

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

FILE NUMBER: 5:06-M-847

UNITED STATES OF AMERICA)
)
)
vs.)
)
)
Allison Lee Quets)
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)
_____)

MOTION FOR REVIEW OF
DETENTION PURSUANT TO
18 U.S.C. §3145(b)

NOW COMES FORTH Dennis H. Sullivan, Jr., counsel for the Defendant in the above-captioned matter and does move this Honorable Court, pursuant to 18 U.S.C. §3145(b), for a review of the Pre-trial Detention of the Defendant. In further support of this Motion, counsel shows unto the Court the following:

1. That counsel has been retained to represent the Defendant.
2. That a Detention Hearing was held pursuant to 18 U.S.C. § 3142 on the 26th day of January, 2006 after which the Honorable Magistrate James E. Gates ordered that the Defendant Allison Lee Quets be detained pending trial.
3. That Ms. Quets is charged with International Parental Kidnapping, in violation of 18 U.S.C. 1204.
4. The defendant was arrested on these charges in Canada. She immediately waived her right to contest extradition to the United States. She was released on bond by the Canadian court on January 4, 2007. She agreed, as a condition of release, to voluntarily surrender to the Canadian authorities on January 8, 2007 for transportation to the border. She abided by all of the Court's conditions while on release in Canada. The Defendant has proven by her actions that he can abide by whatever the conditions of release this court wishes to impose
5. At the detention hearing, the government presented evidence through an agent with the Federal Bureau of Investigation which consisted in large part of unsubstantiated hearsay. The agent admitted under oath that a large part of the

historical information to which he testified came from a party with whom the defendant has been embroiled in a protracted and heated custody battle. By calling the agent, and not the opposing party, the government prevented the defendant from effective cross-examination with regard to the veracity of the evidence offered in favor of detention. The court should not give much weight to the items offered by the government which were outside the agent's personal knowledge, and/or unsubstantiated by non-hearsay evidence.

6. The Defendant asserts that there are suitable conditions of release which this court could impose that should satisfy the court that the Defendant would not pose a danger to the community. Specifically, the Defendant requests that she be released to the custody a third party, and that she be confined to the third party's residence under electronic monitoring. The only need for the Defendant to leave the residence would be to meet with counsel, mental health professionals, or attend court appearances.

7. The Defendant has no prior criminal record and is a citizen of the United States.

WHEREFORE, Defendant prays this Honorable Court for the following:

1. That an Order of Release issue allowing the Defendant to be released on the above conditions;
2. For a prompt review of the Detention Hearing Findings;
3. That the court receive further evidence with regards to a suitable third-party custodian and to rebut evidence offered by the government, and
4. For such other and further relief as to this Court may be just and proper.

This the 31st day of January, 2006.

/s/ Dennis H. Sullivan, Jr.
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this date, the foregoing Motion for Review of Detention Hearing was duly served upon the United States Attorney for the Eastern District of North Carolina and other parties, by electronic means.

This the 31st day of January, 2006.

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