

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Case No. CR-05-043-WH</b>
	)	
<b>JIMMY C. CHISUM,</b>	)	
	)	
<b>Defendant.</b>	)	

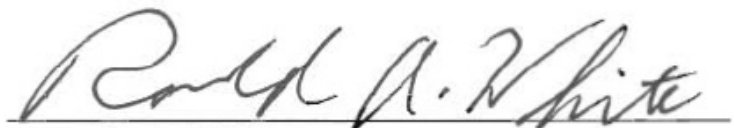
**ORDER**

Before the Court is the motion of the defendant to stay sentence and release on bond pending appeal. Pursuant to 18 U.S.C. §3143(b)(1), a defendant requesting release pending appeal must be detained unless the Court finds that (1) the defendant has established by clear and convincing evidence that if released he is not likely to flee or pose a danger to the safety of any other person or to the community, and (2) the defendant has established by a preponderance of the evidence that his appeal is not for delay purposes but actually raises a substantial question of law or fact which if determined favorably on appeal would likely result in reversal, an order for a new trial, a sentence with no term of imprisonment, or a reduced sentence. *See United States v. Affleck*, 765 F.2d 944, 952-53 (10<sup>th</sup> Cir.1985).

Upon review, the Court is persuaded neither prong is satisfied.

It is the Order of the Court that the motion to stay sentence and for release on bond pending appeal (#124) is hereby DENIED.

**ORDERED THIS 27th DAY OF JULY, 2006.**



Ronald A. White  
United States District Judge  
Eastern District of Oklahoma