

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAVEL BABICHENKO,  
GENNADY BABICHENKO,

Defendants.

Case No. 1:18-cr-00258-BLW

**MEMORANDUM DECISION &  
ORDER**

**INTRODUCTION**

Before the Court is Defendant Gennady Babichenko's ("Gennady") Motion for Release Pending Trial. Dkt. 164. Defendant Pavel Babichenko ("Pavel") has also filed a Motion for Release Pending Trial (Dkt. 165) for the same reasons outlined in Gennady's Motion. Both motions are DENIED.

**BACKGROUND**

Gennady and Pavel have both filed multiple motions seeking their release pending trial. Both Gennady and Pavel argued in favor of their release before United States Chief Magistrate Judge Bush. Despite their arguments, Judge Bush found that the United States Government had shown "by a preponderance of the evidence that no condition or combination of conditions of release will reasonably assure the defendant[]s[] appearance." Dkts. 94 & 97. Gennady and Pavel then appealed to United States District

Court Judge Lodge. Judge Lodge, after conducting a *de novo* review, denied Gennady's and Pavel's appeal. Dkts. 127 & 128.

### ANALYSIS

The Court has conducted a thorough review of the decisions issued by Judge Bush and Judge Lodge and agrees with the conclusion of both judges: it is more likely than not that Pavel and Gennady pose a flight risk regardless of any conditions of release that the Court could impose.

The Court has also evaluated the arguments put forth by Gennady's counsel and finds that they are insufficient to alter the conclusion that Gennady and Pavel should remain in custody pending trial. Although the Court has designated this case as complex, it has stated that it "intends to move this case swiftly to trial" despite the fact "that the Speedy Trial Act's typical seventy-day clock does not apply." Dkt. 162 at 2.

Furthermore, the Court has held and will continue to hold regular conference calls with the Parties to ensure that the Government quickly and efficiently carries out its discovery obligations. Although it is likely, given the complexity of the case and the logistics involved with holding a trial for so many defendants, that the July 29, 2019 trial date will change, the Court does not intend to allow the date to change significantly absent extraordinary circumstances.

**ORDER**

**IT IS HEREBY ORDERED:**

1. Defendant Gennady Babichenko's Motion for Release Pending Trial (Dkt. 164) is  
**DENIED.**
2. Defendant Pavel Babichenko's Motion for Release Pending Trial (Dkt. 165) is  
**DENIED.**



DATED: January 30, 2019

A handwritten signature in black ink, reading "B. Lynn Winmill".

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B. Lynn Winmill  
U.S. District Court Judge