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U. S. COURTS

REC'D _____ FILED _____
CST 20 2004 P
CAMERON S. BURKE
CLERK IDAHO

9 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

10 UNITED STATES OF AMERICA,)

11 vs.)

12 TERRY BARNETT,)

13 Defendant.)

CASE NO: CR-04-191-E-BLW

MOTION FOR DETENTION
HEARING

14 COMES NOW Michael J. Fica, Assistant United States Attorney for the District of
15 Idaho, and moves the Court, pursuant to 18 U.S.C. §§3142(a)(4) and 3142(e), for an order
16 directing that a hearing be held for the purpose of holding the defendant without bail prior to
17 trial.

18 () Pursuant to Title 18 U.S.C. §3142(f), the United States asks for a continuance of
19 three (3) days from the date of the defendant's first appearance before a judicial officer. The
20 prosecution will introduce evidence as follows pursuant to the specific sections of Title 18,
21 U.S.C., as indicated:

22 () §3142(f)(1)(A) - a crime of violence;

23 () §3142(f)(1)(B) - an offense for which the maximum sentence is life imprisonment
24 or death;

25 () §3142(f)(1)(C) - an offense for which a maximum term of imprisonment of ten
26 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801, et seq.), the
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1 Controlled Substances Import and Export Act (21 U.S.C. 951, et seq.), or Section 1 of the Act
2 of September 15, 1980 (21 U.S.C. 955a);

3 () §3142(f)(1)(D) - any felony committed after the person had been convicted of two
4 or more prior offenses described in §3142(f)(1)(A) through (C), or two or more State or local
5 offenses that would have been offenses described in §3142(f)(1)(A) through (C) if a
6 circumstance giving rise to Federal jurisdiction had existed;

7 (X) §3142(f)(2)(A) - a serious risk that the person will flee;

8 (X) §3142(f)(2)(B) - a serious risk that the person will:

9 () obstruct or attempt to obstruct justice, or

10 () threaten, injure, or intimidate, or attempt to threaten, injure, or
11 intimidate, a prospective witness or juror; or

12 (X) otherwise pose a danger to any other person or the community.

13 Dated this 26th day of October, 2004.

14 THOMAS E. MOSS
15 United States Attorney

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17 MICHAEL J. FICA
18 Assistant United States Attorney