 2427499, at *4 (N.D. Ind. June 4, 2010) (finding an identity theft charge indicates a defendant may be a flight risk). In fact, proffered evidence shows Scott had a fraudulent license and passport bearing his picture. (Doc. 76). Scott was also found in possession of a fraudulent credit card. (*Id.*). In *Portes*, the Court upheld detention when the district court found a defendant to be a flight risk after considering the availability of phony identification and large amounts of cash. *Portes*, 786 F.2d at 765. Therefore, Scott's fraudulent identity documents and significant sums of cash further favor detention.

¹ The Detention Order states that the Government had not shown by clear and convincing evidence that no condition or combination of conditions of release would reasonably assure the safety of any other person and the community. (Doc. 81 at 2). But, during the detention hearing, the Magistrate Judge found the safety risk Scott posed to be a grounds for detention. (November 1, 2024 Recording).

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The weight of the evidence against Scott, which even he concedes is substantial, also favors detention. (Doc. 132 at 14; October 23, 2024 Recording). The Government provided a lengthy proffer detailing the evidence against Scott and his motion does not contest this evidence.

Scott's history and characteristics weigh against detention in some respects. For example, Scott has no history of substance abuse, no criminal history, and no mental or physical conditions that would make him a flight risk. However, Scott's "past conduct" strongly favors detention. *See* 18 U.S.C. § 3142(g)(3)(A). Specifically, after Scott learned his phone was to be searched and was warned not to delete any materials from it, Scott called his mother from jail and instructed her to remove his phone's SIM card. (November 1, 2024 Recording). He later called his girlfriend seeking confirmation that the SIM card had been removed. (*Id.*). These calls were efforts to obstruct justice and occurred after the Government specifically admonished Scott not to engage in such conduct. Scott's willingness to disregard Court directives since his arrest indicates he poses a risk of doing so in the future and may not appear as required.² Scott suggests the Court should not consider his phone calls from jail because they happened after his initial appearance,

² The Magistrate Judge found Scott's risk to obstruct justice to be an independent basis for detention. The Seventh Circuit does not appear to have addressed this question, but other circuits have indicated that the threat of obstruction of justice alone can justify detention. *See United States v. Finster*, 797 F.2d 156, 160 (3d Cir. 1986) ("[I]t is reasonable to interpret the [Bail Reform Act] as authorizing detention only upon proof of a likelihood of flight, a threatened obstruction of justice or a danger of recidivism in one or more of the crimes actually specified by the bail statute."); *United States v. Acevedo-Ramos*, 755 F.2d 203, 206 (1st Cir. 1985) ("[W]here the court finds that a defendant's release creates an unusual risk of obstruction of justice, the Constitution and relevant statutes permit detention."). Regardless of whether Scott's efforts to obstruct justice are an independent basis to detain him or only a factor supporting the Court's determination that he is a flight risk, detention is justified.

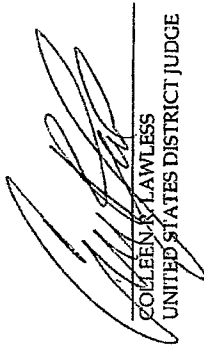
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which he argues was erroneously continued. But Scott does not cite any authority requiring the Court to disregard evidence of events occurring after an erroneous continuance. Based on the foregoing, the Court finds by a preponderance of evidence that there are no conditions or combination of conditions of release that will reasonably assure Scott's appearance as required and there was a serious risk that the defendant would obstruct or attempt to obstruct justice if released.

III. CONCLUSION

Accordingly, Defendant's Motion to Review Magistrate's Detention Order is DENIED. (Doc. 132).

DATE: 10/20/2025


COLLEEN LAWLESS
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

for the
Central District of Illinois
United States of America)
v.)
JAMAR SCOTT) Case No. 23-30067-CRL-KLM
Defendant)

ORDER OF DETENTION PENDING TRIAL

Part I - Eligibility for Detention

Upon the

- ☐ Motion of the Government attorney pursuant to 18 U.S.C. § 3142(f)(1), or
- ☒ Motion of the Government or Court's own motion pursuant to 18 U.S.C. § 3142(f)(2).

the Court held a detention hearing and found that detention is warranted. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i), in addition to any other findings made at the hearing.

