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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA, )

12 Plaintiff, )

13 v. )

14 JESSE CLARK GARCIA (1), )

15 Defendant. )  
16

Case No. 24CR0908-RBM (VET)

DATE: N/A

TIME: N/A

**RESPONSE TO GOVERNMENT’S  
MOTION (DOCKET NO. 21);  
REQUEST TO VACATE STATUS  
HEARING**

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18 Pursuant to the Court’s order setting a briefing schedule (Docket No. 31), Defendant  
19 Jesse Clark Garcia, by and through counsel Jennifer L. Coon, hereby files this response to the  
20 government’s motion to preclude reopening of detention hearing and motion to detain  
21 defendant pending trial (Docket No. 21).

22 In its motion, the government states that Mr. Garcia was ordered detained in  
23 connection with a Rule 5 proceeding in the District of Arizona prior to his transfer to this  
24 district, and argues that the detention hearing cannot be reopened unless the requirements of  
25 18 U.S.C. § 3142(f) are met. The government has separately provided defense counsel with  
26 a transcript of the detention hearing before the magistrate judge in Arizona, reflecting that his  
27 defense counsel in the Rule 5 proceeding requested his release to a third party custodian, and  
28 that the Arizona magistrate denied that proposal and ordered him detained.

1 Title 18, U.S. Code Section 3142(f) provides that a detention hearing “may be  
2 reopened, before or after a determination by the judicial officer, at any time before trial if the  
3 judicial officer finds that information exists that was not known to the movant at the time of  
4 the hearing and that has a material bearing on the issue whether there are conditions of release  
5 that will reasonably assure the appearance of such person as required and the safety of any  
6 other person and the community.” Title 18, U.S. Code Section 3145(b) provides for review  
7 by the district court of a magistrate judge’s detention order.

8 Without agreeing to the government’s recitation of facts regarding the charged  
9 offenses, Mr. Garcia concedes that detention can only be reconsidered by way of a motion  
10 to reopen the detention hearing before the magistrate judge under 18 U.S.C. § 3142(f) or by  
11 motion for review by the district court under 18 U.S.C. § 3145. Mr. Garcia is in discussion  
12 with potential sureties regarding a new bond proposal, and expects to file a motion to reopen  
13 the detention hearing once he has that new information to present, but is not ready to file that  
14 motion at this time. He therefore respectfully requests that the government’s motion be denied  
15 as moot, and that the June 18 status hearing regarding detention be vacated.

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Respectfully submitted,

DATED: June 12, 2024

s/ Jennifer L. Coon  
JENNIFER L. COON  
Attorney for Mr. Garcia