

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-10088-01-WEB
)	
LORIS WILLIAMS,)	
)	
Defendant.)	
_____)	

Memorandum and Order

This matter came before the court on June 15, 2010, on defendant's appeal of the Magistrate Judge's Order of Detention. The court orally denied the defendant's request to revoke the detention order. This written memorandum will supplement the court's oral ruling.

Defendant was charged by Indictment filed July 22, 2009, with two counts of unlawful possession with intent to distribute 5 grams or more of a mixture containing cocaine base, or aiding and abetting in the same, in violation of 21 U.S.C. § 841 and 18 U.S.C. § 2. Doc. 1. He made his initial appearance in federal court on a writ of *habeas corpus ad prosequendum* from state or local custody on April 7, 2010. Doc. 5. Defendant waived his right to a detention hearing at that time and was ordered detained pending trial. On June 7, 2010, defendant filed a motion for the Magistrate to review detention on the grounds that his state or local custody requirements had been resolved since his initial appearance. The Magistrate Judge held a hearing on June 14, 2010, and denied defendant's motion for release. *See* Doc. 18. On June 15, 2010, the defendant appeared before the court and entered a plea of guilty to Count 2 of the Indictment. The court accepted his plea of guilty after conducting a Rule 11 inquiry. The court

then heard defendant's arguments for release pending sentencing in this matter.

The offense to which defendant pled guilty carries a maximum penalty of more than ten years under the Controlled Substance Act. Pursuant to 18 U.S.C. § 3143(a), a person found guilty of such an offense may not be released pending sentence in the absence of certain unusual factors, including where there is a likelihood of acquittal or the Government has recommended that no sentence of imprisonment be imposed. Neither of those factors are present in this case.

Accordingly, defendant's request for release pending sentence (Doc. 16) is DENIED. The Order of Detention previously entered remains in effect. IT IS SO ORDERED this 16th Day of June, 2010, at Wichita, Ks.

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