Part II - Findings of Fact and Law as to Presumptions under § 3142(e)

- ☐ A. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(2) (previous violation): There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because the following conditions have been met:
 - ☐ (i) the defendant is charged with one of the following crimes described in 18 U.S.C. § 3142(f)(1):
 - ☒ (a) a crime of violence, a violation of 18 U.S.C. § 1591, or an offense listed in 18 U.S.C. § 2332a(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed; or
 - ☐ (b) an offense for which the maximum sentence is life imprisonment or death; or
 - ☐ (c) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); or
 - ☐ (ii) any felony if such person has been convicted of two or more offenses described in subparagraphs (a) through (c) of this paragraph, or two or more State or local offenses that would have been offenses described in subparagraphs (a) through (c) of this paragraph if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or
 - ☐ (iii) any felony that is not otherwise a crime of violence but involves:
 - ☐ (i) a minor victim; (ii) the possession of a firearm or destructive device (as defined in 18 U.S.C. § 921); (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250; and
- ☐ (2) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; and
- ☐ (3) the offense described in paragraph (2) above for which the defendant has been convicted was committed while the defendant was on release pending trial for a Federal, State, or local offense; and
- ☐ (4) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for the offense described in paragraph (2) above, whichever is later.

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☒ **B. Rebuttable Presumption Arises Under 18 U.S.C. § 3142(e)(3) (incurties, firearm, other offenses):** There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

- ☐ (1) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. §§ 801-994), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);
- ☐ (2) an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;
- ☐ (3) an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 years or more is prescribed;
- ☐ (4) an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; or
- ☐ (5) an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425.

☐ **C. Conclusions Regarding Applicability of Any Presumption Established Above**

☐ The defendant has not introduced sufficient evidence to rebut the presumption above, and detention is ordered on that basis. (*Part III need not be completed.*)

OR

☐ The defendant has presented evidence sufficient to rebut the presumption, but after considering the presumption and the other factors discussed below, detention is warranted.

Part III - Analysis and Statement of the Reasons for Detention

After considering the factors set forth in 18 U.S.C. § 3142(g) and the information presented at the detention hearing, the Court concludes that the defendant must be detained pending trial because the Government has proven:

- ☐ By clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.
- ☒ By a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required. Additionally, a serious risk exists that defendant will obstruct or attempt to obstruct justice, based upon his conduct while detained pending the detention hearing.

In addition to any findings made on the record at the hearing, the reasons for detention include the following:

- ☒ Weight of evidence against the defendant is strong
- ☐ Subject to lengthy period of incarceration if convicted
- ☐ Prior criminal history
- ☐ Participation in criminal activity while on probation, parole, or supervision
- ☐ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☐ Lack of stable employment
- ☐ Lack of stable residence
- ☐ Lack of financially responsible sureties

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- ☒ Lack of significant community or family ties to this district
- ☐ Significant family or other ties outside the United States
- ☐ Lack of legal status in the United States
- ☐ Subject to removal or deportation after serving any period of incarceration
- ☐ Prior failure to appear in court as ordered
- ☐ Prior attempt(s) to evade law enforcement
- ☒ Use of alias(es) or false documents
- ☐ Background information unknown or unverified
- ☐ Prior violations of probation, parole, or supervised release

OTHER REASONS OR FURTHER EXPLANATION:

After the Government advised defendant in open court on 10/25/2024 that a warrant was to issue for electronic devices and that defendant was not to directly or indirectly obstruct or attempt to obstruct law enforcement in obtaining evidence from those devices, defendant made requests to mother and girlfriend to remove the SIM card in one of the devices. Additionally, in a telephone call from the jail where defendant was being held, defendant explained to his mother how to remove the SIM card.

Defendant was found in possession of a large amount of cash and other information belonging to victims. Defendant has demonstrated the ability to obtain personal identifying and financial information of victims for a lengthy period of time in combination with others. Although defendant may not be causing physical damage to his victims by the actions in which he has allegedly engaged, he can cause damage to credit scores and can cause financial hardship on victims.

Defendant is a flight risk, given the potential length of incarceration and his ability to assume the identity of others.

Part IV - Directions Regarding Detention

The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date 11/05/2024

/s/ Karen L. McNaught
United States Magistrate Judge

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