

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH R. SMITH,

Defendant.

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ORDER OF DETENTION  
PENDING TRIAL

08--cr-188-bbc

At the January 6, 2009 arraignment, the government's moved pursuant to 18 U.S.C. §3142(f) to detain defendant Kenneth 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 pretrial service report, 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: January 7, 2009

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge