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Attorneys for Defendants

**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.

**DEFENDANTS' MOTION FOR
PROBABLE CAUSE HEARING UNDER
FED. R. CRIM P. 5(c)(3)(C), 5.1 and 18
U.S.C. § 3265(b)**

Case No.:

Magistrate Judge Paul M. Warner

**DEFENDANTS' MOTION FOR PROBABLE CAUSE
HEARING UNDER FED. R. CRIM. P. 5(c)(3)(C), 5.1 and 18 U.S.C. § 3265(b)**

Defendants, jointly through counsel, and pursuant to Fed. R. Crim. P. 5(c)(3)(C), 5.1, and 18 U.S.C. § 3265(b), respectfully move this Court for an immediate probable cause hearing. In support of the request, Defendants respectfully submit the accompanying memorandum of law in support of this motion.

WHEREFORE, Defendants respectfully request that this motion be granted and that the Court order an immediate probable cause hearing. A proposed order is attached.


Dated this 8th day of December 2008

Respectfully submitted,

HATCH, JAMES & DODGE, P.C.

By: 

Brent O. Hatch

By: 

Paul G. Cassell

CERTIFICATE OF SERVICE

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

Via Hand Delivery and Electronic Transmission:

Office of the United States Attorney
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**[PROPOSED] ORDER REGARDING
DEFENDANTS' MOTION PROBABLE
CAUSE HEARING UNDER FED. R. CRIM
P. 5(c)(3)(C), 5.1 AND 18 U.S.C. § 3265(b)**

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[PROPOSED] ORDER

Upon Consideration of Defendants' Motion for Probable Cause Hearing Under Fed. R. Crim. P. 5(c)(3)(C), 5.1 and 18 U.S.C. § 3265, the arguments in support thereof and any opposition thereto, said motion is and shall be, GRANTED.

Magistrate Judge Paul M. Warner
United States Magistrate Judge