

1. The Defendant, Kathleen B. Norman:

The Court finds that the defendant, Kathleen B. Norman, if separated from her husband and co-defendant, Terrence B. Norman, is not a serious risk of flight. The Court thus finds that there is a combination of conditions that will reasonably assure the Court of this defendant's appearance at future proceedings. The Court therefore orders the pretrial release of the defendant, Kathleen B. Norman, in accordance with the terms and conditions set forth in a separate document.

2. The Defendant, Terrence B. Norman:

Based on the findings of facts enumerated below, there is clear and convincing evidence that there is no condition or combination of conditions which will reasonably assure the appearance of the defendant, Terrence B. Norman, as required. Although only a preponderance is required, there is clear and convincing evidence that Terrence B. Norman is a serious risk of flight under 18 U.S.C. § 3142(f)(2)(A).

a. Nature of the Charges and Weight of the Evidence.

While the conspiracy and fraud charges against the defendant are not crimes of violence or drug related, the evidence before the Court indicates that there is a strong probability of conviction on these charges. The indictment alleges, and the testimony during the detention hearing corroborated, that there is a paper trail leading directly back to the defendant, Terrence

B. Norman. This paper trial additionally establishes that this defendant constructed a sophisticated scheme to defraud that was difficult to detect by his employer. The evidence further establishes that the defendant, Terrence B. Norman, was at the head of the fraud scheme, directing its overall operations. After the property was obtained, the defendant, Terrence B. Norman, undertook a sophisticated and systematic method of transferring money from the fraudulent business accounts and moving the money to other accounts and buying and selling property to further conceal the illegal nature of the funds. All of this evidence shows the ability of the defendant to construct and carry out a complicated fraud scheme without easy detection.

b. History and Characteristics of the Defendant.

In addition to the ability of the defendant, Terrence B. Norman, to undertake a complex fraud scheme, the defendant has no strong ties to any family or community or other indicia of stability that would indicate to the Court that he is not a serious risk of flight. Specifically, the evidence, as presented by the defendant's father, establishes that Terrence B. Norman has had no contact with any family members since approximately 1981, despite repeated efforts by his family to locate him. His family did not know what happened to him since he left the police force in Washington, D.C. in 1981. His family was unaware of his employment since that time and his marriage to co-defendant, Kathleen B. Norman.

Furthermore, the defendant has had no employment since his resignation in July 1992 from the company he victimized. He has lived off of the proceeds of his fraudulent conduct. After his resignation in the summer of 1992, the defendant left the San Diego, California area, where he had resided for several years and a year later ended up near Edinburgh, Texas where he has resided since approximately the summer of 1993. Edinburgh, Texas is located approximately 15 miles from the Mexico border.

Moreover, the training received by Terrence B. Norman as a police officer included training in firearms, SWAT, chemical warfare training, undercover training, and computer tracing. This training has provided the defendant, Terrence B. Norman, with the knowledge and skills to avoid detection by law enforcement officers. Additionally, the defendant has been a trained pilot for many years and has recently owned a 41 foot boat that he has sailed to Mexico, and these are added skills that would assist the defendant in a decision to flee.

Further the Court finds that at the time of the defendant's arrest, he was preparing to flee to avoid prosecution. The defendant had made rapid arrangements to sell his home, complete with furnishings, at less than two-thirds of the value that he paid for the land, home and furnishings and instructed the realtor that he preferred a cash sale.

At the time of the defendant's arrest, he and his wife were living in a recreational vehicle [RV] with all of their

possessions they were taking with them, including four dogs and three cats as well as \$10,400 in currency. No food was left in the house, but the RV was fully stocked. The RV was in a camping site situated approximately 20 miles from the Mexico border.

Conclusion

Based on the findings of facts enumerated above, there is clear and convincing evidence that Terrence B. Norman is a serious risk of flight and that there is no condition or combination of conditions which will reasonably assure the appearance of the defendant as required.

THEREFORE, THE COURT ORDERS that the defendant, Terrence B. Norman, be detained pending trial on the following terms and conditions:

The defendant, Terrence B. Norman, is hereby 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. Upon order of this Court 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 the Court proceeding.

DATED this 21st day of June, 1994.



KENNARD P. FOSTER
United States Magistrate Judge
United States District Court
Southern District of Indiana

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