

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Action No. 08-cr-00427- JLK

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**1. MARK RANDALL RAYBORN,
Defendant.**

**GOVERNMENT'S NOTICE OF
DEFENDANT'S MEDICAL CONDITION PREVENTING ARRAIGNMENT**

The United States of America, by John M. Haried, Assistant U.S. Attorney for the District of Colorado, hereby gives the Court notice that the defendant is suffering from a serious medical condition that has prevented the government from producing him in court today as scheduled, and states as follows:

1. The defendant was arrested by the FBI on Thursday, October 16, 2008, on a warrant. The indictment is sealed.
2. When arrested, the defendant was very intoxicated. The U.S. Marshal could not accept the defendant into custody per policy because the defendant's blood alcohol level was .324 according to a field sobriety test.
3. The FBI took the defendant to the Denver City Jail which was equipped to deal with intoxicated inmates.
4. Overnight, the Denver City Jail determined that the defendant's condition required immediate hospitalization for withdrawal from alcohol, and it sent him to

Denver Health Medical Center for treatment.

5. This morning, on Friday, October 17, and unaware of last night's events, the FBI went to Denver City Jail to pick up the defendant and transport him to the U.S. Marshal for appearance in court today. Denver Health Medical Center told the Denver City Jail that the defendant needed 3 to 4 more days of hospitalization before his medical condition would be stabilized.
6. The FBI will call Denver Health Medical Center each day until the defendant is released from medical treatment, and the defendant will be brought to court at the earliest opportunity.
7. The government is not aware of any attorney representing the defendant at this time.

Respectfully submitted on October 17, 2008.

Troy A. Eid
United States Attorney

s/ John Haried
John Haried
Assistant United States Attorney
1225 Seventeenth Street, Suite 700
Denver, CO 80202
Phone: (303) 454-0100

CERTIFICATE OF SERVICE

I certify that on October 17th, 2007, I electronically filed the foregoing **GOVERNMENT'S NOTICE OF DEFENDANT'S MEDICAL CONDITION PREVENTING ARRAIGNMENT** with the Clerk of the Court using the CM/ECF system. The government is not aware of any attorney representing the defendant at this time.

s/ John Haried _____

John Haried

Assistant United States Attorney

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