

This is your new

Federal Bail and Detention Handbook 2016

**Hon. John L. Weinberg
United States Magistrate Judge**

Federal Bail and Detention Handbook 2016, which replaces your 2015 edition of the handbook, provides all the latest significant developments under the Federal Bail Reform Act, as reported by the Honorable John Weinberg, including his invaluable table of U.S. Supreme Court and Circuit Decisions. *Federal Bail and Detention Handbook 2016's* coverage of the most significant developments under the Federal Bail Reform Act of 1984 includes the following:

- The majority of a Ninth Circuit panel ruled that defendant is entitled to credit against his sentence for time spent in the custody of immigration authorities before criminal charges were filed, and between the dismissal of the original charges and the refile in the proper district. *See* § 5:8.
- If a defendant absconds from a halfway house, where he was residing pursuant to a court order, the circuits have split as to whether he can be prosecuted for “escape.” The Second, Eighth, and Tenth Circuits have held that he can; the Ninth Circuit has held that he cannot. *See* § 5:8.
- The existence of an immigration detainer does not categorically require the court to detain defendant, the Ninth Circuit has held. Nor does the possibility of removal provide a basis for finding defendant is a flight risk. Only “volitional” failures to appear may be considered. *See* § 6:7.3.
- Where a district court continued defendant on bond pending sentencing, but did not make the findings required by 18 U.S.C. § 3145c, the Tenth Circuit reversed and remanded, requiring the district judge to make an appropriate record. The case was decided without oral argument, and not entitled to “precedential value” under Tenth Circuit rules. *See* § 12:3.

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