

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

HAROLD D. HAMILTON,

Defendant.

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ORDER OF DETENTION  
PENDING TRIAL

06-130M-X

On December 28, 2006, pursuant to 18 U.S.C. §3142(f), this court held a hearing on the government's motion to detain defendant Harold D. Hamilton pending further proceedings in this crack cocaine trafficking case. Because I found probable cause that defendant committed 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. The government has solid evidence that defendant twice sold one ounce quantities of crack cocaine to a confidential informant. The penalties that defendant faces if convicted would give any reasonable person cause to flee. Defendant has no job, no assets and no permanent address. Although defendant claims to have lived in Madison for about three years, he is a lifelong Chicago resident and might be associated with the Cicero Insane Vice Lords. If defendant were to flee to Chicago and access his connections there, it would be difficult for the government to find him. Until his arrest, defendant claims that he lived "on-and-off" with the 19 year old woman who has volunteered to be his custodian. Because the suggested custodian works full time, defendant would be unsupervised during the day. This is not nearly a tight enough plan to ameliorate the very real risk of flight.

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: December 29, 2006

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge