

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF OKLAHOMA
TRANSMITTAL SHEET
(Notice of Appellate Action)

() Notice of Appeal Style of case: USA vs. JIMMY C. CHISUM
() Amended NOA
() Cross Appeal District Court Case No: CR-05-43-RAW
() Interlocutory Appeal
(07/31/06) Update Item** Tenth Circuit Case No:

Part 1

Notice of appeal is enclosed to all parties (except to appellant in civil cases); NOA, docket entries, district court order and CJA 20 (if applicable) are enclosed.

- 1. District Judge: Ronald A. White
2. Official Court Reporter(s): Gala Watkins, Karla McWhorter, Shannon Flores
3. Fees:
USA: () Fees waived
\$455.00 filing fee: (X) Fees paid in full
Pauper Status: (date) IFP GRANTED
(date) IFP DENIED
(date) IFP PENDING
4. State habeas cases: CPC STATUS () DENIED
ORIGINAL FILE SENT:
5. Transcript:
() ordered () not ordered
() not required () no in-court hearing
() CJA pending () CJA furnished
() pur. order furn. () docket stmt. furn.

** SEE ATTACHED ORDER DATED 7/27/06

PART 2

TRANSMITTAL OF RECORD TO COURT OF APPEALS

ORIGINAL RECORD

SUPPLEMENT TO RECORD-SUPPLEMENT #

Pleadings: Vol.
Transcript: Vol.
Exhibits: Vol.
Depositions: Vol.
State Crt. Record: Vol.
Sealed: Vol.
No. of Boxes:

Pleadings: Vol.
Transcripts: Vol.
Exhibits: Vol.
Depositions: Vol.
State Crt. Record: Vol.
Sealed: Vol.
No. of Boxes:

Signature Clerk or Deputy Clerk

Phone(918)684-7920

Date: July 31, 2006

/s/ L. Wilson

cc: counsel of record

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIMMY C. CHISUM,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. CR-05-043-WH

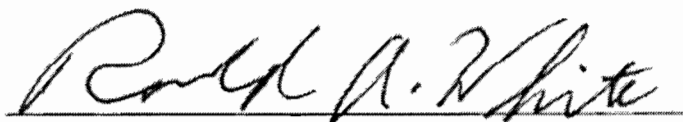
ORDER

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 (10th 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