

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

United States of America v. Paul Gonzales, Emerio Rivera, Melvin Sweeney

684 F. Supp. 838 (D. Vt. 1988) · No. Crim. A. Nos. 88-20-01, 88-20-02 and 88-20-03 · Decided April 29, 1988

SUMMARY

The court held that 18 U.S.C. § 4285 authorizes payment or arrangement of noncustodial transportation for an indigent defendant released on bail who must travel from Texas to Vermont to enter a guilty plea. It reasoned that denying transportation could effectively result in detention based on indigency, contrary to the Bail Reform Act and equal protection principles. The court also concluded that the statute authorizes payment only for travel to the proceeding, not return transportation.

CASE DETAILS

COURT	United States District Court for the District of Vermont
WRITING FOR THE COURT	Billings, District Judge
JURISDICTION	Vermont
DECIDED	April 29, 1988
DOCKET	Crim. A. Nos. 88-20-01, 88-20-02 and 88-20-03
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Paul Gonzales, who had been released on conditions pending prosecution, moved under 18 U.S.C. § 4285 for a second order directing the United States Marshal to arrange or pay for his noncustodial transportation from Texas to Vermont so that he could enter a guilty plea. The government objected, and the court granted the motion, issuing this opinion to explain its reasoning.
PRECEDENTIAL VALUE	published federal district court opinion; persuasive authority within the District of Vermont
PARTIES	United States of America

TOPICS

[criminal procedure](#)[bail](#)[statutory interpretation](#)[equal protection](#)[due process](#)

PRACTICE AREAS

criminal procedure

bail and pretrial release

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constitutional law

QUESTIONS PRESENTED

1. Whether 18 U.S.C. § 4285 authorizes a court to order the United States Marshal to arrange or pay for noncustodial transportation for a released defendant traveling from his home state back to the releasing court to attend a subsequent criminal proceeding.
2. Whether denying transportation assistance to an indigent defendant otherwise eligible for pretrial release would impermissibly make indigency a basis for detention under the Bail Reform Act and the Equal Protection Clause.
3. Whether § 4285 authorizes payment for the defendant's return travel after the required court appearance.

HOLDINGS

1. After appropriate inquiry into financial inability, a court may direct the United States Marshal to arrange or pay for a released defendant's noncustodial transportation from his home state to the releasing court for a subsequent criminal proceeding, including entry of a guilty plea.
2. The government may not effectively detain a defendant solely because the defendant lacks money to travel to a required court appearance after being found eligible for release; § 4285 complements the Bail Reform Act by preventing financial inability from defeating release.
3. Section 4285 authorizes payment for transportation to the place where the defendant's appearance is required, but does not authorize payment for the defendant's return trip to Texas after the proceeding.

KEY QUOTATIONS

“The plain language of section 4285, economic realities, and the dictates of the equal protection clause support the finding that, after appropriate financial inquiry, this Court may order the government to pay or arrange for the noncustodial transportation of defendant from Texas to Vermont to enter his guilty plea.”
(842)

FACTUAL BACKGROUND

Paul Gonzales, a Texas resident, was arrested in South Burlington, Vermont, and indicted for conspiring to distribute marijuana. He was released after posting a \$10,000 appearance bond and \$1,000 with the court, then returned to Texas. Gonzales wanted to travel back to Vermont to enter a guilty plea but lacked the financial resources to pay for the trip. The government argued that 18 U.S.C. § 4285 did not authorize payment for this type of travel.

PROCEDURAL HISTORY

Gonzales was arrested in Vermont, indicted for conspiracy to distribute marijuana, appointed counsel, and released on conditions. After obtaining an earlier transportation order to attend his arraignment, he returned to Texas and later sought transportation back to Vermont to enter a guilty plea because he could not afford the travel. The court granted the request over the government's objection.

DISPOSITION

other

CASES CITED

- United States v. Rivera, No. 88-20-02 (D. Vt. Mar. 16, 1988)
- United States v. Lee, 487 F. Supp. 579 (E.D. Wis. 1980)
- United States v. Haley, 504 F. Supp. 1124, 1129 & n.34 (E.D. Pa. 1981)
- United States v. Badalamenti, No. 84 Cr. 236 (S.D.N.Y. July 22, 1986)
- Allen v. United States, 386 F.2d 634, 637 (D.C. Cir. 1967)

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