

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,)
)
 Appellee,)
)
 v.)
)
 LEILA VARETTA HECTOR,)
)
 Appellant.)

No. 20-4183

APPELLANT’S MOTION TO DISMISS APPEAL

Appellant Leila Varetta Hector, by counsel and pursuant to Federal Rule of Appellate Procedure 27, moves the Court to dismiss her appeal from the district court’s order denying her motion for release pending appeal. Order, case no. WDVA 2:18cr3, docket no. 710.

The Court remanded this appeal “for the limited purpose” of having the district court “consider in the first instance the severity of the risk that the COVID-19 virus poses to appellant given her existing medical conditions.” Order of March 27, 2020, docket no. 17. The district court acted on the Court’s remand by reversing its prior order and staying Ms. Hector’s sentence of imprisonment pending her current appeal. Order, case no. WDVA 2:18cr3, docket no. 748 (Exhibit A). Accordingly, this appeal is now moot.

Counsel conferred with counsel for the Government, and the Government concurs that the appeal is now moot.

WHEREFORE, Ms. Hector requests that the Court dismiss this appeal as moot.

This the 27th day of March, 2020.

LEILA VARETTA HECTOR

/s/

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CERTIFICATE OF COMPLIANCE

I hereby certify that this Motion conforms to the typeface and length requirements of Rule 27(d) in that it is prepared double-spaced in 14-point Times New Roman and consists of a total of 338 words.

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of March 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

Samuel Cagle Juhan, Esq.

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/s/

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA)	
)	
)	Case No. 2:18CR00003-002
)	
v.)	ORDER
)	
LEILA VARRETTA HECTOR,)	By: James P. Jones
)	United States District Judge
Defendant.)	

The court of appeals has directed the court to reconsider, in light of the defendant’s medical condition and the current coronavirus pandemic, this court’s prior order denying the defendant’s motion for a stay of her imprisonment pending her appeal. *See* Fed. R. Crim. P. 38(b)(1). The Federal Rules of Appellate Procedure provide that the decision regarding release pending appeal must be made in accord with the applicable provisions of the Bail Reform Act. That Act provides, in pertinent part, that the court:

[S]hall order that a person who has been found guilty of an offense and sentenced to a term of imprisonment, and who has filed an appeal or a petition for a writ of certiorari, be detained, unless the judicial officer finds—

- (A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released . . . ; and
- (B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in-
 - (i) reversal,

- (ii) an order for a new trial,
- (iii) a sentence that does not include a term of imprisonment, or
- (iv) a reduced sentence 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).

The defendant does not meet the conditions of the Act. However, in view of the direction of the court of appeals and under the present extraordinary circumstances, I will reverse my prior order.

It is accordingly **ORDERED** that the sentenced of imprisonment imposed upon the defendant is hereby STAYED and she shall remain under her bond and conditions of release pending her current appeal. Any direction to her to report to a Bureau of Prison facility is VACATED.

The Clerk shall provide the Clerk of the Court of Appeals, the defendant, the U.S. Marshals Service, and the U.S. Probation Office, with a copy of this Order.

It is so **ORDERED**.

ENTER: March 27, 2020

/s/ JAMES P. JONES
United States District Judge