

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARIC BOTHUN,

Defendant.

ORDER

03-CR-83-C-01

A hearing on defendant Aric Bothun's release on conditions was held in this case on July 23, 2003, before United States District Judge Barbara B. Crabb. The government was represented by Beth Altman and Jeffrey Anderson. Defendant was present in person and by court-appointed counsel, Robert Ruth.

Because the grand jury has charged defendant with offenses for which a maximum term of imprisonment exceeding ten years is prescribed in the Controlled Substances Act, 18 U.S.C. § 3142(e) imposes a rebuttable presumption that no combination of release conditions will ensure defendant's appearance and the safety of the community. The evidence in this case is that defendant received a package mailed to his post office box at a Mailboxes, Etc. store in Madison, Wisconsin, that contained approximately 117 grams of

methamphetamine. On April 27, 2003, defendant was arrested in the Western District of Texas and found in possession of 80 grams of methamphetamine and \$32,000. He is charged in Texas as well as in Wisconsin for distributing methamphetamine. Although the receipt of a package with methamphetamine is not conclusive proof that defendant intended to possess and to distribute the methamphetamine in the package, it is certainly an indication that defendant was involved in drug trafficking, particularly when considered in connection with his arrest in Texas in possession of methamphetamine. In addition, defendant's record does not persuade me that he will not flee the jurisdiction to avoid prosecution. Defendant was aware before he left for Texas that he was under investigation in Wisconsin and when he was arrested in Texas, he was found to be in possession of false identification.

Although defendant has proposed a detailed release plan that would involve a number of restrictions, I am not satisfied that it would prevent him either from continuing to distribute drugs or from fleeing the jurisdiction. His mother is to be the custodian under the plan. However, she has a full time job which would interfere with her ability to supervise defendant and there is an indication that she has facilitated defendant's distribution of drugs by such things as opening the Mailboxes, Etc. mailbox for defendant when there was no apparent reason why he would need one.

Therefore, IT IS ORDERED that defendant is committed to the custody of the United States Marshals Service for confinement at the Dane County Jail separate from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with his attorney. On order of this court or on request of an attorney for the government, the Dane County Jail shall deliver defendant to the Marshals Service for the purpose of an appearance in this case.

Entered this 23rd day of July, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge