

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.
BARTON WADE SHIVELY,
Defendant

Criminal Action No. 21-151 (CKK)

ORDER
(May 9, 2022)

On May 4, 2022, two officers of the United States Probation Office (“USPO”) for the Middle District of Pennsylvania conducted an unannounced home visit of Defendant’s residence. While conducting a walkthrough of the residence the USPO officers observed in plain view hundreds of rounds of ammunition in various calibers, a sword, knives, and camouflage body armor. Moreover, during the home visit, Defendant reached for a shotgun, prompting one USPO officer to draw his weapon. That firearm was determined to be a 12-gauge shotgun loaded with six rounds of shotgun ammunition. Defendant’s possession of the shotgun is in violation of this Court’s [14] Order Setting Conditions of Release, pursuant to which Defendant must “not possess a firearm, destructive device, or other weapon.” ECF No. 14, at 2. Defendant has displayed an alarming lack of candor with the USPO officers and Pretrial Services Agency. Upon receipt of the [40] Pretrial Violation Report, the Court directed Defendant to appear for a show-cause hearing on May 9, 2022 to address the events during the home visit on May 4, 2022 and to address whether, based on the violation, additional conditions imposed and/or whether he should be remanded to custody.

Based on the record before the Court, including the [40] Pretrial Violation Report and representations of counsel during the May 9, 2022 show-cause hearing, the Court finds by clear

and convincing evidence that Defendant has violated a condition of his release, that there is no condition or combination of conditions that will assure that Defendant will not pose a danger to the safety of the community, and that Defendant is unlikely to abide by any condition or combination of conditions of release. 18 U.S.C. § 3148(b)(1)(B), (b)(2). Accordingly, pursuant to 18 U.S.C. § 3148, it is this 9th day of May 2022 hereby

ORDERED that Defendant's release is **REVOKED**, and that Defendant shall be **REMANDED** to the custody of the United States Marshal Service; it is further

ORDERED that Defendant shall be detained at the Correctional Treatment Facility ("CTF") of the D.C. Department of Corrections pending a medical evaluation and further hearing before the Court regarding the appropriate BOP placement on **MAY 16, 2022 at 3:30pm** in Courtroom 28A; it is further

ORDERED that CTF is directed to conduct a medical assessment for a determination of the level of care needed to address his current medical condition and to provide its assessment to the Court by no later than **MAY 13, 2022**; it is further

ORDERED that USPO and counsel for Defendant are directed, to the extent practicable, to obtain Defendant's medical records and provide them to CTF and the Court for review in its assessment of the appropriate level of care required by Defendant.

SO ORDERED.


COLLEEN KOLLAR-KOTELLY
United States District Judge