

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

Criminal No. 2:98cr8-1

RANDY REYNOLDS,

Defendant.

ORDER/OPINION

On the 10th day of October, 2006, came the defendant, Randy Reynolds, in person and by his counsel, Timothy Sirk, and also came the United States by its Assistant United States Attorney, Stephen Warner, pursuant to a Violation Report and Warrant or Summons Request filed in this case on September 13, 2006, and supplemented on September 29, 2006, alleging Defendant violated conditions of his supervised release by:

1. Unauthorized use of an illegal substance (crack cocaine); and
2. New Law Violation, consisting of allegations of domestic violence by Defendant against his live-in girlfriend.

Prior to the taking of evidence, Defendant waived the preliminary hearing in writing, conceding that probable cause exists to forward this revocation matter to United States District Judge Robert E. Maxwell for hearing and disposition.

The Court then explained the charges contained in the Petition and the effect of the proposed waiver to Defendant and inquired of him as to the voluntariness of his decision to waive the preliminary hearing. From the colloquy between the Court and the defendant, the Court concludes Defendant's decision to waive the preliminary hearing was knowingly and voluntarily made.

Upon consideration of all which, the Court finds there is probable cause to believe that the

defendant violated the conditions of his supervised release as alleged in the Violation Report filed September 13, 2006, and the September 29, 2006, supplement thereto.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Robert E. Maxwell, United States District Judge for the Northern District of West Virginia on the violations alleged in the Violation Report filed September 13, 2006, and the September 29, 2006, supplement thereto.

It is further **ORDERED** that Defendant be remanded to the custody of the United States Marshal pending further proceedings in this matter.

The clerk of the court is directed to send a copy of this order to counsel of record.

DATED: October 10, 2006

/s *John S. Kaul*

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE