

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA

VS.

NO. 1: 09-CR-34 (WLS)

AUDREY PAIGE ROWELL,

VIOLATIONS: Drug Related

Defendant

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. Defendant AUDREY PAIGE ROWELL was represented by Mr. Floyd M. Buford, Jr. and Ms. Laura D. Hogue of the Macon Bar; the United States was represented by Assistant U. S. Attorney Leah E. McEwen. Based upon the evidence presented/proffered to the court by counsel for the government and counsel for the defendant, as well as the contents of the Bail Report dated December 7, 2009, I conclude that the following facts require the detention of the defendant pending the trial of this case.

PART I - FINDINGS OF FACT

- (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 the Controlled Substances Act.
 - 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

- (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

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence presented/proffered at the DETENTION HEARING, as supplemented by information contained in the aforementioned Bail Report, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the future appearance of this defendant and the safety of the community were defendant ROWELL to be released from custody. Although she has ties to the Middle District of Georgia and lacks a felony conviction record, the offenses charged against her are very serious ones for which long-term incarceration can be expected in the event of a conviction or pleas of guilty. Her estimated guideline range is 151 months to 188 months. The weight of evidence appears to be strong; her co-defendant in this proceeding has implicated her in the allegations set forth in the indictment involving distribution of marijuana, crack cocaine, and methamphetamine. Although she lacks a felony conviction record, subsequent to her arrest in Miller County on June 29, 2008, on the state drug charges which led to this federal prosecution, and while on release on bond, she was arrested in Jones County, Georgia on July 16, 2009 on new drug charges.

For the foregoing reasons, the undersigned finds that the government has established independent of the rebuttable presumption noted above that defendant ROWELL poses both a serious risk of flight and a danger to the community were she to be released from custody, mandating pretrial detention. IT IS SO ORDERED AND DIRECTED.

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States 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 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.

SO ORDERED, this 7th day of DECEMBER, 2009.



CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE

