

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN J. APPLEBEE,

Defendant.

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ORDER OF DETENTION  
PENDING TRIAL

03-CR-159-S

At the December 1, 2003 arraignment the court held a hearing on the government's motion to detain defendant Martin Applebee pending his trial in this methamphetamine case, pursuant to 18 U.S.C. §3142(f). Because the grand jury charged defendant with an offense for which a maximum term of imprisonment exceeding ten years is prescribed in the Controlled Substances Act, Section 3142(e) imposes a rebuttable presumption that no combination of release conditions will assure defendant's appearance and the safety of the community. As defendant's bail history in state court demonstrates, he is so profoundly addicted to methamphetamine that he is unable to comply with conditions of release, even with good intentions, strong support from his wife, and outpatient drug treatment. Nothing short of an inpatient treatment program would sufficiently ameliorate the high risk that defendant will re-offend while released, but inpatient program cannot be provided at this time.

Therefore, it is ORDERED that the 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. The 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 the defendant to the Marshals Service for the purpose of an appearance in this case.

Dated: December 3, 2003

BY THE COURT:

STEPHEN L. CROCKER  
Magistrate Judge