UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	2:22-CR-52
	)	2:18-CR-25
LESLIE DANIELLE BETHEA,	)	
	)	
Defendant.	)	
	)	

ORDER

Defendant appeared before the Court on June 15, 2022, for an initial appearance in these matters, at which time she requested a detention hearing. A detention hearing was held on June 23, 2022.[1] Even though no presumption of detention arises under Defendant's new charges, because Defendant was on federal supervised release when she was indicted on the new charges and a revocation petition is now pending, the Court determined that Defendant bore the burden of proof. The Government and the United States Probation Office opposed Defendant's release. Defense counsel called Defendant's mother, Donna Carter, as a witness and provided proffer as well, in support of Defendant's request for release. The Government proceeded solely by proffer.

After considering the motion, the testimony of Defendant's mother, and the proffer offered, the Court advised Defendant that it was unable to grant her request for release. As referenced above, Defendant was on supervised release at the time the alleged offenses were committed and a petition for the revocation has been issued. Defendant's prior conviction was for Conspiracy to

[1] A hearing was originally scheduled for June 21, 2022, but was rescheduled to June 23, 2022, due to the Court's unforeseen unavailability due to illness on June 21, 2022.

Commit Wire Fraud and Wire Fraud. Defendant has a lengthy criminal history dating back to 2001, which includes convictions for theft and using a false name in Virginia, theft in Texas, and theft and probation violations in Tennessee. Defendant was still on probation in Tennessee when she was originally indicted in federal court in 2018. Additionally, while her prior charges were pending, Defendant was granted pre-trial release, but that release was revoked based upon allegations of new criminal conduct, i.e., identity theft.

The United States proffered that Defendant applied for a PPP loan in March 2021and her application contained assertions that she had not been convicted of a felony in the past 5 years, despite having been convicted of Conspiracy to Commit Wire Fraud and Wire Fraud in this court in 2019. The application further misrepresented Defendant's 2019 income and her status as a business owner with employees. Once Defendant obtained the funds she sought, she used them to travel to Florida, without the knowledge or permission of her probation officer. The purpose of her travel was to obtain plastic surgery. While in Florida, Defendant stayed an expensive resort, for which she also used the PPP funds obtained. Additionally, the Government contends that Defendant claimed to be a Certified Public Accountant and referred approximately 20 other people for PPP loans, who in turn each paid Defendant approximately $5,000 each.

Defendant's mother, Donna Carter, testified during the hearing and stated that if released Defendant would live with her. Ms. Carter stated that the home does have internet access but there are currently no computers in the home. However, there is a gaming console that is connected to the internet, and cell phones may use the home's wi-fi connection to access the internet. Ms. Carter stated that she is in poor health and needs Defendant to help care for her and Defendant's two daughters, who currently live with Ms. Carter. Additionally, Ms. Carter noted that her husband was experiencing a serious health issue as well.

While the Court is sympathetic to Ms. Carter's situation, the Court cannot release Defendant at this time because she poses both a flight risk and a danger to the community. Although Ms. Carter offered to serve as a third-party custodian for Defendant, the Court notes that Defendant has resided with Ms. Carter for much of the time while Defendant was allegedly committing criminal acts. As such, the Court cannot be confident that Ms. Carter will be able to reasonably ensure Defendant's compliance with conditions of release in the future, despite a sincere desire to do so. Moreover, with access to the internet, Defendant may well continue to fraudulently attempt to obtain funds using the identity of others. Additionally, Defendant has a history of using a false identity and leaving the state even while on supervision without the knowledge of her probation officer or Ms. Carter, who testified that she was unaware that Defendant travelled to Florida to obtain plastic surgery. Further, Defendant has a long history of failing to abide by conditions of supervision as demonstrated by her multiple probation violation and supervised release violations. The Court finds that there is no combination of conditions that can reasonably ensure the safety of the public nor Defendant's appearance at future proceedings.

Defendant is remanded to the custody of the Attorney General or to the Attorney General's designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant must be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED:

s/Cynthia Richardson Wyrick
United States Magistrate Judge