

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
) Case No. 1:00-CR-29
vs.)
)
LELWIN D. FIELDS) JUDE COLLIER

MEMORANDUM & ORDER

Defendant LELWIN D. FIELDS appeared for a hearing before the undersigned on September 15, 2009, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Doug Corn and the Warrant for Arrest issued pursuant to the order of U.S. District Judge Curtis L. Collier. Those present for the hearing included:

- (1) AUSA Mel Schwing for the USA.
- (2) The defendant, LELWIN D. FIELDS.
- (3) Attorney John Brooks for defendant.
- (4) U.S. Probation Officer Doug Corn.
- (5) Courtroom Deputy Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded his under the 5th Amendment to the United States Constitution.

It was ascertained the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and a copy of the Warrant for Arrest. It was determined defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Mel Schwing called USPO Doug Corn as a witness and moved that the defendant be detained pending the revocation hearing.

Findings

- (1) Based upon USPO Doug Corn's testimony, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged or set forth in the Petition.

(2) The defendant has not carried his burden under Rule 32.1(a)(6) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose a danger to the community.

Conclusions

It is ORDERED:

(1) The motion of AUSA Schwing that the defendant be DETAINED WITHOUT BAIL pending the revocation hearing before U.S. District Judge Curtis L. Collier is GRANTED.

(2) The U.S. Marshal shall transport the defendant to a revocation hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure before Judge Collier at **2:00 pm on Thursday, October 15, 2009.**

ENTER.

Dated: September 15, 2009

/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE