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United States Court of Appeals For the First Circuit

No. 03-1944

UNITED STATES,
Appellee,

v.

DAVID SANCHEZ-BADILLO,
Defendant, Appellant.

No. 03-1945

UNITED STATES,
Appellee,

v.

FRANCISCO TOMAS MURIEL-CASTILLO,
Defendant, Appellant.

APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO
[Hon. Daniel R. Domínguez, U.S. District Judge]

Before
Lynch, Lipez and Howard,
Circuit Judges.

Jose R. Franco on brief for appellants.
H.S. Garcia, United States Attorney, Sonia I. Torres-Pabon,
Assistant United States Attorney, and Nelson Perez-Sosa, Assistant
United States Attorney, on brief for appellee.

December 2, 2003

Per Curiam. After carefully considering the briefs and record in these consolidated appeals, we affirm the pre-trial detention orders for substantially the reasons stated by the district court.

Our review is independent, tempered by a degree of deference to the determination below. United States v. Tortora, 922 F.2d 880 (1st Cir. 1990). The appellants essentially argue that since the government's case rested upon hearsay, it failed to prove the need for detention by a preponderance of the evidence. However, the rules of admissibility for criminal trials do not apply to detention hearings. 18 U.S.C. § 3142(f); United States v. Acevedo-Ramos, 755 F.2d 203 (1st Cir. 1985). More importantly, the appellants' indictments sufficed to trigger a rebuttable presumption in favor of detention. 18 U.S.C. § 3142(e); United States v. Vargas, 804 F.2d 157 (1st Cir. 1986). As the district court ruled, the appellants failed to satisfy their burden of production by presenting some evidence that they do not endanger the community. Finally, even if they had discharged their burden, the weight of the incriminating evidence is just one factor in the analysis. 18 U.S.C. § 3142(g); United States v. Palmer-Contreras, 835 F.2d 15 (1st Cir. 1987). The appellants are charged with serious crimes involving large amounts of drugs, and the record shows that they have the contacts and resources to flee.

Affirmed. Loc. R. 27(c).