

No. 08-4540

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
May 05, 2009  
LEONARD GREEN, Clerk

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff-Appellee, )  
 )  
 v. )  
 )  
 FAYEZ DAMRA, aka Alex Damra, )  
 )  
 Defendant-Appellant. )

ORDER

Before: GUY, SILER, and GRIFFIN, Circuit Judges.

The defendant appeals his conviction and twenty-one month sentence for conspiracy to defraud the United States and for willfully attempting to evade corporate tax obligations. He moves for release on bond pending appeal. The government has not responded to the motion.

A person found guilty of an offense and sentenced to a term of imprisonment must be detained unless a judicial officer concludes (1) by clear and convincing evidence, that he is not likely to flee or pose a danger to the safety of a person or the community, and (2) that his appeal is not for delay and raises a substantial question of law or fact likely to result in, *inter alia*, a sentence reduced to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process. 18 U.S.C. § 3143(b); *United States v. Chilingirian*, 280 F.3d 704, 709 (6th Cir. 2002); *United States v. Pollard*, 778 F.2d 1177, 1181 (6th Cir. 1985). This statute creates a presumption against release pending appeal. *United States v. Vance*, 851 F.2d 166, 168-69 (6th Cir. 1988).

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Upon review and consideration, the defendant's motion for release on bond pending appeal is **GRANTED**. This matter is remanded to the district court with instructions to set appropriate conditions for bond pending appeal.

ENTERED BY ORDER OF THE COURT

A handwritten signature in cursive script, appearing to read "Leonard Green".

Leonard Green  
Clerk