

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA            )  
  )  
  ) v. CASE NO. 2:24-mj-211  
  )  
BRAD KENNETH SPAFFORD,            )  
  ) Defendant.                                )

**GOVERNMENT’S MOTION TO STAY RELEASE ORDER**

NOW COMES the United States of America, by and through its attorneys, Jessica D. Aber, United States Attorney for the Eastern District of Virginia, and E. Rebecca Gantt, Assistant United States Attorney, and respectfully moves this Court for a stay of the order release of defendant Brad Kenneth SPAFFORD entered on December 30, 2024, pending the resolution of the United States’ simultaneously-filed Motion For Revocation of the Order of Release pursuant to Title 18, United States Code, § 3145(a)(1). The United States represents the following in support of its motion to stay:

On December 10, 2024, the defendant was charged by single-count criminal complaint with Possession of a Firearm in Violation of the National Firearms Act, in violation of 26 U.S.C. § 5861(d). ECF Nos. 3 & 4. The defendant was arrested on December 17, 2024, ECF No. 13, and had his initial appearance the following day. ECF No. 8. The Honorable United States Magistrate Judge Douglas E. Miller granted the government’s motion for temporary detention and set the detention hearing for December 23, 2024, and the preliminary hearing for January 3, 2025, at the defendant’s request. *Id.* At the parties’ joint request, the preliminary hearing was reset for December 30, 2024. On December 23, 2024, the defendant appeared before Judge Miller, waived immediate detention, and requested that the detention hearing be delayed until December 30, 2024.

ECF No. 15.

On December 30, 2024, the defendant appeared before the Honorable United States Magistrate Judge Lawrence R. Leonard for his preliminary and detention hearings. Following agent testimony and proffer by counsel, Judge Leonard found probable cause to support the complaint. Regarding detention, the United States argued that that the defendant should be detained because he posed a serious risk to the community. 18 U.S.C. § 3142. At the conclusion of the hearing, Judge Leonard denied the government's detention motion ordered the defendant released subject to conditions including electronic monitoring and release to a third party custodian, the defendant's mother. At the conclusion of the hearing, the government noted it intended to seek review and revocation of the order of release in the district court, and requested that the release order be stayed until the conclusion of that matter. *See* 18 U.S.C. § 3145(a)(1). Judge Leonard indicated he would grant the stay request upon the government's filing later that day.

“[T]he power to stay proceedings is incidental to the power inherent in every court.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Given the defendant's ability and inclination to manufacture and stockpile homemade improvised explosive devices, the government submits that he poses a danger of irreparable harm should he be erroneously released. The United States is simultaneously filing a Motion For Revocation of the Release Order pursuant to Title 18, United States Code, § 3145(a)(1), and will file supplemental briefing promptly upon completion of the hearing transcript, which it has ordered on an expedited basis.

For the foregoing reasons, the United States requests that this Honorable Court stay the Order of Release pending the resolution of its Motion For Revocation of the Release Order.

