

ORIGINAL

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U.S. COURTS

JUN 16 2010

Rcvd. _____ Filed _____ Time _____
ELIZABETH A. SMITH, CLERK
CLERK, DISTRICT OF IDAHO

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

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|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | MS No. 10-6866-CWD |
| |) | |
| Plaintiff, |) | MOTION FOR DETENTION |
| |) | |
| vs. |) | |
| |) | |
| LARRY FAIRFAX, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |
| |) | |

The United States of America, by and through Thomas E. Moss, United States Attorney for the District of Idaho, and the undersigned Assistant United States Attorney for the District of Idaho, moves the Court, pursuant to 18 U.S.C. § 5034 (*see also* 18 U.S.C. §§ 3142(a)(4) and 3142(e)), for an order directing that a hearing be held for the purpose of holding defendant without bail prior to trial.

(XX) Pursuant to 18 U.S.C. § 3142(f), the United States asks for a continuance of three (3) days from the date of the defendant's first appearance before a judicial officer. The continuance is requested in order for an Assistant United States Attorney to prepare for the Detention Hearing, and arrange for witnesses;

The prosecution will introduce evidence as follows pursuant to the specific sections of Title 18, U.S.C., as indicated:

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

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

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

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

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

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


() obstruct or attempt to obstruct justice, or

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

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

Respectfully submitted this 16th day of June 2010.

THOMAS E. MOSS
UNITED STATES ATTORNEY
By:



TRACI J. WHELAN
Assistant United States Attorney