

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

UNITED STATES OF AMERICA,

v.

Plaintiff,

ARTHUR A. GARCIA,

Defendant.

ORDER OF DETENTION

07-CR-75-C

On June 1, 2007, this court held a hearing pursuant to 18 U.S.C. §3142(f) on the government's motion to detain defendant in this drug-user-with-guns case. After hearing proffers and arguments from both sides I detained defendant, finding that the government had proved by clear and convincing evidence that he is a danger to the community and that the proposed conditions of release were insufficient to ameliorate this risk. The proffered release plan is well-structured and the proposed custodians are acceptable, but there are gaps (the lack of GPS coverage, the rural landscape) that concern the court in a case where the cost of predicting defendant's state of mind incorrectly could be enormous. Defendant is a marijuana and alcohol abuser obsessed with lethal weapons and armor who over the past year repeatedly has threatened to murder his ex-girlfriend in a clear-the-pews church massacre on a holy day. Although a forensic psychological psychologist opines that defendant currently is not a threat to himself or others, the court will not discount the possibility that the defendant is saying what authorities want to hear in order to secure release and attempt his plan. Defendant presents a palpable danger which his proposed release plan cannot adequately address.

It is ORDERED that 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 his attorney. On order of the 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: June 4, 2007

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge