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Federal Bail and Detention Handbook 2018

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

Federal Bail and Detention Handbook 2018 provides the latest significant developments under the Federal Bail Reform Act of 1984, as reported by the Honorable John Weinberg. Among the developments discussed in this edition are:

- The Tenth Circuit has ruled that a detention order must be supported by a showing that the court considered the factors set forth in Sec. 3142(g), with an explanation of the court's analysis. This may be in the order itself, or in the record of the detention hearing. *See* § 4:1.
- A Tenth Circuit case suggested that if a defendant presents a significant risk of suicide, this might present a basis for the court to determine that he would be a "flight risk" if released. *See* § 4:4.
- The D.C. Circuit held that the definition of "crime of violence" in 18 U.S.C. Sec. 924(c)(3)(B) is *not* void for vagueness. *See* § 4:2.
- A panel of the Ninth Circuit, in an immigration case, suggested by implication that there might be constitutional support for the requirements that a defendant not be detained because he cannot meet the financial conditions set for his release, and that the court attempt to identify the least restrictive adequate conditions. *See* § 5:6.
- The Tenth Circuit ordered continued detention of a defendant who had been in pretrial custody for five and one-half years. *See* § 6:12.11.
- The Tenth Circuit joined the Ninth Circuit in finding that the existence of an immigration detainer, in itself, does not provide a reason for finding that a defendant is a risk of flight. *See* § 6:7.3.
- The Tenth Circuit agreed that the district court, in considering the issue of detention or release, could consider evidence that had already been suppressed. *See* § 6:8.2.
- The Fifth Circuit joined the First and D.C. Circuits in holding that the sentence enhancement for committing a new crime while on release, pursuant to Sec. 3147 and the Sentencing Guidelines, does not require

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a specific conviction under that section, or a finding by the jury that the defendant committed the new offense while on release by the federal court. *See* § 10:7.

- The First Circuit ordered a defendant released on conditions while the appeal from his conviction was pending. It was not necessary for him to show he would ultimately prevail on the issue which was the basis for his appeal, and he met the other standards for release prescribed in Sec. 3143(b)(1). *See* § 12:4.

In addition, the **Table of Cases**, which lists all of the U.S. Supreme Court and circuit decisions discussed in the book, and the **Table of Cases by Jurisdiction** are updated, providing users of the book an efficient research tool.

Thank you for purchasing *Federal Bail and Detention Handbook 2018*. If you have questions about this product, or would like information on our other products, please contact customer service at info@pli.edu or at (800) 260-4PLI.