

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS A. LUTZ,

Defendant.

ORDER OF DETENTION
PENDING TRIAL

05-CR-72-C-2

On November 9, 2006, this court held a hearing on the government's motion pursuant to 18 U.S.C. §3142(f) to detain defendant Thomas A. Lutz in this health care fraud prosecution. For reasons stated in more detail at the hearing, I find that defendant is a flight risk and that there currently are no conditions of release available that sufficiently ameliorate this risk. The fraud against the government alleged in the indictment exceeds \$100 million and it is unclear whether (or how much of) this money is accessible to defendant if he were to choose to flee. Defendant faces a sentence that could exceed 25 years if he is convicted, a strong motive for any reasonable person to flee, particularly if he has a wife and young children already living abroad. Defendant has global connections that could provide an underground network for evading recapture in the event defendant decided not to stick around. For months defendant remained ensconced in the Philippines resisting the government's overtures of self-surrender. He may have had reasons he deemed valid for this recalcitrance, but it gives the court pause. Absent an airtight set of release conditions, defendant presents a palpable risk of flight.

It is ORDERED that the defendant is committed to the custody of the United States Marshals Service for confinement at a proximate jail separate 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 her attorney. On order of this court or on request of an attorney for the Government, the jail shall deliver the defendant to the Marshals Service for the purpose of an appearance in this case.

Dated: November 10, 2006

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge