

Nos. 07-1488/1524/1632/1635

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

JUN 19 2007

LEONARD GREEN, Clerk

ORDER

UNITED STATES OF AMERICA,)
)
 Plaintiff-Appellee,)
)
 v.)
)
 ALAN MIKELL; CHRISTOPHER GRISEL,)
)
 Defendants-Appellants.)

F I L E D
JUN 20 2007
CLERK'S OFFICE
DETROIT

Before: KENNEDY, GIBBONS, and McKEAGUE, Circuit Judges.

The defendants appeal and the government cross-appeals from the defendants' convictions of conspiracy to commit money laundering and wire fraud. The district court denied their motions for release on bond pending appeal on January 22, 2007. The defendants are scheduled to report to begin serving their sentences on June 20, 2007, and they have each filed an emergency motion for release on bond pending appeal. The government opposes the motions.

To establish entitlement to release pending appeal, the defendants must show 1) by clear and convincing evidence that they are not likely to flee or pose a danger to the safety of another person or the community, and 2) that their appeal is not for delay and raises a substantial question of law or fact likely to result in reversal, an order for new trial, a sentence that does not include a term of imprisonment, or a sentence reduced to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process. 18 U.S.C. § 3143(b)(1); *United States v.*

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Chilingirian, 280 F.3d 704, 709 (6th Cir. 2002); *United States v. Pollard*, 778 F.2d 1177, 1181 (6th Cir. 1985).

The district court found and the government concedes that the defendants are not flight risks and do not pose a danger to others or to the community. Upon review and consideration of the issues raised within the motions for bail, we conclude that release pending appeal is warranted.

Therefore, the motions for release pending appeal are **GRANTED** upon such terms and conditions as the district court shall determine to be appropriate.

ENTERED BY ORDER OF THE COURT

Richard Green
Clerk