



United States v. Birdhorse

2008 | Cited 0 times | D. North Dakota | March 13, 2008

PENDING SENTENCING

On September 6, 2007, Wesley Birdhorse was released pursuant to an Amended Order Setting Conditions of Release. On November 26, 2007, he entered a plea of guilty, and conditions of release were continued pending sentencing. On December 11, 2007, the supervising pretrial services officer filed a petition, alleging Mr. Birdhorse had violated conditions of release. The violation charged was failure to return to a halfway house placement after being released for work.

Mr. Birdhorse was arrested on March 7, 2008, and appeared at a hearing on the petition on March 12, 2008. At the hearing, he admitted to the violation.

This Court finds clear and convincing evidence that Wesley Birdhorse violated conditions of pretrial release, and further finds he is unlikely to abide by any condition or combination of conditions of release. See 18 U.S.C. § 3148. Further, since Mr. Birdhorse has entered a plea of guilty, 18 U.S.C. § 3143 presumes detention pending sentencing.

