

Brent O. Hatch (5715)
Paul G. Cassell (6078)
HATCH, JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

William F Coffield (*pro hac vice* pending)
Lankford, Coffield & Reed, PLLC
120 North Saint Asaph Street
Alexandria, Virginia 22314
Telephone: (703) 299-5000
Facsimile: (703) 299-8876

Attorneys for Defendant Evan Liberty

**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 EVAN LIBERTY'S
MOTION FOR IMMEDIATE
PRETRIAL RELEASE**

Case No.:

Magistrate Judge Paul Warner

**DEFENDANT EVAN LIBERTY'S MOTION
FOR IMMEDIATE PRETRIAL RELEASE**

Defendant, Evan Liberty, 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. Liberty, 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. Liberty's counsel that it would not seek Mr. Liberty'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. Liberty is not candidates for detention in Washington, D.C., it necessarily follows that Mr. Liberty 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. Liberty respectfully requests his immediate release from custody.

Dated this 8th day of December 2008

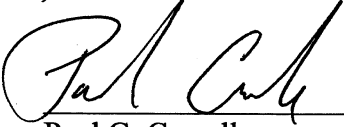
Respectfully submitted,

HATCH, JAMES & DODGE, P.C.

By:


Brent O. Hatch

By:


Paul G. Cassell

William F Coffield (*pro hac vice*)
Lankford, Coffield & Reed, PLLC
120 North Saint Asaph Street
Alexandria, Virginia 22314
Telephone: (703) 299-5000
Facsimile: (703) 299-8876

Attorneys for Evan Liberty

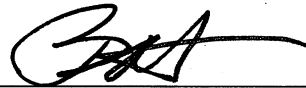
CERTIFICATE OF SERVICE

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



Brent O. Hatch

Brent O. Hatch (5715)
Paul G. Cassell (6078)
HATCH, JAMES & DODGE, P.C.
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

William F Coffield (*pro hac vice* pending)
Lankford, Coffield & Reed, PLLC
120 North Saint Asaph Street
Alexandria, Virginia 22314
Telephone: (703) 299-5000
Facsimile: (703) 299-8876

Attorneys for Defendant Evan Liberty

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

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>v.</p> <p>DONALD BALL, DUSTIN HEARD, NICHOLAS SLATTEN, PAUL SLOUGH, AND EVAN LIBERTY,</p> <p>Defendants.</p>	<p>[PROPOSED] ORDER REGARDING DEFENDANT EVAN LIBERTY'S MOTION FOR IMMEDIATE PRE- TRIAL RELEASE</p> <p>Case No.:</p> <p>Magistrate Judge Paul Warner</p>
--	--

[PROPOSED] ORDER

Upon consideration of Defendant Liberty'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 Liberty'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 Liberty be immediately released from custody.

IT IS HEREBY FURTHER ORDERED that Defendant Liberty's pretrial release is subject to the following conditions:

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

The Honorable Paul M. Warner
United States Magistrate Judge