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ENTERED ON COURT
JAN 28 1985

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
VIKEN HOVSEPIAN, ET AL.,
Defendants

NO. CR. 82-917-MRP
ORDER AUTHORIZING
RELEASE OF DEFENDANT
DADAIAN DURING
APPEAL

Upon application by the defendant Steven Dadaian, IT IS ORDERED that the said defendant may be released from custody during the pendency of his appeal to the Ninth Circuit Court of Appeals on the same terms and conditions as were imposed to secure his appearance before this Court for the trial of this action.

This order is made upon the basis of the following facts and circumstances:

1. The said defendant has been found guilty of an offense, sentenced to a term of imprisonment and has filed a timely

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Notice of Appeal.

2. The Court has found by clear and convincing evidence that the said defendant is not likely to flee or pose a danger to the safety of any other person or the community if released pending appeal.

3. The Court finds that the within appeal is not for the purpose of delay and does raise a substantial question of law or fact likely to result in reversal of the defendant's conviction or an order for a new trial. In this respect the Court finds that the defendant's motion to suppress evidence discovered as a result of the opening by Government agents of a suitcase at Logan Airport in Boston, without a warrant, raised substantial questions of law concerning both the obligation of the Government to employ the telephonic warrant procedure of rule 41(c)(2) of the Federal Rules of Criminal Procedure and the Government's claimed justification of "exigent circumstances" for dispensing with the warrant requirement in this case. The Court further finds that in the event the Court of Appeals rules that the said evidence should have been suppressed, reversal and an order for a new trial would be necessary.


Date: January 25 , 1985

Mariana R. Pfadler

United States District
Judge

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Presented by:


Michael Avery, Attorney for
Defendant Steven Dadaian