

No. 13-3194

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
**May 09, 2013**  
DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA, )  
 )  
Plaintiff-Appellee, )  
 )  
v. )  
 )  
LINDA SCHROCK, )  
 )  
Defendant-Appellant. )

ORDER

Before: COLE and GIBBONS, Circuit Judges; FORESTER, District Judge.\*

Defendant Linda Schrock moves for release on bail pending the appeal of her conviction of conspiracy to commit a hate crime and a hate crime involving kidnapping. The government opposes the motion for release. The district court denied release pending appeal on February 25, 2013, and Schrock reported to begin serving her 24-month sentence on April 12, 2013.

Schrock may be released pending appeal if she can demonstrate (1) by clear and convincing evidence that her release would not pose a risk of flight or a danger to the safety of another person or the community, and (2) that her appeal is not for delay and raises a substantial question of law or fact likely to result in reversal, a new trial, a sentence that does not include a prison term, or a sentence of a prison term less than the time she has served plus the expected duration of the appeal. 18 U.S.C. § 3143(b)(1)(A)–(B); *United States v. Chilingirian*, 280 F.3d 704, 709 (6th Cir. 2002). Section 3143(b)(1) “creates a presumption against release pending appeal.” *Id.* at 709. Because Schrock has been convicted of a crime of violence for which the maximum sentence is life

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\*The Honorable Karl S. Forester, Senior United States District Judge for the Eastern District of Kentucky, sitting by designation.

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imprisonment, she is subject to the mandatory detention provision of 18 U.S.C. § 3143(b)(2). Consequently, she must also demonstrate that there are exceptional reasons why her detention pending appeal would not be appropriate. 18 U.S.C. § 3145(c).

Upon *de novo* review, we conclude that Schrock has not demonstrated any exceptional reasons warranting her release pending appeal. Accordingly, the motion for release on bail pending appeal is **DENIED**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Debra L. Smith", is written over a horizontal line.

Clerk