

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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| UNITED STATES OF AMERICA, | § | |
| | § | |
| | § | |
| v. | § | 3:09-CR-136-K (01) |
| | § | |
| JEFFREY CHARLES BRUTEYN | § | |
| | § | |
| Defendant. | § | |

ORDER

Before the Court is Defendant Bruteyn’s (“Bruteyn”) Appeal of the Magistrate Judge Orders of July 30, 2009 Granting Detention and Denying Bond, filed on July 30, 2008 and Government’s Response thereto, filed on August 13, 2009; Defendant’s Supplemental Motion and Memorandum for Bond filed on August 14, 2009, and Government’s Response thereto, also filed on August 14, 2009.

The Court has reviewed the Motions and Responses, and had an opportunity to review the transcript of the testimony of witnesses and the evidence presented at the Detention Hearing before United States Magistrate Judge Irma C. Ramirez held on July 29, 2009. The Court sees no reason to hold a De Novo Hearing regarding United States Magistrate Judge Ramirez’s decision to detain defendant Bruteyn.

Specifically, the Court finds that Defendant Bruteyn would be a flight risk and danger to the safety of the community if released from custody during the pendency of

this action. Further, based upon the testimony of witnesses and evidence presented at the hearing before United States Magistrate Irma C. Ramirez, and the Government's invoking the rebuttable presumption and the lack of sufficient evidence to rebut said presumption, coupled with Defendant Bruteyn's multiple violations of pretrial release during the pendency of the case out of Eastern District of Pennsylvania, the Court **AFFIRMS United States Magistrate Judge Irma C. Ramirez's Orders of Detention and Denial of Bond.**

Further, the Court finds that the Government has met its burden to establish by a preponderance of the evidence that there is no condition or combination of conditions of release which could be set which would reasonably assure Defendant's appearance at future court hearings. *See United States v. Fortna*, 769 F.2d 243, 250 (5th Cir. 1985) (holding that applicable standard is simple preponderance). Specifically, the Court finds that through the evidence submitted at the detention hearing before United States Magistrate Judge Irma C. Ramirez, that it appears that defendant's proclivity to violate the terms of pretrial release as well as other court orders weighs heavily in favor of detention, and therefore detention is ordered.

It is therefore ORDERED that Defendant be, and he is hereby, committed to the custody of the Attorney General and United States Marshal for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving

sentences or being held in custody pending appeal, and that Defendant, while being so held, be afforded reasonable opportunity for private consultation with his counsel.

It is further ORDERED that, on an Order of a Court of the United States or at the request of the attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States Marshal for the purpose of an appearance in connection with court proceedings in the Northern District of Texas.

SO ORDERED.

Signed September 1st, 2009.



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UNITED STATES DISTRICT JUDGE