UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Cr. No. 21-cr-10270-MLW
	)	
ATICHA JITTAPHOL,	)	
Defendant.	)	

ORDER

WOLF, D.J. April 18, 2022

On April 18, 2022, the court issued a Memorandum and Order revoking defendant Aticha Jittaphol's release pending sentencing and directing that she report to the United States Marshal on April 21, 2022 to be detained. See Dkt. No. 79. Later on April 18, 2022, Jittaphol filed a motion to delay her detention until April 28, 2022 to provide time for her to pack and move her belongings from her apartment. See Dkt. No. 80 (the "Motion"). The Motion states that the "government" assents. See id. It does not state whether Probation has been consulted and assents, but that is not material.

In ordering a hearing to begin on April 1, 2022 concerning the petitions alleging many violations of the conditions of Jittaphol's release, the court wrote that "Jittaphol shall attend and be prepared to be taken into custody immediately if the court revokes her release." Dkt. No. 61. At the conclusion of that hearing on April 8, 2022, Jittaphol and her counsel should have realized that there was a reasonable likelihood that her release would be revoked and her detention would be ordered immediately.

While the court has provided Jittaphol three more days to prepare to report to be detained, a further delay would not be in the interests of justice. Among other things, on April 14, 2022, Probation reported that a sweat patch worn by Jittaphol between March 24, 2022 and April 1, 2022 returned positive for the presence of methamphetamine, as had two previous sweat patch tests. See Dkt. No. 79 at 1 n.1 & 25-26.

In essence, the court finds that: Jittaphol should have been prepared to be detained on April 1, 2022 and certainly by April 21, 2022; there is reason to be concerned that she is continuing to violate the conditions of her release by committing the crime of possessing and using methamphetamine; and it would be unduly burdensome and unfair to require that Probation continue to try to supervise Jittaphol until April 28, 2022.

Accordingly, it is hereby ORDERED that the Motion (Dkt. No. 80) is DENIED.

UNITED STATES DISTRICT JUDGE