

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 95-20714
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

MARIA MARTA CISNEROS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(CR-H-95-195-4)

(October 10, 1995)

Before HIGGINBOTHAM, DUHÉ, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:¹

Appellant, Maria Marta Cisneros, challenges the conditions fixed by the district court for her release by having filed a notice of appeal from that order and by filing in this Court an Emergency Motion For Release Pending Trial. The motion is denied and the order appealed from affirmed.

Cisneros was indicted for conspiracy to assist and attempting to assist the escape of certain convicted felons from two Texas county jails, and for assisting two of them to prevent or hinder

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

their punishment. At her initial appearance the magistrate judge set her bond at \$5,000,000 and ordered detention until the bond was posted. Appellant moved for review. The district court granted the motion, held a hearing and thereafter conditioned her release upon posting a cash or surety bond of \$5,000,000. He found that, considering the charges, the proximity to the border and the fact that conviction would carry a substantial prison sentence, there was substantial risk that Appellant would flee, and that she was a danger to the community.

Appellant challenges the sufficiency of the evidence supporting her detention and the factual findings of the district court. Appellant has not furnished a transcript of the detention hearing. Federal Rule of Criminal Procedure 9(a) requires that an appellant who questions the factual basis for the district court's order file a transcript of any release proceedings in the district court or an explanation of why a transcript has not been obtained. Rule 9.3 of this Court implements the Federal Rule of Criminal Procedure. Cisneros' counsel, in a letter to this Court, states that obtaining a transcript of the hearing would cause undue delay and asks this Court to proceed without a transcript. We are obviously unable to reexamine the sufficiency of the evidence and whether or not it supports the factual findings of the district court without a transcript. Accordingly, Appellant's motion for release pending trial is DENIED and the decision of the district court is AFFIRMED.

