

[Click to go paul-croushore.com](http://paul-croushore.com)

1996 U.S. App. LEXIS 1426, *

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. KARL ROBERT SIMMS,
Defendant-Appellant.

No. 95-4322

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

1996 U.S. App. LEXIS 1426

January 4, 1996, FILED

NOTICE: [*1] NOT RECOMMENDED FOR FULL-TEXT PUBLICATION. SIXTH CIRCUIT RULE 24 LIMITS CITATION TO SPECIFIC SITUATIONS. PLEASE SEE RULE 24 BEFORE CITING IN A PROCEEDING IN A COURT IN THE SIXTH CIRCUIT. IF CITED, A COPY MUST BE SERVED ON OTHER PARTIES AND THE COURT. THIS NOTICE IS TO BE PROMINENTLY DISPLAYED IF THIS DECISION IS REPRODUCED.

DISPOSITION: The defendant's motion for release is granted.

COUNSEL: UNITED STATES OF AMERICA, Plaintiff - Appellee, Dale E. Williams, Jr., Asst. U.S. Attorney, Office of the U.S. Attorney, Columbus, OH.

KARL ROBERT SIMMS, Defendant - Appellant, **Paul Croushore**, Cincinnati, OH.

JUDGES: Before: MARTIN, Circuit Judge.

OPINION: ORDER

The defendant appeals his conviction and sentence for making false statements on loan applications. He moves for a stay of sentence and release pending appeal. The government opposes the motion. The district court has denied the defendant's request for release pending appeal.

To obtain release pending an appeal of conviction and sentence, the defendant must show 1) by clear and convincing evidence, that he is not likely to flee or pose a danger to the safety of another person or the community, and 2) that the appeal is not for delay and raises a [*2] 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\(b\)](#); [United States v. Pollard, 778 F.2d 1177, 1181 \(6th Cir. 1985\)](#). The district court has concluded that the defendant does not pose a danger or a risk of flight. In view of the relatively short sentence, the anticipated length of the appeal process, and the issues raised, release pending this appeal is appropriate.

Therefore, it is **ORDERED** that the defendant's motion for release is granted. The

terms and conditions for release as previously set on March 10, 1995, shall remain in effect pending this appeal.