

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

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CR. NO. H-09-342
	§	Hon. David Hittner
ROBERT ALLEN STANFORD,	§	
LAURA PENDERGEST-HOLT	§	
GILBERTO LOPEZ,	§	
MARK KUHRT and	§	
LEROY KING	§	

DEFENDANT ALLEN STANFORD'S
MOTION FOR RELIEF FROM OPPRESSIVE JAIL CONDITIONS

TO THE HONORABLE JUDGE OF SAID COURT:

DEFENDANT ALLEN STANFORD, through his attorney Dick DeGuerin, brings this motion to ask the Court to immediately address oppressive jail conditions at the Joe Corley Detention Facility, respectfully showing as follows:

1. For at least a week, during the hottest part of the summer, with outside temperatures of 100° or more, the place where Allen Stanford is being held as a pretrial detainee has had no air conditioning and for part of that time was without power altogether.

2. Allen Stanford is housed in a single cell with between eight to ten other men. For part of the time last week, they were in total darkness and so far (this motion is prepared on Sunday, July 26) the cell has been

without air conditioning for at least a week. There are no windows for light or ventilation and the conditions are intolerable.

3. Allen Stanford urgently asks the Court to transfer him to the Federal Detention Center in downtown Houston run by the Bureau of Prisons and renews his request for transfer, both because of the oppressive conditions under which he is suffering, as well as the impossible conditions for preparing for his complex trial.

4. Regarding the inability of Allen Stanford to consult with his lawyers, the discovery in this case is by electronic means and none of the visiting conditions at the Joe Corley Detention Facility allow the use of electronics. Allen Stanford will be denied his constitutional right to review the evidence in his case if he is detained pretrial at the Joe Corley Detention Facility.

5. Counsel for Allen Stanford has tried to address the conditions with the Marshal's Service and the Joe Corley Detention Facility, but thus far to no avail. See Exhibit A, a letter to United States Acting Marshal Saenz.

Respectfully Submitted,

DEGUERIN & DICKSON

/s/ Dick DeGuerin

Dick DeGuerin
Texas State Bar No. 05638000
Sean Buckley
Texas State Bar No. 24006675
1018 Preston, 7th Floor
Houston, Texas 77002
P: 713/223-5959
F: 713/223-9231
Lawyers for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Allen Stanford's Motion for Relief From Oppressive Jail Conditions has been served on the parties via the ECF System on July 26, 2009.

/s/ Dick DeGuerin

Dick DeGuerin

DeGUERIN & DICKSON

ATTORNEYS AT LAW

SEVENTH FLOOR, THE REPUBLIC BUILDING

1018 PRESTON AVENUE

HOUSTON, TEXAS 77002

DICK DeGUERIN
NEAL DAVIS
TODD WARD
SEAN BUCKLEY
OF COUNSEL
LEWIS DICKSON
CATHERINE BAEN
INVESTIGATOR
RALPH WARREN

AREA CODE 713
TELEPHONE 223-5959
FACSIMILE 223-9231
ddeguerin@aol.com

WEST TEXAS OFFICE
P.O. BOX 1452
MARFA, TX 79843
432-729-3343

July 26, 2009

Transmitted Via Facsimile: 713-718-4848

Acting United States Marshal Elizabeth Saenz
United States Marshal's Office
Houston, Texas

Re: Jail Conditions, Joe Corley Detention Facility
United States of America v. Robert Allen Stanford, et al.
CR. No. H-09-342;
In the USDC for the Southern District of Texas, Houston Division

Dear Marshal Saenz:

I left a message for you on your voice mail Friday afternoon regarding an intolerable situation that has yet to be remedied at the Joe Corley Detention Facility in Conroe. As I dictate this letter on Sunday, Allen Stanford's cell has been without air conditioning for at least a week, during the hottest part of the summer, with outdoor temperatures of 100° or more. For part of that time his cell was also without power. With no windows for ventilation or light, this means that the eight to ten men housed with Mr. Stanford in a single cell were sweltering and for part of the time in total darkness.

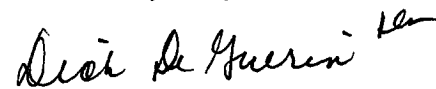
There are serious medical conditions of several of the men in the cell, including a man in his late seventies with diabetes, and another man with a heart condition. I have spoken with Mr. Stanford on several occasions and the situation has yet to be properly addressed.

I believe that the electrical and air conditioning problems have been system wide, due to reports I have heard, but I know that Mr. Stanford's conditions have been as I describe above.

This situation needs your urgent attention.

Page 2
July 26, 2009

Yours very truly,

A handwritten signature in cursive script, reading "Dick DeGuerin", followed by a small flourish or mark.

Dick DeGuerin

DD:bls

cc: Honorable Nancy F. Atlas
Honorable David Hittner
Marjorie Meyers, Federal Public Defender

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

v.

ROBERT ALLEN STANFORD,
LAURA PENDERGEST-HOLT,
GILBERTO LOPEZ,
MARK KUHRT, and
LEROY KING

§
§
§
§
§
§
§
§

CR. NO. H-09-342
Hon. David Hittner

PROPOSED ORDER

Upon consideration of Defendant's R. Allen Stanford's Motion for Relief From Oppressive Jail Conditions, the Court is of the opinion same should be GRANTED. It is, therefore,

ORDERED that Defendant Allen Stanford be transferred from the Joe Corley Detention Facility to the Federal Detention Center in downtown Houston on or before _____.

Signed this _____ day of _____, 2009.

Hon. David Hittner