

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case Number: 08 MJ 58 LFG
)	
RICHARD J. HERMANN,)	
)	
Defendant.)	

APPEAL OF DETENTION ORDER

The Defendant, Richard J. Hermann, by his attorney, Robert J. Gorence of Gorence & Oliveros, P.C., respectfully requests the Court to vacate the Order of Detention that was entered January 11, 2008, and to set conditions of release pursuant to 18 U.S.C. § 3142 *et seq.* As grounds for this motion, Mr. Hermann states:

1. On January 11, 2008, this matter came before United States Magistrate Judge Lorenzo F. Garcia for a detention hearing. Judge Garcia found that Mr. Hermann was both a flight risk and a danger to the community, notwithstanding Mr. Hermann never having any prior interaction with law enforcement much less a conviction of a any sort.
2. Mr. Hermann requests that he be released to the 3rd party custody of his mother Betty Hermann of Des Moines, Iowa.
3. AUSA Fashing has been contacted and opposes release.

WHEREFORE, for the reasons stated above, Mr. Hermann respectfully requests that this Court set this matter for a *de novo* hearing and to reconsider the Order of Detention entered on January 11, 2008 and to set conditions of release.

Respectfully submitted,

Electronically filed: 1/14/08

Robert J. Gorence

Gorence & Oliveros, P.C.

Attorney's for Defendant

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been emailed by CM/ECF to counsel of record on this 14th day of January, 2008.

Electronically filed: 1/14/08

Robert J. Gorence