UNITED STATES DISTRICT COURT

for the

_____ District of _____

United States of America)
v.)
) Case No. _____
_____)
Defendant)

ORDER OF DETENTION ON PRETRIAL SUPERVISION VIOLATION

Pursuant to 18 U.S.C. § 3148(a), a person who has been released in accordance with 18 U.S.C. § 3142, and who has violated a condition of release is subject to a revocation of release, an order of detention, and prosecution for contempt of court. The defendant appeared before this court on _____ for a revocation of release proceeding in accordance with 18 U.S.C. § 3148(b).

Findings of Fact and Law

The court makes the following findings under 18 U.S.C. § 3148(b)(1) and (2):

☐ There is probable cause to believe that the person has committed a federal, state, or local crime while on pretrial release; or

☐ There is clear and convincing evidence that the person has violated any other condition of pretrial release.

☐ **A Rebuttable Presumption under 18 U.S.C. § 3148(b) applies because** there is probable cause to believe that, while on release, the defendant committed a federal, state, or local felony. A rebuttable presumption therefore arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community.

- ☐ The defendant has not rebutted the presumption; or
- ☐ The defendant has rebutted the presumption. However, the presumption remains a factor for the court to consider in determining whether to release or detain.

Statement of Reasons for Detention

Under 18 U.S.C. § 3148(b)(2)(A) and (B), and based on the factors set forth in 18 U.S.C. § 3142(g):

- ☐ By a preponderance of the evidence, there are no 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
- ☐ By a preponderance of the evidence, the person is unlikely to abide by any condition or combination of conditions of release.

OTHER REASONS OR FURTHER EXPLANATION:

IT IS THEREFORE ORDERED that the order of release be revoked and the defendant be detained pending further proceedings. The defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility must deliver the defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

Date

U.S. District Judge/U.S. Magistrate Judge