

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 99-1417 JC/DS

WEN HO LEE,

Defendant.

ORDER

On December 17, 1999, Defendant filed a motion to revoke the detention order entered by United States Magistrate Judge Don J. Svet on December 13, 1999. In his motion, Defendant requested an expedited hearing under 18 U.S.C. §3145(b), which provides “the motion shall be determined promptly.”

This case is assigned to Chief Judge John Edwards Conway. Acting on behalf of Chief Judge Conway, I set a hearing on December 20, 1999 for the purpose of determining the parties’ positions about whether the motion to revoke the detention order should be heard prior to the earliest date Chief Judge Conway would be able to hear the motion. Present at the hearing before me on December 20, 1999 were United States Attorney John Kelly, Assistant United States Attorney Robert Gorence, and Attorney John Cline, who represented the Defendant Wen Ho Lee and who waived Defendant Lee’s personal appearance. Also present were Robert M. March, Clerk of the Court, and Lee Jones, Administrative Assistant to Chief Judge Conway. Mrs. Jones stated that the earliest date the hearing of Defendant’s motion to revoke the detention order could be scheduled before Chief Judge Conway would be January 12, 2000, twenty-six days after the date of filing of the motion. Counsel for the government agreed that 18 U.S.C. §3145(b) requires that the motion be heard sooner than January 12, 2000.

Counsel for the government and counsel for the Defendant advised that testimony in addition to that which was presented to United States Magistrate Judge Svet on December 13, 1999 would be offered at the hearing of the motion to revoke the detention order, which has raised new issues including the prospect of a third-party custodian, the consent to a search of the Defendant's home, and the agreement to execute an irrevocable waiver of extradition. After I explained to counsel various subjects in regard to which I would like to receive additional information that was not presented at the hearing on December 13, 1999, counsel for the government advised that the presentation of evidence at the hearing on the motion to revoke the detention order might require as much as three days. In addition, counsel for the government stated that in view of the new matters raised by the motion to revoke the detention order and my request for additional information, the government may need to revise and supplement the response it has been preparing to the motion and the government would not be in a position to begin the hearing prior to Monday, December 27, 1999. Counsel for the Defendant requested that the hearing of the motion begin immediately and be completed prior to December 25, 1999. Having considered the arguments of counsel, I decided it was appropriate to begin the hearing at 9:30 a.m. on Monday, December 27, 1999.

IT IS THEREFORE ORDERED THAT the Motion of Defendant Wen Ho Lee to Revoke Magistrate Judge's Detention Order (Docket No. 17) is scheduled for evidentiary hearing beginning at 9:30 a.m. on Monday, December 27, 1999 in the Rio Grande Courtroom, Third Floor, United States Courthouse, Albuquerque, New Mexico.


UNITED STATES DISTRICT JUDGE