

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

**UNITED STATES OF AMERICA**

**VS.**

**KENNETH GREGORY THOMPSON,**

Defendant

**NO. 5: 09-CR-76 (CAR)**

**VIOLATION: Firearms 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. Defendant **THOMPSON** was represented by Ms. Catherine Michelle Leek of the Federal Defenders Office; the United States was represented by Assistant U. S. Attorney Michael T. Solis. Based upon the evidence proffered to the court by counsel for the government and counsel for the defendant, as well as the Pretrial Service Report of the U. S. Probation Office dated February 9, 2010, 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 aforementioned Pretrial Services 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 safety of the community were the defendant to be released from custody. The defendant is a long-time resident of Macon, Georgia. The offense of **POSSESSION OF A FIREARM BY A CONVICTED FELON** charged against him herein is a serious one for which long-term incarceration can be expected in the event of a conviction or plea of guilty. By statute, he faces 15 years to life imprisonment if convicted; his estimated guideline sentencing range is 188 months to 235 months. The weight of evidence is very strong: a sawed-off shotgun was found on his person by Sheriff's deputies when he was arrested; and, the defendant admitted possession of the shotgun.

The defendant has a lengthy record of arrests and has felony convictions which include POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE, Superior Court of Bibb County, 1990; BURGLARY, Superior Court of Houston County, 1991; and, BURGLARY, Superior Court of Houston County, 1997.

Importantly, defendant Thompson has a history of a dozen probation/parole revocations going back to 1985 and continuing to 2009, indicating to the undersigned that he lacks the ability to comply with requirements of supervision such as those that would be imposed upon him as conditions of pretrial release. Accordingly, pretrial detention is mandated. IT IS SO ORDERED.

**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 17<sup>th</sup> day of FEBRUARY, 2010.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr.".

**CLAUDE W. HICKS, JR.**  
**UNITED STATES MAGISTRATE JUDGE**