

1 THOMAS E. MOSS
UNITED STATES ATTORNEY
2 JACK B. HAYCOCK
ASSISTANT UNITED STATES ATTORNEY
3 DISTRICT OF IDAHO
801 E. SHERMAN #192
4 POCATELLO, IDAHO 83201
TELEPHONE: (208) 478-4166

FILED
CLERK OF DISTRICT COURT
POCATELLO, IDAHO
SEP 24 2004
[Signature]

6 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

9 UNITED STATES OF AMERICA,) Case No. CR-03-220-E-BLW
10 Plaintiff,) **MOTION TO MODIFY**
11 vs.) **CONDITIONS OF DETENTION**
12 DUSTIN HOLM,)
13 Defendant.)

15 Comes Now, Jack B. Haycock, Assistant United States Attorney, and moves this court for its
16 order Modifying the Conditions of Detention on the defendant, Dustin Holm, to prevent him from
17 using the United States mail.

18 Dustin Holm was indicted on September 24, 2003, for mailing threatening communications in
19 July, 2003. While in the Bingham County Jail, he mailed six letters, three of which were received
20 by the intended recipient, and three of which were mis-addressed and were returned to the jail. The
21 three which were received included the U.S. Courthouse in Pocatello, an Air Force Recruiting Office
22 in Idaho Falls, and an INEEL facility in Idaho Falls. The letters all included threats that if the
23 buildings were not evacuated, there would be casualties.

24 The mis-addressed letters were sent to the FBI office in Jackson, Wyoming, and the U.S.
25 Marshals in Pocatello and Jackson. These were returned to the jail where they were picked up by
26 investigators. They contained threats similar to those noted above.

27 On June 28, 2004, the U.S. Attorney's Office in Pocatello received a threatening letter from
28 Dustin Holm stating that he would have Jack Haycock killed. We have received information from

20

1 the FBI and the U.S. Marshals that letters were also sent to Judge Lloyd D. George, the assigned
2 visiting judge on this case, and to Chief Judge B. Lynn Winmill. Judge George's letter was received
3 at his chambers; the letter to Judge Winmill was mis-addressed and was not delivered. It was
4 obtained when it was returned to the Ada County Jail from which it was mailed. The exact content
5 of these letters is not known at this point; however, the letters are believed to contain some type of
6 threat.

7 Also on June 28th, a threatening letter was received at the Idaho Supreme Court in Boise, sent
8 by Dustin Holm, stating that the envelope contained anthrax. This letter resulted in an evacuation
9 of the building and use of a special team to ensure there were no biological agents in the envelope.

10 The government moves the court for its order to prevent Dustin Holm from mailing any letter
11 while detained in the custody of the United States Marshal Service. The defendant has abused his
12 mailing privileges and has committed new crimes and caused much expense and distress to those
13 receiving his letters. For these reasons, the defendant should not be permitted to mail additional
14 threats and should have no mailing privileges. The defendant may contact his attorney by telephone.

15 Dated this 30th day of June, 2004.

16 THOMAS E. MOSS
17 United States Attorney
18 By

19 
20 JACK B. HAYCOCK
21 Assistant United States Attorney
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office for the District of Idaho, and that a copy of the foregoing Motion to Modify Conditions of Detention was hand delivered, faxed, or mailed, postage paid, United States Mail Service, to all parties named below, this 30th day of ~~July~~^{June}, 2004.

Steven V. Richert
Federal Defenders
801 E. Sherman, #177
Pocatello, Idaho 83201
(208) 478-4155

V. M. Leary Reynolds