

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL A. HORVATICH,

Defendant.

ORDER OF DETENTION
PENDING TRIAL

05-CR-164-C-1

At the November 21, 2005 arraignment the government moved to detain defendant Paul A. Horvatich pending his trial in this methamphetamine conspiracy 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, § 3142(e) imposes a rebuttable presumption that no combination of release conditions will assure defendant's appearance and the safety of the community. Because defendant is not yet prepared to respond to the government's motion, he is not contesting it at this time, but he has reserved his right to a substantive hearing upon request. Therefore, based on the statutory presumption, I find that defendant is a flight risk and a danger to the community.

Therefore, 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 his 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 22, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge