

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

**UNITED STATES OF AMERICA,)
) Plaintiff,) **MOTION FOR DEFENDANT’S**
)) **RELEASE ON CONDITIONS**
))
) **No. CR 17-00016-DHL-1**
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))
RED FAWN FALLIS,)
) **Defendant.**)**

Comes now the defendant, Red Fawn Fallis, by her counsel, and respectfully moves the Court to release her from pre-trial detention, place her under pre-trial supervision, and permit her to return to her previous placement at Centre, Inc. in Fargo, North Dakota under conditions including GPS electronic monitoring. In support the following is stated.

1. On November 9, 2016 a Complaint was filed herein and Ms. Fallis was arrested and detained. [Dkt. 1] An Indictment was returned on January 5, 2017 [Dkt. 25] and a Superseding Indictment in three Counts was returned on March 1, 2017 [Dkt. 39]. Preliminary Orders of Detention were entered on November 28 and December 15, 2016. [Dkt. 7, 24]

2. On June 20, 2017, the Court granted Ms. Fallis’ request for release from pre-trial detention on conditions, ordering that she should be placed in the Centre, Inc. half-way house in Fargo, North Dakota when bed space became available. [Dkt. 69] Placement was subject to the conditions imposed by the Magistrate Judge in his Order of April 10, 2017. [Dkt. 41] On October 27, 2017,

Ms. Fallis was released on her own recognizance to Centre, Inc. of Fargo, North Dakota. [Dkt. 100] She resided there without incident from the date of her original placement until January 18, 2018.

3. Ms. Fallis has been granted furloughs to travel by herself to a funeral service in May of 2017 [Dkt. 57], to and from a court appearance in Bismarck in December 2017 [Dkt. 124], and to her home over the 2017 holidays [Dkt. 131]. Ms. Fallis completed each furlough without incident and in compliance with the Court's Orders.

4. On January 18, 2018, U. S. Pre-Trial Services Officer Heather Achtenburg- Heck filed a Petition for Action on Conditions of Pre-Trial Release alleging that Ms. Fallis failed to report to her GED classes on January 18, 2018 and was not permitted to be at another location. [Dkt. 209] The Court issued a warrant for Ms. Fallis' arrest and the warrant was served on her when she voluntarily returned to Centre, Inc. at 4:30 pm. on the same date. [Dkt. 209, 210] Ms. Fallis remains incarcerated on that warrant.

5. On January 22, 2018, a hearing was held in the above-captioned matter. Ms. Fallis acknowledged that she violated the Centre's rules by her conduct on January 18, 2018, admitted the pre-trial release violation, apologized for her actions and requested that she be re-released to Centre, Inc. under such additional terms of supervision as the Court may choose to impose. Ms. Fallis assured the

Court that she will strictly comply with all future Orders and with the rules of Centre, Inc.

6. Prior to her violation, Ms. Fallis was an exemplary inmate at Centre, Inc. She was involved in GED classes and, according to her testimony on January 22, 2018, is approaching eligibility for testing. She is involved in job searches and is beginning to participate in community service at a local [Fargo, N. D.] food bank. She has addressed her pre-existing health/medical conditions and, by regular exercising, has eliminated the need for high blood pressure medication. She has had no positive screens for either alcohol or substance use during her residence at Centre, Inc.

7. Ms. Fallis has entered pleas of guilty to Counts 1 and 3 of the Indictment and is scheduled for sentencing in late May 2018. [Dkt. 218] Ms. Fallis' pre-sentencing placement at Centre, Inc. will allow her to complete her GED program and will make her eligible to self-surrender following sentencing. Both of these factors will have a major impact on her BOP custody classification. Placement in a minimum-security institution, rather than in a medium-security institution, is of great importance to her and will be facilitated by a lower security classification which she may obtain by factors including completion of her GED and self-surrendering for incarceration following sentencing.

8. The government, by AUSA Gary DeLorme, took no position on Ms. Fallis' request to be re-released to Centre, Inc., provided that she is placed on GPS monitoring¹ if returned to the Centre.

9. U. S. Probation, by U.S. Pre-trial Services Officer Heather Achtenburg-Heck, also took no position on Ms. Fallis' request to be re-released to Centre, Inc. provided that she is placed on GPS monitoring².

10. Ms. Fallis agrees to strictly abide by all terms and conditions of pretrial release imposed by the Court and by the Office of U.S. Probation and Pretrial Services for the District of North Dakota if she is returned to Centre, Inc.

WHEREFORE, the defendant, Red Fawn Fallis, respectfully requests that the Court modify its Order of January 19, 2018 and permit her to be re-released to Fargo, North Dakota, on pretrial supervision with electronic monitoring and such other terms and conditions as the Court may deem appropriate, granting her such further relief as may be just and proper in the premises.

Respectfully Submitted,

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¹ Mr. DeLorme advised the Court of the government's position on January 22, 2018.

² Ms. Achtenburg-Heck advised both defense counsel Molly Armour and AUSA Gary DeLorme of her position in separate conversations on January 22, 2018.

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By: /s/ Jessie A. Cook
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An Attorney for Red Fawn Fallis

CERTIFICATE OF SERVICE

The undersigned Counsel of Record for the defendant hereby certifies that a true and accurate copy of the above and foregoing document has been served on the Office of the United States Attorney this 23rd day of January 2018. Parties may access this filing through the Court's system.

/s/ Jessie Cook
Jessie A. Cook