

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROGER SMITH,

Defendant.

ORDER OF DETENTION
PENDING TRIAL

08-09M--slc-01

On March 5, 2008 this court held a hearing on the government's motion pursuant to 18 U.S.C. §3142(f) to detain defendant Roger Smith in this child pornography case. Because the government has charged defendant with violating 18 U.S.C. § 2251(a), there is a rebuttable presumption of detention. Defendant is not contesting detention at this time because he has no release plan to propose. Defendant has reserved his right to a full substantive hearing if his circumstances change. Based on the statutory presumption and the currently uncontested information in the criminal complaint and affidavit, I find that defendant is a flight risk and a danger to the community.

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: March 6, 2008

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge