

United States District Court

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District of New Mexico

CLERK - LAS CRUCES

UNITED STATES OF AMERICA

v.

ORDER SETTING CONDITIONS OF RELEASE

Case Number: CR 06-538 JH

JOSEPH BUTTS

Defendant

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear at **United States District Court**

_____ on _____ **when & where directed**
Place Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (✓) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \$5,000.00 in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Distribution: ♦Court ♦Defendant ♦U.S. Attorney ♦U.S. Marshal ♦Pretrial Services

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- (✓) (6) The defendant is placed in the custody of:
 (Name of person or organization) BEHAVIORAL SYSTEMS SW
 (Address) _____
 (City and State) TUCSON, AZ 85706-6033 (520) 573-3111

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy

- (✓) (7) The defendant shall:
- (✓) (a) report to the Pretrial Services Agency as directed, telephone number _____, not later than _____.
- (✓) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:
\$5,000.00 UNSECURED
- () (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above described _____
- () (d) execute a bail bond with solvent sureties in the amount of \$ _____
- (✓) (e) maintain or actively seek employment.
- () (f) maintain or commence an education program.
- () (g) surrender any passport to: _____
- () (h) obtain no passport.
- (✓) (i) abide by the following restrictions of person association, place of abode, or travel:
TRAVEL RESTRICTED TO COUNTY OF RESIDENCE WITH DIRECT TRAVEL TO LAS CRUCES, NM TO MEET WITH ATTORNEY AND ATTEND COURT PROCEEDINGS; PRETRIAL SERVICES IS AUTHORIZED TO EXPAND TRAVEL W/IN THE U.S. ONLY IF NECESSARY. THE DEFENDANT IS ALLOWED TO TRAVEL TO DENVER, CO FOR APPEAL PURPOSES.
- (✓) (j) avoid all contact, directly or indirectly with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: NO DIRECT OR INDIRECT CONTACT WITH ANY CO-DEFENDANTS*.
- () (k) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____
- () (l) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling, or the following limited purpose(s): _____
- (✓) (m) maintain residence at the Behavioral Systems SW halfway house or halfway house nearest to Pima, AZ as deemed necessary by the pretrial services office or supervising officer. The defendant must follow all rules and obligations set by the halfway house.
- (✓) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.
- (✓) (o) refrain from ANY use of alcohol. The defendant must not frequent any establishment where alcohol is the primary item for sale.
- (✓) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. 802, unless prescribed by a licensed medical practitioner.
- (✓) (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- (✓) (r) participate in a program of inpatient or outpatient alcohol/substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.
- (✓) (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibit substance testing or ~~electronic monitoring~~ which is (are) required as a condition(s) of release.
- () (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
- () (i) Curfew. You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or
- () (ii) Home Detention. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or
- () (iii) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office of supervising officer.
- (✓) (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (✓) (v) Contact attorney on a regular basis as directed by attorney. If attorney has no contact with defendant for more than 15 days, attorney to advise Pretrial Services.
- (✓) (w) Defendant not to associate with any persons involved in controlled substances.
- (✓) (x) Other: Defendant to report to Pretrial Services immediately prior to reporting to the attorney or leaving town on the day of release.
*THE DEFENDANT MAY HAVE CONTACT WITH HIS SISTER AND BROTHER-IN-LAW, HOWEVER THERE MUST NOT BE ANY DISCUSSION REGARDING THIS CASE.
THE DEFENDANT IS NOT ALLOWED TO USE MARIJUANA, EVEN IF IT IS HIS RELIGIOUS BELIEF.
IF DEFENDANT DOES WELL, HE MAY RESIDE IN HIS OWN APARTMENT, AT THE DISCRETION OF PRETRIAL SERVICES AGENCY.
ZERO TOLERANCE.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- 10* (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Joseph Butts

Signature of Defendant

JOSEPH BUTTS

TUCSON, AZ 85706-6033 (520) 573-3111

City and State

Telephone

Directions to United States Marshal

- () The defendant is ORDERED released after processing.
- (✓) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and placed specified, if still in custody.

Date: November 30, 2007

Lourdes Martinez

Lourdes A. Martinez, U.S. Magistrate Judge