

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL NO. B-14-876
	§	
KEVIN LYNDEL MASSEY	§	

**ORDER**


On June 2, 2015, this Court ordered the defendant, Kevin Lyndel Massey, into custody for his failure to appear for three different scheduled drugs tests while he was on pretrial release pending disposition of this case. The conditions of his release, to which he agreed, included his agreement to “[s]ubmit to random urine collections and drug treatment if deemed necessary by Pretrial Services.” Further, the Appearance Bond states that the defendant must “not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 . . . .” Marijuana falls under this prohibition. Massey agreed to be bound by these conditions. Massey’s failure to appear for drug tests on May 1, 2015, May 12, 2015 and May 20, 2015 violates the conditions of his release.

Moreover, at the June 2, 2015 hearing, Defendant requested the right to take a drug test that day—a request that this Court granted. A test was performed after the hearing. That test was positive for marijuana. Pretrial Services, in order to ensure the accuracy of this result, had the analysis performed again by the Court’s contracted laboratory. That second test confirmed the result obtained here at the Courthouse. It was “positive” for “marijuana metabolite.”

This Court will not allow those on bond to flaunt the laws of the United States or the agreed-

upon conditions. While this Court was willing to weigh whatever reasons Massey might have had for the missed tests, and had, in fact, scheduled a hearing on June 10, 2015 for that purpose, there is no excuse for violating the law. Consequently, there is no reason to hold a hearing. This Court cancels the hearing scheduled for June 10, 2015 and orders that Massey will remain in custody until the conclusion of his trial. Any custodial decision at that point will depend on the trial's outcome.

Signed this 9<sup>th</sup> day of June, 2015.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', is written over a horizontal line.

Andrew S. Hanen  
United States District Judge