

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA            )  
  )  
  )        No.    3:23-mj-2033  
  )  
  )        Judge Frensley  
JOSIAH ERNESTO GARCIA            )

**UNITED STATES’ MOTION FOR DETENTION HEARING  
AND FOR DETENTION OF THE DEFENDANT**

COMES NOW the United States of America by Henry C. Leventis, United States Attorney, and Brooke K. Schiferle, Assistant United States Attorney, and moves this Court for a detention hearing and for detention of defendant in this matter. Federal law provides that “the judicial officer shall hold a hearing to determine whether any conditions or combination of conditions...will reasonably assure...the safety of any other person and the community – upon motion of the attorney for the Government or upon the judicial officer’s own motion in a case, that involves...any felony...that involves ...the possession of or use of a firearm.” 18 U.S.C. § 3142(f)(1)(E).

The statement in support of the Criminal Complaint in this case describes that defendant held himself out to be a hired killer, and actively pursued employment as such. Defendant met with an FBI undercover agent and participated in detailed discussions expressing his interest in torturing and killing people for money. After being offered many opportunities to withdraw from the employment offer, defendant accepted payment to kill a person. The Criminal Complaint also details defendant’s possession of an AR style rifle and his intent to use that rifle to execute the murder-for-hire. In addition to the facts in the Criminal Complaint, the government would introduce facts at a hearing to show that the firearm in question was seized from the defendant’s bedroom.

Therefore, the Court should set a detention hearing based on the fact that, statutorily, the Government is entitled to one on their own motion in a case involving this offense.

Due to the nature of the charges and the disturbingly serious nature of the statements defendant made to the FBI undercover agent, it is evident that defendant had the intent to kill people for money. Therefore, release of this defendant would pose a legitimate danger to the community. The United States submits that the Court can have no confidence that defendant would abide by whatever condition or set of conditions this Court would order.

The United States respectfully requests a continuance of three business days in order to adequately prepare for the hearing in this matter.

Respectfully submitted,

HENRY C. LEVENTIS  
United States Attorney

By:

/s/ Brooke K. Schiferle

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