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Attorneys for Defendant Donald Ball

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD BALL, DUSTIN HEARD,  
NICHOLAS SLATTEN, PAUL SLOUGH,  
AND EVAN LIBERTY,

Defendants.

**DEFENDANT DONALD BALL'S  
MOTION FOR IMMEDIATE  
PRETRIAL RELEASE**

Case No.:

Magistrate Judge Paul Warner

**DEFENDANT DONALD BALL'S MOTION  
FOR IMMEDIATE PRETRIAL RELEASE**

Defendant, Donald Ball, pursuant to Fed. R. Crim. P. 5(d) and 46 and 18 U.S.C. § 3142, respectfully moves this Court for an Order immediately releasing him on his personal recognizance in this matter. Mr. Ball, who has known for several weeks that he would be

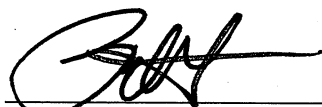
indicted in this matter, is not a risk of flight nor a threat to the community. The Government does not dispute these facts. Indeed, the Government explicitly advised Mr. Ball's counsel that it would not seek Mr. Ball's detention if he surrendered in Washington, D.C. (and thereby waived a constitutional protection), but would seek to detain him if he surrendered in Utah. Having conceded that Mr. Ball is not candidates for detention in Washington, D.C., it necessarily follows that Mr. Ball is not a flight risk or a danger to the community. For these reasons and those set forth in the Memorandum filed concurrently herewith, Mr. Ball respectfully requests his immediate release from custody.

Dated this 8<sup>th</sup> day of December 2008

Respectfully submitted,

HATCH, JAMES & DODGE, P.C.

By:



Brent O. Hatch

By:



Paul G. Cassell

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*Attorneys for Defendant Donald Ball*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of December 2008, I caused a true and correct copy of foregoing to be served as indicated on the following persons at the following addresses:

Via Hand Delivery and Via Electronic Transmission:

Office of the United States Attorney  
185 South State Street, Suite 400  
Salt Lake City, Utah 84111

Kenneth Kohl, Esq.  
United States Attorney's Office  
for the District of Columbia  
555 Fourth Street, N.W.  
Washington, D.C. 20001



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UNITED STATES OF AMERICA,

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DONALD BALL, DUSTIN HEARD,  
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AND EVAN LIBERTY,

Defendants.

**[PROPOSED] ORDER REGARDING  
DEFENDANT DONALD BALL'S  
MOTION FOR IMMEDIATE PRE-  
TRIAL RELEASE**

Case No.:

Magistrate Judge Paul Warner

**[PROPOSED] ORDER**

Upon consideration of Defendant Ball's Motion for Immediate Pretrial Release, the arguments in support thereof and in opposition thereto, and the factors set forth in 18 U.S.C. § 3142, Defendant Ball's motion is hereby **GRANTED**. The Court finds that the conditions set

forth herein are sufficient to assure the appearance of Defendant as required and the safety of the community.

**IT IS HEREBY ORDERED** that Defendant Ball be immediately released from custody.

**IT IS HEREBY FURTHER ORDERED** that Defendant Ball pretrial release is subject to the following conditions:

1. Defendant Ball shall surrender to Pretrial Services upon his release his United States passport.
2. Defendant Ball shall report telephonically to Pretrial Services on a weekly basis at the day and time to be determined by Pretrial Services.
3. Defendant Ball shall continue to reside at his present address in Utah, and if Defendant Ball moves from his current residence, he shall provide written notice to Pretrial Services of his new address.
4. Defendant Ball shall not travel outside the State of Utah except to meet with his attorneys or attend court proceedings.

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The Honorable Paul M. Warner  
United States Magistrate Judge