

Judge rules man can't live with any women

Waterford man convicted on drug charge had long history of domestic violence.

[David Shepardson / The Detroit News](#)

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WATERFORD TOWNSHIP-- Eric Brandenburg has a long history of domestic violence -- including beating up two fiancées and sending one to the hospital.

U.S. District Judge Bernard A. Friedman decided to hand down an unusual sentence -- especially for the violation of a drug sentence.

When Brandenburg, 33, of Waterford is released from prison in October, he cannot live with any woman for a year. Moreover, he must notify women with whom he has a social relationship of his history of violence and within 12 hours of meeting them, he must give his probation officer their contact information.

A federal appeals court has now upheld that sentence, despite Brandenburg's complaint that it denies him his First Amendment right of free association.

Friedman, now the chief judge in Detroit, said Wednesday that judges need flexibility to fulfill the goals of a sentence. He often requires alcoholics or drug addicts to stay out of bars during their probation, for example.

Letting Brandenburg live with a woman "would be like allowing a sexual predator to work at an all girls-school," Friedman said.

Brandenburg's lawyers immediately appealed Friedman's order in February, saying it violated their client's rights by ordering him to not live with a woman and that the definition of "social contact" is unconstitutionally vague.

The federal appeals court disagreed Dec. 14.

The "defendant has a history of abusing women with whom he lives," wrote U.S. Appeals Judge Eric Clay, a Clinton appointee who sits in Detroit, for the panel. "Because of this history, the district court reasonably believed that (Brandenburg) was likely to abuse any female with whom (he) lived."

James Gerometta, an assistant federal defender who represented Brandenburg, said his office was considering filing an appeal with the U.S. Supreme Court.

"It was our feeling that the order deprives him of his constitutional rights to free association," Gerometta said Wednesday. He also argued the requirement to report social conduct "was too vague."

"Social contact is a very vague term that can be interpreted loosely or very tightly. It's not fair to put him at the whim of a probation officer."

In 2002, Brandenburg pleaded guilty to conspiracy to distribute marijuana after being named as one of 14 conspirators in a 2000 indictment.

In January 2004, Brandenburg completed his two-year sentence on that charge and began three years of supervised release on those conditions that included reporting social contact with any women to his probation officer and informing the women of his history of violence.

Eight months later, Waterford Township police took a police report that Brandenburg had assaulted his fiancée. He was sentenced Oct. 25, 2004, after pleading guilty to domestic violence. He also allegedly stole \$250 from his employer's cash box -- and cashed \$1,300 in checks from a business account at a local party store. He also failed to report to his probation officer for more than four months and failed to attend court-ordered anger management or submit to drug and alcohol testing.

On Feb. 9, Friedman sentenced Brandenburg to two more years in prison for violating his probation after he admitted to five violations.

Friedman again imposed the conditions that he report his social contact with women and added the stricter condition that he not live with any woman after his release. That condition will last for one more year because that's the maximum length of probation left.

Brandenburg is scheduled to be released from the Federal Correction Institution in Schuylkill, Pa. in October 2006.

You can reach David Shepardson at (313) 222-2028 or dshepardson@detnews.com