

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 1:04CR91-1

AMANDA PAULINE MASTERS,
Defendant.

ORDER/OPINION

On the 16th day of June 2006, came the defendant, Amanda Pauline Masters, in person and by her counsel, Brian J. Kornbrath, and the United States by Zelda Wesley, Assistant United States Attorney, pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on May 26, 2006, alleging Defendant:

1. Violated the Mandatory Condition that she refrain from any unlawful use of a controlled substance in that she submitted a urine specimen on February 7, 2006, which tested positive for THC and cocaine, and admitted to using those substances; and
2. Violated the Mandatory Condition that she refrain from any unlawful use of a controlled substance, in that she submitted a urine specimen on February 16, 2006, which tested positive for THC, and admitted to using marijuana.

Prior to the taking of evidence, Defendant waived the preliminary hearing in writing, conceding probable cause existed to forward this revocation matter to Chief United States District Judge Irene M. Keeley 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 her as to the voluntariness of her decision to waive the preliminary hearing. From the colloquy between the Court and the defendant, the Court concluded 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 her supervised release as alleged in the Petition for Warrant or

Summons for Offender Under Supervision filed May 26, 2006.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before the Honorable Irene M. Keeley, Chief United States District Judge for the Northern District of West Virginia on the violations alleged in the Petition for Warrant or Summons for Offender Under Supervision dated May 26, 2006.

Defendant then orally moved the Court for an order releasing her from the custody of the U.S. Marshal pending the hearing before Chief District Judge Keeley, on strict conditions including home confinement with electronic monitoring, with her father, Larry Gregory, acting as third-party custodian. The United States stated it had no objection to Defendant's release pending further proceedings. Regarding the issue of release, the Court heard the testimony of United States Probation Officer Kenneth Sales, Jr., and Mr. Gregory. Based on all of the above, the undersigned finds Defendant is not a flight risk or a serious danger to the community if released on home confinement with electronic monitoring, with her father acting as third-party custodian. It is therefore further

ORDERED that Defendant's motion to be released on strict conditions of release be, and the same is, hereby **GRANTED**, and it is accordingly

ORDERED that the defendant be released from custody pending the outcome of the revocation of supervised release proceedings now pending against her subject to her Conditions of Supervised Release as supplemented by the additional Conditions of Release entered this same date.

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

DATED: June 21, 2006.


JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE