

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

CASE NO: 6:18-cr-272-Orl-37GJK

ALLEN GRIFFIN

Defendant.

ORDER

Pending before the Court is Defendant's Motion for Reconsideration of Detention Order and Request for Bond (Doc. 66). The government has filed a response in opposition to the motion (Doc. 68).

Defendant was indicted on one count of conspiracy to commit bank fraud and seven counts of bank fraud (Doc. 1). He was arrested, and on January 8, 2019, the Court held a detention hearing (Doc. 13). Based upon the evidence and argument presented the Court found that there were no conditions of release that would reasonably assure the safety of other persons or the community (Id.). Consequently, Defendant remains in custody. He has now pled guilty to all charges (Doc. 36), his plea has been accepted, and he has been adjudicated guilty (Doc. 43). Sentencing is scheduled to occur on May 6, 2019 (Id.).

Now, Defendant gives three reasons why the Court should reconsider and grant him release pending sentencing. First, he cites his guilty plea and acceptance of responsibility (Doc. 66 at 2). Second, he represents that his fiancé is having a difficult pregnancy and needs help (Id.). Third, certain state law charges which the Court referenced when it ordered detention have now been dismissed (Id.). Considered

separately or together, none of Defendant's grounds merit his release pending sentencing.

The Court will consider Defendant's guilty plea and acceptance of responsibility at sentencing. In the meantime, he has been found guilty and is facing a sentence of imprisonment (Doc. 61 at 18). Therefore, he must be detained unless the Court "finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released under section 3142(b) or (c)." 18 U.S.C. § 3143(a)(1). Defendant's proffered grounds do not rise to the level of clear and convincing evidence.

There would be something wrong if Defendant didn't want to help his fiancé during her pregnancy and be present for the birth of his child. However, while this circumstance may diminish the possibility that he will flee, it does not alleviate the Court's concern that Defendant presents a danger to the community if released at this time.

The Court does not know why the state charges against Defendant were dismissed but this is not persuasive when considering whether he should be released at this time.

For these reasons, Defendant's motion is **DENIED** without a hearing having been held.

DONE and **ORDERED** in Orlando, Florida on April 19, 2019.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to:

Counsel of Record

Allen Griffin