

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

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:05cr32

RICKY SEABOLT,

Defendant.

ORDER/OPINION

On the 13th day of March 2007, came the United States of America by Stephen D. Warner, Assistant United States Attorney, and also came the defendant, Ricky Seabolt, in person, and by his counsel, David L. Orndorff, pursuant to a Petition for Action on conditions of Pretrial Release filed December 13, 2005, and a Warrant for Arrest issued by United States Magistrate Judge John S. Kaull on December 16, 2005.

I. Procedural History

On September 13, 2005, Defendant was released on conditions set by Order [Docket Entry 14]. On December 16, 2005, Defendant's then-Adult Pretrial Services Officer Mark Sneberger filed a Petition for Action on Conditions of Pretrial Release alleging that Defendant violated his conditions of release by failing to report as directed to the Probation Officer; failing to submit his monthly supervision report; and failing to immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address or telephone number. The trial date in this matter was continued generally due to Defendant's non-appearance. Defendant was arrested pursuant to the Court's order on March 8, 2007.

Prior to the hearing Defendant waived the hearing regarding the alleged violations in writing and stated orally that he wished to surrender to the custody of the United States Marshal

pending further proceedings.

It is therefore **ORDERED** that the release of Defendant Ricky Seabolt on conditions is **REVOKED** and that:

- 1) Defendant be **REMANDED** to the custody of the United States Marshal pending further proceedings in this case;
2. Defendant be confined in a facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. Defendant be afforded a reasonable opportunity for private consultation with defense counsel;
4. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding; and
5. The Clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Probation Officer.

DATED: March 14, 2007.

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