

The government concedes for purposes of this motion that defendant is not likely to flee. Given his DWI arrest while on bond, the government cannot concede that defendant will not pose a danger to the community.⁴

A substantial question is “one that is ‘close’ or ‘that could very well be decided the other way’ by the appellate court.”⁵ For a question to be substantial it “must raise a substantial doubt (not merely a fair doubt) as to the outcome of its resolution.”⁶ No such substantial question is raised in this case and defendant’s motion should be denied.

Defendant’s Alleged Substantial Questions

Defendant alleges that his appeal presents three substantial questions: restriction of *voir dire* and sufficiency of the evidence on both the tax evasion and false tax returns counts.

⁴Defendant is incorrect in saying that he has “fully complied with all conditions of pre-trial release” as he was arrested on August 13, 2010, at 11:46 p.m. and charged with Driving While Intoxicated (1st Offense), Suspended Driver’s License and Improper Lane Usage. The arresting officer’s report notes that defendant’s blood alcohol content was .09%. It also notes that a records check confirmed that defendant was driving with an expired license.

⁵*Id.*, at 180, citing *United States v. Valera-Elizondo*, 761 F.2d 1020, 1024 (5th Cir. 1985) (citation omitted).

⁶*Valera-Elizondo*, 761 F.2d at 1024.