

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,))
)	
Plaintiff,)	ORDER
)	
v.)	
)	
Robert Manuel Martell,)	Case No.: 1:24-cr-00210
)	
Defendant.)	

On January 16, 2025, the court ordered Defendant detained pending trial, however, it noted that Defendant may be released subject to conditions when an appropriate residential facility becomes available and provides a level of security, supervision, and a treatment component. (Doc. No. 55).

On January 27, 2025, Defendant filed a *Motion for Reconsideration Order of Detention*. (Doc. No. 60). Defendant advises he has been accepted to Providence House in Arnegard, North Dakota, and requests release so he may attend residential inpatient treatment there. The same day, Defendant filed an *Amended Motion for Reconsideration Order of Detention* (Doc. No. 61) wherein he advised a member of Providence House will transport him to the facility.

The court is inclined to deem **MOOT** Defendant's motion (Doc. No. 60), and **GRANT** Defendant's amended motion. (Doc. No. 61). Defendant shall be released no earlier than 9:00AM on February 3, 2025, to a representative of Providence House, for immediate transportation to Providence House in Arnegard, North Dakota.

Defendant release shall be subject to the following conditions:

- 1) Defendant must not violate federal, state, tribal, or local law while on release.

- 2) Defendant must appear in court as required and must surrender to serve any sentence imposed.
- 3) Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer.
- 4) Except upon prior approval from the Pretrial Services Officer, Defendant's travel is restricted to North Dakota.
- 5) Defendant shall refrain from: any use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner; any use of medical marijuana; and any use of inhalants. Defendant shall submit to drug/alcohol screening or participate in a remote alcohol testing program using continuous electronic alcohol testing at the direction of the Pretrial Services Officer to verify compliance. Failure of refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test result.
- 6) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- 7) Defendant shall not knowingly or intentionally have any direct or indirect contact with witness(es), or co-defendant(s), except that counsel for Defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of Defendant's legal defense.
- 8) Defendant shall undergo a substance abuse and/or mental health evaluation if required by the Pretrial Services Officer and comply with resulting counseling or treatment recommendations.

- 9) Defendant shall reside at Providence House and shall participate in the center's programs and abide by its rules and regulations. If directed by the Pretrial Services Officer, Defendant shall pay a portion of the cost of residing at the facility. The supervising pretrial officer may approve passes from the RRC for up to eight hours.
- 10) Defendant must sign all release forms to allow the Pretrial Services Officer to obtain information from the treatment facility OR to communicate with facility staff about Defendant's progress in the program.

Any passes allowed by the treatment facility must be approved by the Pretrial Services Officer.

If for any reason Defendant is terminated from the treatment program, Defendant must immediately surrender to the custody of the United States Marshal.

At least 96 hours prior to anticipated completion of the treatment program, Defendant must advise the Pretrial Services Officer of Defendant's anticipated completion date so the Court may schedule a hearing to review Defendant's release status.

If Defendant successfully completes the treatment program, the Pretrial Services Officer may approve Defendant's transition to an appropriate sober living home.

- 11) Defendant shall submit Defendant's person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition. The Pretrial Services Officer may conduct a search under this condition only when reasonable suspicion exists that Defendant has violated a

condition of release and that the areas to be searched contain evidence of this violation.

Any search must be conducted at a reasonable time and in a reasonable manner.

12) Defendant shall not obtain a passport and other foreign travel document(s).

13) Defendant must report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

IT IS SO ORDERED.

Dated this 27th day of January, 2025.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court