

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	Case No. 1:02-cr-72-2
v.)	
)	Judge McDonough/Steger
DAVID SHROPSHIRE)	

MEMORANDUM AND ORDER

DAVID SHROPSHIRE (“Defendant”) came before the Court for an initial appearance on November 7, 2017, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender under Supervision (“Petition”).

After being sworn in due form of law, Defendant was informed of his privilege against self-incrimination under the 5th Amendment and his right to counsel under the 6th Amendment to the United States Constitution.

The Court determined Defendant wished to be represented by an attorney and that he qualified for the appointment of an attorney to represent him at government expense. Consequently, the Court APPOINTED Hannah Stokes to represent Defendant.

Defendant was furnished with a copy of the Petition, and had an opportunity to review that document with his attorney. The Court determined that Defendant was able to read and understand the Petition with the assistance of his counsel. In addition, AUSA Perry Piper explained to Defendant the specific charges contained in the Petition. Defendant acknowledged he understood the charges in the Petition.

The Government moved Defendant be detained pending disposition of the Petition or further Order of this Court. The Court explained Defendant’s right to a preliminary hearing and detention hearing and what those hearings entail. Defendant conferred with his counsel and requested a preliminary hearing and a detention hearing.

The Court conducted a preliminary hearing and a detention hearing on November 7, 2017. Defendant was represented by Hannah Stokes at the detention hearing, and the Government was represented by Perry Piper. The Government relied upon the testimony of United States Probation Officer Cornell Mitchell as well as the sworn Petition executed by Officer Mitchell which includes a recitation of the various violations of conditions of supervision committed by Defendant (*i.e.*, possession of a controlled substance; answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer; purchase, possession, and use of a controlled substance; frequenting places where controlled substances are illegally sold, used, distributed or administered; association with persons engaged in criminal

activity). Defendant's counsel, Hannah Stokes, relied upon the testimony of Jeffery Wayne Shropshire and proffered evidence on behalf of Defendant. Counsel for both sides were given an opportunity to argue for and against detention.

The undersigned finds that Defendant repeatedly tested positive for cocaine. Defendant has an extensive criminal history involving a number of crimes of violence.

The Court finds that the evidence establishes probable cause to believe that Defendant has committed violations of his conditions of supervised release. The Court finds that Defendant has not carried the burden of establishing by clear and convincing evidence that he does not pose a danger to any other person or to the community and that he is not a flight risk. Consequently, the Court GRANTED the Government's oral motion to detain Defendant pending disposition of the Petition or further order of this Court.

It is, therefore, **ORDERED** that:

1. Counsel for Defendant and the Government shall confer and make best efforts to submit to United States District Judge McDonough a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision.
2. In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender under Supervision, they shall request a hearing before United States District Judge McDonough.
3. The Government's motion that Defendant be DETAINED WITHOUT BAIL pending further Order of this Court is **GRANTED**.

ENTER.

/s/Christopher H. Steger
United States Magistrate Judge