

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

UNITED STATES OF AMERICA

VS.

JOEY L. CAMPBELL,

Defendant

NO. 3: 08-CR-14 (CAR)

VIOLATION: Drug Related

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. The defendant was represented by Ms. Catherine Michele Leek of the Federal Defenders Office; the United States was represented by Assistant U. S. Attorney Tamara A. Jarrett. Based upon the evidence proffered to the court by counsel for the parties and the contents of the Pretrial Services Report dated August 22, 2008, as well as argument and comments of counsel, 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 proffered at the DETENTION HEARING, as supplemented by information contained in the Pretrial Services Report of the U. S. Probation Office dated August 22, 2008, 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 safety of the community were defendant Campbell to be released from custody at this time. The offense charged against him is a serious drug felony for which long-term incarceration can be expected if he is convicted, primarily because it is alleged that the offense occurred while he was under a sentence of supervised release in this court on similar charges. His estimated federal sentencing guideline range computed by the U. S. Probation Office is 92 months to 115 months to be served in prison. Defendant Campbell possesses a criminal conviction record, including POSSESSION OF COCAINE WITH INTENT TO DISTRIBUTE, 2005, Superior Court of Athens-Clarke County; and DISTRIBUTION OF MORE THAN FIVE GRAMS OF COCAINE BASE, 2006, U. S. District Court for the Middle District of Georgia No. 3:04-CR-25 for which he is now on supervised release facing revocation.

The defendant has a history of drug usage: according to the defendant, he first used marijuana at the age of 16 and continued usage twice daily until April of 2005. While under supervised release in Case No. 3:04-CR-25, he tested positive for cocaine usage in June of 2008 and failed to attend drug treatment and counseling as directed.

For the foregoing reasons, the undersigned finds that defendant Campbell would pose a serious danger to the community were he to be released from custody. He has exhibited a propensity to involve himself in trafficking illegal drugs while under supervised release. Pretrial detention is thus mandated.

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 25th day of AUGUST, 2008.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr." The signature is fluid and cursive, with "Claude" and "W." being more stylized.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE