

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Crim. Action No.
	)	05-10091-01-WEB
NOBLE TYSHAWN BUCHANNON,	)	
	)	
Defendant.	)	
_____	)	

**Memorandum and Order**

This matter came before the court on the defendant's Motion for Release From Custody Pending Sentencing. The court orally denied the motion following the defendant's entry of a guilty plea on August 29, 2005. This written memorandum will supplement the court's oral ruling.

The defendant was charged in a five-count indictment with various drug and firearm offenses. The Magistrate initially ordered that the defendant be detained pending trial but subsequently ordered his release on conditions after the defendant provided additional information. After being released on bond, however, the defendant violated the terms of his bond by using an unlawful controlled substance, and the Magistrate revoked the order of release and ordered that he be detained pending trial.

On August 29, 2005, defendant appeared before this court and entered a plea of guilty to Count 1 of the indictment charging the unlawful possession with intent to distribute more than 500 grams of cocaine HCL. Defendant also filed a motion for release from custody pending sentencing, in which he asked that he be released so he could visit family members prior to beginning his impending term of imprisonment.

As the court explained at the Rule 11 hearing, 18 U.S.C. § 3143 provides in part that the judge must order that a person who has been found guilty of this type of offense be detained unless the court finds there is a substantial likelihood that a motion for acquittal or new trial will be granted, or unless the government has recommended that no sentence of imprisonment be imposed and the person is not likely to flee or pose a danger to the community. These requirements are not satisfied in the instant case. Nor has the defendant shown that there are exceptional circumstances why his detention would not be appropriate. *Cf.* 18 U.S.C. § 3145(c).

Conclusion.

Defendant's Motion for Release from Custody Pending Sentencing (Doc. 25) is DENIED. IT IS SO ORDERED this 31<sup>st</sup> Day of August, 2005, at Wichita, Ks.

s/Wesley E. Brown  
Wesley E. Brown  
U.S. Senior District Judge