

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

KURT D. SCHELS,

Defendant.

ORDER OF DETENTION
PENDING TRIAL

08-cr-144-bbc

On September 23, 2008, this court held a hearing pursuant to 18 U.S.C. §3142(f) on the government's motion to detain defendant Kurt D. Schels in this cocaine trafficking 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. As explained in more detail at the hearing, Schels remains a flight risk and a danger to the community notwithstanding the strength of his proposed release plan. There is strong evidence that Schels trafficked 20 ounces cocaine per week, for a total that could be as high as 15 kilos. Schels often traveled to Florida to obtain the drugs, establishing that he is mobile and has connections to whom he could reach out if he fled. Schels warned a CI during a sale that he was being watched by men in the woods with guns; Schels himself had a long gun with him during this transaction. For logical reasons, Schels kept these activities hidden from his family and friends; his ability successfully to lead a double life raises doubts that he can be trusted now to comply with conditions rather than flee to avoid a harsh sentence if he is convicted.

Therefore, it is ORDERED that defendant Kurt D. Schels 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: September 23, 2008

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge