

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

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ENTERED

JUN 16 2003

UNITED STATES OF AMERICA,)
)
vs.) Case No. CR-00-S-422-S
)
ERIC ROBERT RUDOLPH,)
)
Defendant.)

ORDER OF DETENTION

At the defendant's arraignment before this court on June 3, 2003, the Government moved for detention, pursuant to 18 U.S.C. § 3142. Because the defendant moved for a continuation of the detention hearing, it was set for June 10, 2003. Prior to that date, however, the parties jointly filed a motion to continue the detention hearing once again. That motion was granted and the hearing was reset for June 17, 2003. On June 16, 2003, however, the court received a written waiver of the detention hearing, purportedly signed by the defendant and defense counsel. To assure that the waiver was knowingly and voluntarily made by the defendant, the court conducted a colloquy with the defendant, in which he indicated that he understood his right to a hearing, the nature and consequences of the waiver and, that, based on the waiver, he would remain in custody pending trial.

The court finds that the waiver of the detention hearing has been made knowingly, freely, and voluntarily by the defendant, with a full understanding of the its consequences. Further, the Government proffered what it expected to show if the detention

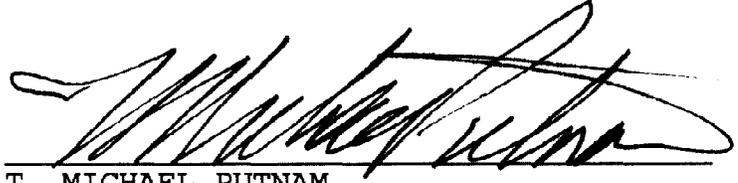
hearing had gone forward, and the court is satisfied that the Government would have been able to carry its burden of proving by clear and convincing evidence that there is no condition or combination of conditions under which defendant could have been released, while assuring that he would appear in court as required and would not be a danger to the community or some person in the community. The Government's proffer established that the defendant was aware that he was being sought by law enforcement authorities and that he went to great lengths to avoid detection and apprehension.

Therefore, based on the Government's proffer and the defendant's knowing and voluntary waiver of his right to a hearing on the Government's detention motion, the court finds that the motion to detain the defendant, pursuant to 18 U.S.C. § 3142, is due to be and hereby is GRANTED.

It is ORDERED that the defendant be committed to the custody of the Attorney General and confined to a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences; that he be afforded reasonable opportunity for private consultation of counsel, and that, upon order of this Court or upon a request by an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to the United States Marshal for the purpose of appearances in this case.

The Clerk is DIRECTED to serve a copy of this Order upon all counsel of record, the probation office, and the Marshal's service.

DONE this the 16th day of June, 2003.

A handwritten signature in black ink, appearing to read "T. Michael Putnam", written over a horizontal line.

T. MICHAEL PUTNAM
CHIEF MAGISTRATE JUDGE