

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

Criminal No. 2:05CR8

DARRELL DARDEN,
Defendant.

ORDER/OPINION

On the 15th day of October 2010, came the defendant, Darrell Darden, in person and by his counsel, Brian J. Kornbrath, and also came the United States by its Assistant United States Attorney, Zelda Wesley, pursuant to a Petition for Warrant or Summons for Offender Under Supervision filed in this case on October 8, 2010, alleging:

1. Violation of Standard Condition No. 3: The defendant shall answer truthfully all inquiries by the Probation officer and follow the instructions of the Probation Officer.
2. Violation of Standard Condition No. 2: The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.
3. Violation of Standard Condition No. 6: The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

Prior to the taking of evidence, Defendant waived the hearing, conceding probable cause existed to forward this revocation matter to Chief United States District Judge John Preston Bailey 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 hearing on the matter. From the colloquy between the Court and the defendant, the Court concluded defendant's decision to waive hearing and his agreement to the modification ordered by the District Judge as recited above was knowingly and voluntarily made.

Upon consideration of all which, the Court finds Defendant violated conditions of his supervised release as alleged in the Petition for Warrant or Summons for Offender Under Supervision filed October 8, 2010.

It is therefore **ORDERED** that the defendant be bound over for a full hearing before Chief United States District Judge John Preston Bailey on the Petition for Warrant or Summons for Offender Under Supervision filed October 8, 2010.

Defendant, through counsel, advised that he was not seeking release at the moment because he was seeking a suitable place to live. Counsel advised he would be moving for modification of conditions if and when suitable housing, preferably at a half way house was located. Counsel for the Government advised that the Government had no objection to Defendant's release to a halfway house should space become available. Unless and until such a request is made, Defendant is remanded to the custody of the United States Marshal pending further proceedings.

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

DATED: October 20, 2010.

John S. Kaul
JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE