

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYNE RUOHO,

Defendant.

ORDER OF DETENTION
PENDING TRIAL

07-CR-118-S

On July 30, 2007, this court held a hearing pursuant to 18 U.S.C. §3142(f) on the government's motion to detain defendant Wayne Ruoho pending his trial in this methamphetamine conspiracy prosecution. Because the grand jury charged defendant with an offense for which a maximum term of imprisonment of ten years or more 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. Although the presumption can be rebutted by the defendant's presentation of a reasonable release plan, Ruoho acknowledged that his currently-proposed custodian would not be appropriate; hence, we have no viable plan at this time.

Apart from this, there is robust evidence that Ruoho was engaged in the charged conspiracy as a major player while released on conditions by a state court in an unrelated drug case. Ruoho's apparent flouting of those release conditions does not inspire confidence that he will comply with any release conditions this court would set.

Finally, there is a palpable flight risk here: although Ruoho was communicating with the government pre-indictment and did not flee, now he actually has entered the system and faces *at least* ten years in prison, and could face mandatory life if the government files a § 851 notice. Any rational human being would think twice about sticking around to face these consequences; therefore, only an air-tight release plan possibly could assure the court that Ruoho will show up as required. No such plan has been presented.

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: July 30, 2007

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge