

AO 472 (Rev. 3/86) Order of Detention Pending Trial

UNITED STATES DISTRICT COURT

District of Delaware

UNITED STATES OF AMERICA

v.

ORDER OF DETENTION PENDING TRIAL

Clarence Walker

Case CR 06-88 (SLR)

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

- (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a federal offense state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is a crime of violence as defined in 18 U.S.C. § 3156(a)(4). an offense for which the maximum sentence is life imprisonment or death. an offense for which a maximum term of imprisonment of ten years or more is prescribed in a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense. (3) A period of not more than five years has elapsed since the date of conviction release of the defendant from imprisonment for the offense described in finding (1). (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- (1) There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in under 18 U.S.C. § 924(c). (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

- (1) There is a serious risk that the defendant will not appear. (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by X clear and convincing evidence a preponderance of the evidence: The court finds that there are no conditions or combination thereof that will reasonably assure that defendant is not a danger to the community on the following bases:

- 1. Although defendant has tie to this community or nearby, his criminal history reveals that those ties have not lessened his criminal behavior.
2. He has sporadic, at best, employment.
3. His criminal history began at age 13 with a 5 year hiatus and then re-began at age 18 years. In 1998, defendant was convicted of receiving stolen property and within 3 months found in VOP. In the same year he was convicted of possession with intent to deliver and possession of a non-narcotic and later found in VOP in 2001. He was eventually discharged from probation as unimproved. He was convicted in 2001 of burglary 2d (dwelling) and in 2004 found VOP for which he received an additional 4 months imprisonment. At the time of his arrest on the present offense, defendant was released on charges of unauthorized use of a vehicle without the consent of the owner.
4. According to defendant his substance abuse has been confined to marijuana.

**Part III—Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his 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 shall 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 shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

October 26, 2006  
Date



Signature of Judicial Officer  
Mary Pat Thyng, Magistrate Judge

Name and Title of Judicial Officer

\*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).