



U.S. Department of Justice

*United States Attorney
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August 22, 2008

Honorable Charles N. Clevert, Jr.
United States District Court Judge
208 Federal Building
517 E. Wisconsin Ave.
Milwaukee, WI 53202

Re: United States v. McGee, Case No. 07-CR-177

Dear Judge Clevert:

I am receipt of the defendant's renewed motion for bail, entitled "Defendant's Motion For Release Prior to Sentencing." For a number of reasons, I oppose this motion.

First, the defendant raises no new substantive reason justifying his release. This is important because this Court, and another sitting in this building, has repeatedly denied the defendant's requests for pretrial bail. Second, the standard for granting bail at this point has tightened against the defendant. Title 18 U.S.C. § 3141(a) requires that the Court, following conviction, detain the defendant unless the Court "finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released"

Without rehashing previous submissions on this issue, the United States has shown that: from jail, the defendant tampered with witnesses and otherwise attempted to obstruct justice following his arrest; from jail, used his aldermanic powers in retaliation to halt an annual back-to-school block party the government informant planned and supplied; and, during the course of his criminal conduct charged in the indictment, laundered \$15,000 in drug money he received from a gang member.

More troubling than all of the above are the allegations in the defendant's pending state court criminal case. In one count, the defendant is charged in a conspiracy to cause substantial bodily harm to another. I have listened to the wiretap recordings that are part of

the body of evidence supporting that charge (both co-defendant's have pled guilty and have agreed to testify against the defendant). It is clear to me from the wiretap recordings alone that the defendant participated in plan to, at first, carry out a "hit" on an individual, which, second, devolved into a plan to have the man very seriously beaten about the head. I do not opine this lightly, but instead, base it upon the recordings I have heard numerous times during the preparation of the federal trial.

I also believe the defendant lied to this Court at his bail hearings on June 11 and June 13. In response to the Court's question on June 11 as to where the defendant would live if released, he stated through his attorney that he would live with his wife, LaSonia McGee at a house near 60th and Good Hope Road. In a recorded conversation with his wife the next day the defendant told her that he did not think the above residence would meet the Court's requirements. He further stated to his wife that they would need to find a place where they could stay if he were released on bail.

Furthermore, during the defendant's testimony on June 13, the prosecutor confronted him about his use of other inmates' phone PIN numbers. The defendant denied that he was trying to avoid the recording of his calls by use of these other PIN numbers, however, his comments during those recorded conversations indicated otherwise. A review of the transcripts quoted from the June 13 hearing include, among other things, the defendant saying to the other party, "But at least with this one you can talk how you want to."

The defendant faces a certain prison sentence. Depending on this Court's factual findings, his Federal Sentencing Guidelines could set his imprisonment range at between six-and-one-half years to ten years.

The defendant has demonstrated a chronic inability to follow court orders and conform his conduct to the established rules of society. I believe strongly that if he is released pending sentencing he will not follow this Court's orders and thus, on several levels, will pose a risk to the community. More importantly, he has failed to meet his burden under 18 U.S.C. § 3141(a).

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As an aside, I note that the defendant lists child care needs as one of his reasons for release. It is my understanding that LaSonia McGee's family owns and operates a large high-quality child care facility in the city.

Very truly yours,

STEVEN M. BISKUPIC

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