IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA PLAINTIFF

VS. CASE NO. 2:21-cr-20030-PKH-1

BILLY JOE TAYLOR DEFENDANT

ORDER

Currently before the Court is the Petition for Action on Conditions of Pretrial Release filed on November 17, 2021. (ECF No. 30). A hearing on the Petition was held on December 20, 2021.

Pursuant to 18 U.S.C. § 3148, a person who has been released under § 3142, as Defendant was on May 26, 2021, and who has violated a condition of his release, is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

Section 3148 further provides that a judicial officer *shall* enter an order of revocation and detention if, after a hearing, the judicial officer —

(1) Finds that there is —

(A) Probable cause to believe that the person has committed a Federal, State, or local crime while on release; or
(B) Clear and convincing evidence that the person has violated any other condition of release; and

(2) Finds that —

(A) Based on the factors set forth in § 3142(g), there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; *or*
(B) The person is unlikely to abide by any condition or combination of conditions of release.

Here, the Petition for Action alleges three violations.

The first alleged violation concerns a new law violation, alleging that Defendant has continued to engage in criminal activity while on pretrial release. It is alleged that Defendant has

entered into several transactions with a company, Gen Tech Scientific ("Gen Tech"), for the sale of certain laboratory equipment, and that while substantial payments from Gen Tech were received by Defendant, he failed to ship the equipment to Gen Tech as promised.

Evidence presented at the hearing showed that Gen Tech paid a total of $192,500 to Defendant for the equipment, and that only three machines were shipped to Gen Tech, but without the necessary software which rendered them inoperable. Defendant argued that much of the equipment was locked up at a facility in California due to the non-payment of rent on the facility, so he could not comply with shipping the equipment to Gen Tech until access to the facility could be obtained. However, in the Government's exhibits detailing the communications between Defendant and Gen Tech regarding these transactions, the Defendant did not advise Gen Tech of any such problems, but instead the communications seemed designed to put Gen Tech off and lull them into inaction. Of particular significance to the Court is the evidence that despite receiving $192,500 from Gen Tech, none of those funds were used by Defendant to resolve the unpaid rent to obtain access to the equipment so the equipment could be shipped to Gen Tech.

While no criminal charges have been brought against the Defendant in connection with these transactions, the statute does not require that formal charges have been brought against the Defendant, but only that the Court finds probable cause to believe that the person released on conditions has violated a Federal, State, or local crime while on release. The Court makes that finding here.

The second alleged violation concerns the travel restrictions imposed by the Court in the Order setting the conditions of release. More specifically, it is alleged that Defendant stayed overnight at the River Spirit Casino in Tulsa, Oklahoma on 23 occasions since being released on conditions., and that none of those stays at the casino were authorized. Defendant argued that

these stays were related to medical care, but the evidence shows otherwise. According to the Probation Officer assigned to the Defendant's pretrial supervision, only four trips to Tulsa were authorized (three for medical reasons and one for consultation with counsel), and none of those trips were authorized for overnight stays at the casino. Thus, the evidence shows that these overnight stays at the casino were not for medical reasons, nor were they approved by the Probation Officer. Government Exhibit 8 details a total of 23 stays at the casino from June 15, 2021, to October 12, 2021, and this equates to approximately four unauthorized stays per month at the casino. Defendant also argues that these stays were "comped" by the casino, but that misses the point. The point is that these unauthorized stays at the casino reflect a willful disregard for the pretrial conditions of release imposed by the Court, and it evidences a risk of flight. That the Defendant has financial resources enhances the risk of flight, particularly considering that Defendant is facing up to 10 years imprisonment on each of 17 counts charged against him in the Indictment.

The Court does find by clear and convincing evidence that Mr. Taylor has violated the travel restrictions imposed by the Court in the Order setting conditions of pretrial release.

The third alleged violation concerns having contact with individuals who are or may be victims or witnesses in the investigation or prosecution. It is alleged that Defendant has continued to have contact with Clayton Love, Miranda Plum, and Alissa Fisher, who are known to Defendant to be potential witnesses. The evidence reflects that all three previously worked for the Defendant and are familiar to some extent with his business and financial dealings. It is alleged that Defendant purchased vehicles in the names of Miranda Plum and Alissa Fisher, and those vehicles were seized by law enforcement on May 25, 2021. Law enforcement also conducted searches and seized potential evidence related to the criminal investigation of Defendant at the residences of

Miranda Plum and Clayton Love. Law enforcement conducted interviews of these individuals during the investigation. Defendant's argument that he had not been provided with a witness list by the Government, and therefore he did not know these individuals were potential witnesses is unpersuasive, and it appears clear to the Court that he did know they were potential witnesses. The evidence presented at the hearing reveals that in Defendant's communications with Clayton Love, the Defendant encouraged Mr. Love to retain a particular attorney, and that Mr. Love was not a target of the investigation, clearly demonstrating that Defendant knew Mr. Love was a potential witness. More disturbing, the evidence also shows that in June 2021, Defendant utilized Mr. Love and his girlfriend, Megan Hinkle, to purchase a vehicle for Miranda Plum to replace the vehicle seized by law enforcement on May 25, 2021. Such conduct may constitute the improper influence or tampering with a known witness.

The Court finds by clear and convincing evidence that Defendant has violated the condition of pretrial release not to have contact with any victim or witness in the investigation or prosecution.

Next, and with those findings having been made, the Court must consider an evaluation of the factors set forth in 18 U.S.C. § 3142(g) as to whether there is some condition or combination of conditions of release that will assure that the Defendant will not flee or pose a danger to the safety of any other person or the community ***or*** that the Defendant is unlikely to abide by any condition or combination of conditions of release.

Upon the evidence presented, the Court does find that Defendant presents an unreasonable flight risk and that he presents an ongoing danger to the community. Further, it is apparent to the Court that given his willful, flagrant, and repeated violations of the conditions of his pretrial release, it is unlikely that Defendant will abide by any condition or combination of conditions the Court may impose short of detention.

Accordingly, and for the reasons stated above, the Petition for Action on Conditions of Pretrial Release (ECF No. 30) is **GRANTED**, and Defendant's Secured Bond (ECF No. 12) and the Order Setting Conditions of Release (ECF No. 13) are hereby **REVOKED**.

Defendant is ordered to be detained pending trial, and he is remanded to the custody of the United States Marshal Service.

IT IS SO ORDERED this 20th day of December 2021.

/s/ Mark E. Ford
HON. MARK E. FORD
UNITED STATES MAGISTRATE JUDGE