

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES HARPER,

Defendant.

ORDER OF DETENTION
PENDING TRIAL

05-98M-X

On September 8, 2005, this court held a hearing on the government's motion to detain defendant James Harper pending further proceedings in this crack trafficking case, pursuant to 18 U.S.C. §3142(f). Defendant did not contest probable cause for the charge in the complaint; therefore, § 3142(e) imposes a rebuttable presumption that no combination of release conditions will assure defendant's appearance and the safety of the community. Many factors militate toward release, including defendant's strong and stable family, residence and employment. However, defendant, who has a serious criminal record, resumed drug trafficking just before or just after concluding eight years of state probation on a 1997 felony drug conviction. There is robust evidence that since then, defendant has led a double life, regularly selling large quantities of crack (or perhaps powder cocaine) behind a façade of law-abiding normality. These acts enervate this court's trust in defendant's ability and willingness to abide by conditions of release.

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: September 8, 2005

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge