

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA,)
)
v.) No. 1:15-cr-83-HSM-CHS
)
REGINALD PECK)

MEMORANDUM AND ORDER

REGINALD PECK (“Defendant”) appeared for a hearing on November 17, 2017, in accordance with Rules 5 and 32.1 of the Federal Rules of Criminal Procedure on the Amended Petition for a Warrant or Summons for an Offender Under Supervision (“Amended Petition”).

Defendant was placed under oath and informed of his constitutional rights. It was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel and Federal Defender Services of Eastern Tennessee had been appointed previously to represent Defendant [Docs. 35 & 41]. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Amended Petition.

The Government moved that Defendant be detained without bail pending his revocation hearing before U.S. District Judge Mattice. Defendant waived his right to a preliminary hearing but requested a detention hearing, which was held on November 17, 2017. U.S. Probation Officer Christa Heath testified regarding the factual allegations set forth in the Amended Petition and related matters. Both parties presented their respective evidence and arguments, which were fully considered by the Court.

Based upon the Amended Petition and Defendant’s waiver of preliminary hearing, the Court finds there is probable cause to believe Defendant has committed violations of conditions of his supervised release.

For the reasons addressed more fully during the extensive hearing, I find that Defendant has carried his burden under Fed. R. Crim. P. 32.1(a)(6) of demonstrating that, if released, he will not pose a risk of non-appearance or a danger to another person or to the community. Upon consideration of all of the factors set forth in 18 U.S.C. §§ 3142(g) and 3142(f)(2)(B), there are conditions which will reasonably assure the appearance of the Defendant and the safety of the community.

Accordingly, it is **ORDERED** that:

- (1) Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge Mattice a proposed Agreed Order with respect to an appropriate disposition of the Amended Petition.
- (2) In the event counsel are unable to reach and/or submit an agreement with respect to an appropriate disposition of the Amended Petition, Defendant is **ORDERED** to appear for

a revocation hearing before U.S. District Judge Mattice at **9:00 a.m. on January 22, 2018.**

(3) The Government's motion that the Defendant be **DETAINED WITHOUT BAIL** pending his revocation hearing is **DENIED**. With agreement of the parties regarding the conditions of release, Defendant is released on his current conditions of release as set out in the Judgment [Doc. 30] and the amendments or revisions to same.

SO ORDERED.

ENTER.

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE