

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

UNITED STATES OF AMERICA,

v.

Case No. 1:07MJ26

DASHEAN L. BRADLEY,

Defendant.

ORDER/OPINION

On May 25, 2007, came the United States by David E. Godwin, its Assistant United States Attorney, and Dashean L. Bradley, in person and by his counsel, Brian J. Kornbrath, for a preliminary hearing on the criminal complaint filed against him on April 30, 2007, and for a hearing on the motion of the United States for detention of Defendant pending further proceedings.

After determining Dashean L. Bradley had received, read, and had the opportunity to review and discuss the charges contained in the criminal complaint with his counsel, the Court proceeded to hear evidence presented by the United States in the form of the sworn testimony of Shawn Derrek Tipton, Senior Officer Specialist at Federal Bureau of Prisons United States Penitentiary at Hazleton; Bryan Antonelli, Special Investigator for the Federal Bureau of Prisons at Hazleton; and FBI Special Agent James V. Watson. The Court also received and considered the Pretrial Services Report relative to the issues raised by the motion for detention. The Court also heard argument from counsel relative to the issue of probable cause.

Upon consideration of the evidence presented and in accord with the oral findings made by the Court on the record of the hearing, the Court finds there is probable cause to believe that:

On or about April 4, 2007, in Preston County, West Virginia, in the Northern District of West Virginia, the defendant, Dashean L. Bradley did [k]nowingly use intimidation and threaten a person, namely, Azmi Mahmoud, with intent to influence, delay or prevent the testimony of another person in an official proceeding, and with intent to hinder, delay, or prevent the communication to a law enforcement officer of the United States of information relating to the commission of a Federal offense, in violation of Title 18, United States Code, § 1512(b)(1) and (3).

With respect to the motion of the United States for detention of Dashean L. Bradley, Defendant, through counsel, stated that he did not object to the motion for detention at this time, as there are outstanding warrants for Defendant in other jurisdictions.

Based on the Pretrial Services report, and for reasons stated on the record, the motion of the United States to detain Dashean L. Bradley pending further proceedings in this case is **GRANTED without prejudice**. Defendant shall be permitted to request to reopen the issue of detention should his circumstances change.

It is **ORDERED** that Dashean L. Bradley be bound over for proceedings before a Grand Jury attending the United States District Court for the Northern District of West Virginia.

It is further **ORDERED** that:

1. The defendant be, and he is hereby remanded to the custody of the United States Marshal pending further proceedings in this case;
2. The 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. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
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.

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 this 25th day of May, 2007.

/s *John S. Kaull*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE