

Courtroom Minute Entry

Room: WVSD-07027
Caption: USA v. Malik Breckenridge

Case No.: 2:22-cr-00084
Judge: Omar Aboulhosn

Type: Preliminary

Started: 7/23/2025 11:34:09 AM

Ends: 7/23/2025 11:46:57 AM

Length: 00:12:49

11:34:10 AM Judge Omar Aboulhosn
11:34:11 AM Courtroom Deputy Tammy Davis
11:34:11 AM Court Reporter Court Smart
11:34:13 AM AUSA Amy McLaughlin
11:34:14 AM CJA Panel Attorney John Balenovich
11:34:16 AM Defendant Malik Breckenridge
11:34:25 AM USPO Mark Ruscello
11:34:37 AM **PRELIMINARY HEARING ON PETITION**
11:35:27 AM Recording Paused
11:36:54 AM Recording Resumed
11:37:46 AM Judge Omar Aboulhosn
11:37:47 AM Calls case.
11:37:52 AM Counsel, please note your appearance for the record.
11:37:54 AM AUSA Amy McLaughlin
11:37:56 AM States appearance on behalf of the United States.
11:37:58 AM CJA Panel Attorney John Balenovich
11:38:02 AM States appearance on behalf of the defendant who is present.
11:38:03 AM Judge Omar Aboulhosn
11:38:05 AM We are here today for a Preliminary Hearing previously set by the Court.
11:38:10 AM I have received a Waiver signed by the defendant and counsel.
11:38:25 AM The Court accepts the waiver, and it will be filed with the Clerk's Office. **Based upon said signed waiver, the Court finds probable cause to believe the defendant violated the conditions of supervision as charged in the Petition.**
11:38:28 AM **Therefore, the defendant shall next appear for a Revocation Hearing before District Judge Irene Berger on July 30, 2025, at 11:00 a.m.**
11:38:34 AM CJA Panel Attorney John Balenovich
11:38:39 AM **Would move for bond, your honor.**
11:39:01 AM Judge Omar Aboulhosn
11:39:03 AM What is the United States position?
11:39:15 AM AUSA Amy McLaughlin
11:39:17 AM Addresses the Court.
11:39:23 AM Judge Omar Aboulhosn
11:39:24 AM Reads over the probation summary.
11:40:36 AM You may proceed.
11:40:39 AM AUSA Amy McLaughlin
11:40:51 AM Proffers to the Court as to the defendant's actions.
11:41:02 AM Discusses Kanawha County incident.
11:41:25 AM CJA Panel Attorney John Balenovich
11:41:33 AM Would ask the Court for GPS Electronic Monitoring.
11:41:39 AM He was placed on that before and there was no problem.
11:41:55 AM Judge Omar Aboulhosn
11:42:11 AM If he is on GPS Monitoring, how is that different if I tell him to get drug testing and he doesn't go?
11:42:20 AM Why does he ignore and not pay attention to the Court Order?
11:42:40 AM Why does he get to choose what he complies with?
11:42:58 AM CJA Panel Attorney John Balenovich
11:43:14 AM Proffers to the Court.
11:43:17 AM Judge Omar Aboulhosn
11:43:25 AM I am just being frank. A simple thing of going to go get drug tested every month - and he fails to do that.
11:43:27 AM It's not that he missed it - he just hasn't gone.
11:44:07 AM He has failed to follow through.
11:44:17 AM CJA Panel Attorney John Balenovich
11:44:35 AM He can follow the rules and get back on track. There is motivation for him to do so.

11:45:10 AM Judge Omar Aboulhosn
11:45:13 AM The question before the Court is releasing the defendant on bond.
11:45:24 AM Outlines arguments before the Court.
11:45:40 AM These aren't the most serious violations, but he failed to do the basic rule of getting drug tested and you
11:46:17 AM haven't done any of them.
11:46:20 AM I will order he remain detained until the Revocation Hearing before Judge Berger.
11:46:33 AM I don't feel I can put conditions on him that he will follow.
11:46:43 AM Is there anything else we need to take care of counsel?
11:46:44 AM **The defendant is remanded to the custody of the US Marshals Service pending the Final**
11:46:46 AM **Revocation Hearing.**
Hearing adjourned.