

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES LOWE,

Defendant.

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ORDER

06-CR-227-C

On January 12, 2007 this court held a substantive hearing on the government's motion to detain defendant James Lowe pending further proceedings in this gun case. After hearing evidence, proffers and argument from both sides, I found that defendant is a danger to the community and that he cannot be trusted to comply with conditions of pretrial release.

As explained in more detail at the hearing, I found that while defendant was released on bond in a state felony case, three times he violated the court's order that he not have contact with a specified person. Defendant entered a no-contest plea to a felony bail-jumping charge arising out of this conduct.

The evidence also sufficiently established that while defendant was on state bond he engaged in the conduct charged in the instant federal indictment. Specifically, there is clear and convincing evidence that defendant shot a handgun out of the window of a moving vehicle. Apparently he wasn't shooting *at* anybody or anything; he was just in the mood to fire the gun. The four other occupants of the car have told a variety of self-contradicting stories about what defendant did; I need not sort all this out to decide the government's motion. I am persuaded that defendant fired the handgun in defiance of common sense, community safety and his state bond conditions. He is a dangerous man who cannot be trusted to comply with any release conditions that this court might set.

Therefore, defendant shall remain detained pursuant to this court's previously-issued order.

Dated: January 14, 2007

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge