

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No 6:23-cr-60039

DEREK SCOTT FINKBEINER

DEFENDANT

ORDER

Before the Court is the Unopposed Motion to Modify Conditions of Pretrial Release filed herein by the Government. ECF No. 31. The Defendant, through his counsel, indicates he does not oppose this Motion. The Motion was referred to the undersigned for decision. ECF No. 33. The Court finds as follows:

On November 3, 2023, the Court, without a hearing, issued an Order releasing Defendant subject to certain conditions of release. ECF No. 13. The Government sought leave to have a hearing to propose additional conditions of release. Leave for a hearing was granted (ECF No. 22) and a hearing is currently scheduled for December 18, 2023 (ECF No. 27). According to the instant Motion, the Parties have agreed to additional conditions, which if granted, will obviate the necessity for the hearing currently scheduled. The Court has reviewed the Motion and proposed conditions and finds that same are reasonable and will assure the safety of the community and appearance of the Defendant in this case.

IT IS THEREFORE ORDERED the Government's Unopposed Motion to Modify Conditions of Pretrial Release (ECF No. 31) is **GRANTED**. Defendant's conditions of pretrial release are modified to include the following:

(u) The Defendant SHALL:

- i. relinquish all duties as Sheriff of Hot Spring County, Arkansas, except for execution of matters associated with payroll. This relinquishment**

of duties SHALL include the authority to terminate or otherwise change the employment status of any employee of the Hot Spring County, Arkansas, Sheriff's Department;

- ii. NOT have access to law enforcement records, to include ACIC / NCIC database information and law enforcement communications; and**
- iii. NOT enter the premises of the Hot Spring County, Arkansas, Sheriff's Office.**

All other conditions of release not modified herein shall remain in full force and effect.

The detention hearing to consider additional conditions of release, currently set for December 18, 2023, is cancelled.

SO ORDERED this 11th day of December 2023.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE