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**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA)
)
 v.)
)
 WALTER ANDERSON,)
)
 aka Mark Roth,)
)
 Defendant.)

**WALTER ANDERSON'S REPLY BRIEF IN SUPPORT OF
RECONSIDERATION OF HIS MOTION TO IMPOSE CONDITIONS OF
RELEASE**

The government's opposition to Mr. Anderson's Motion for Reconsideration of His Motion to Impose Conditions of Release warrants a brief response. First, the government has misrepresented the correct standard for deciding the motion by emphasizing that incarceration is the "best assurance that defendant will appear at trial" (Opp'n to Recon. at 3), when the standard set by Congress is whether conditions exist that would "reasonably assure" the defendant's presence at trial, 18 U.S.C. § 3142(c)(B).

Second, the government does not offer any explanation for how locking Mr. Anderson in his seventh-floor apartment, guarded by the same people the government has relied upon to arrest and guard defendants in the past, being placed under video surveillance, and having a GPS and "polar bear" telemetry tracking device strapped to his ankle by, Kroll Inc., the leading security company in the world, would not "reasonably assure" Mr. Anderson's presence at trial. Against the recommendations from Kroll,

former U.S. Marshals and D.C. police officers, we have the government's speculation that "[g]iven the defendant's technological knowledge, if he wanted to flee, he would find a way." (O'ppn. to Recon. at 3.) The government, however, has offered no evidence to suggest that Mr. Anderson would be capable of foiling a trained, armed guard; video surveillance; and state-of-the-art electronic monitoring devices that our own government uses on the battlefield and to detain suspected war criminals; much less all of these and other safeguards. The conditions of release we propose are, to our knowledge, the most advanced and Draconian ever proposed in a bail hearing. The government's response is nothing but the routine mantra that the defendant is so amazing that nothing can contain him.

When a man's liberty and ability to receive a fair trial is at stake, more is required.

Dated: March 22, 2005

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of March, 2005, copies of the foregoing Motion to Impose Conditions of Release were served by hand-delivery to:

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