

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

KARL STAUFFACHER,

Defendant.

ORDER OF DETENTION
PENDING TRIAL

09-cr-17-bbc

On March 5, 2009, this court held a hearing pursuant to 18 U.S.C. §3142(f) on Karl Stauffacher's motion for release on conditions in this marijuana trafficking prosecution. Because the maximum term of imprisonment for the charged offense is less than ten years, there is no presumption of detention, so that the government bears the burden of establishing that no combination of release conditions will assure defendant's appearance and the safety of the community.

Although Stauffacher's release plan is tightly constructed, he cannot be trusted to comply with it. There is robust evidence that Stauffacher undertook a quarter-million dollar marijuana transaction while on state supervision for a previous marijuana trafficking conviction, and that prior to this he violated his no-alcohol condition by driving drunk. Stauffacher has established a pattern of acting as he pleases without regard for court orders to the contrary.

Therefore, it is ORDERED that 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 5, 2009

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge