

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 8:12-MJ-1008-T-MAP**

**SAMI OSMAKAC**

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**ORDER OF DETENTION PENDING TRIAL**

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the Defendant pending trial in this case.

The Defendant stands charged in a Criminal Complaint for an act of terrorism under Chapter 113B of the United States Code, namely the attempted use of a weapon of mass destruction against persons and property, in violation of 18 U.S.C. §§ 2332a(a)(2)(A), (a)(2)(B), and (a)(2)(D). As such, there is a statutory rebuttable presumption that no condition or combination of conditions will reasonably assure that the Defendant is not a danger to the community or a risk of flight. *See* 18 U.S.C. § 3142(e)(3)(C). The Government requested that the Defendant be detained as a danger to the community and a risk of flight pursuant to 18 U.S.C. § 3142(f)(1)(A). At present, the Defendant does not contest the Government's request for detention. In these circumstances, and based upon the credible information<sup>1</sup> submitted by the Government, I am satisfied by clear and convincing evidence that there are no conditions

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<sup>1</sup>"The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the [detention] hearing." 18 U.S.C. § 3142(f). *See* 18 U.S.C. § 3142(g) for the factors to be taken into account.

available to the Court that will assure that the Defendant is not a danger to the community or risk of flight. Since the Defendant has not challenged the matter of his detention at this time, counsel may later revisit the matter of bail on a motion should circumstances warrant. Accordingly, I order the Defendant **DETAINED**.

The Defendant is committed to the custody of the Attorney General or his 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. The Defendant shall 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 shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**Done and Ordered** in Tampa, Florida this 9th day of January, 2012.



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ANTHONY E. PORCELLI  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Pretrial Services  
U.S. Marshal