

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

vs.

CRIMINAL NO. H- 04-325

Fernando Maya Basurto

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§

**ORDER SETTING CONDITIONS OF RELEASE**

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

1. The defendant must not violate any federal, state or local law while on release.
2. The defendant must not intimidate or attempt to intimidate a witness, juror or officer of the court (18 USC § 1503), obstruct a criminal investigation (18 USC § 1510), or tamper with or retaliate against a witness, victim or informant (18 USC §§ 1512 and 1513).
3. The defendant must immediately advise the Court, defense counsel and the Pretrial Services Agency, in writing, before any change in address and telephone number.
4. The defendant must appear in court as required and must surrender to serve any sentence imposed. The defendant must appear at (if blank, to be notified):

\_\_\_\_\_ on \_\_\_\_\_

Place Date/Time

**RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED BOND**

IT IS FURTHER ORDERED that the defendant be released on condition that:

- 5. The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- 6. The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \$ 50,000.00 in the event of a failure to appear as required or to surrender to serve any sentence imposed.

The bond shall be signed by the following person(s) as surety:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Additional Conditions of Release

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

7. The defendant is placed in the custody of:

\_\_\_\_\_  
(Name of person or organization)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City/State/Zip Code) (Area Code/Telephone Number)

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

Signed: \_\_\_\_\_

Custodian or Proxy

Date

8. The defendant must:

a. Report to the U. S. Pretrial Services Agency - Phone: 713-250-5218, on a regular basis.

b. Execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

\_\_\_\_\_  
\_\_\_\_\_

c. Post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

\_\_\_\_\_

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 U.S. Passport and/or Foreign Passport to the U.S. Pretrial Services Agency.

h. Obtain no passport.

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- i. Abide by the following restrictions on personal association, place of abode, or travel:  
Travel - SDTX  
Acadec - 5147 Brass Valley Drive, Houston, TX 77066
- j. Avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to:  
co-defendants in related case
- k. Undergo medical or psychiatric treatment or remain in an institution as follows:  
\_\_\_\_\_  
\_\_\_\_\_
- l. Return to custody each (week) day at \_\_\_\_\_ o' clock after being released each (week) day at \_\_\_\_\_ o'clock for employment, schooling, or the following purpose(s):  
\_\_\_\_\_  
\_\_\_\_\_
- m. Maintain residence at a halfway house or community corrections center, as the Pretrial Services Office or supervising officer considers necessary.
- n. Refrain from possessing a firearm, destructive device, or other dangerous weapons.
- o. Refrain from ( ) any ( ) excessive use of alcohol.
- 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 testing required by the Pretrial Services Office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing 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. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.
- r. Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the Pretrial Services Office or supervising officer considers it advisable.

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[ ] s. Participate in one of the following location monitoring program components and abide by its requirement as the Pretrial Services Office or supervising officer instructs.

[ ] (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 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, and court appearances pre-approved by the Pretrial Services Office or supervising officer.

[X] t. Submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the Pretrial Services Office or supervising officer related to the proper operation of the technology.

[X] The defendant must pay all or part of the cost of the program based upon your ability to pay as the Pretrial Services Office or supervising officer determines.

[X] (i) Location monitoring technology as directed by the Pretrial Services Office or supervising officer;

[ ] (ii) Radio Frequency (RF) monitoring;

[ ] (iii) Passive Global Positioning Satellite (GPS) monitoring;

[ ] (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);

[ ] (v) Voice Recognition monitoring.

[X] u. Immediately report contact with law enforcement to Pretrial Services.

[ ] v. Special Conditions:

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## Advice of Penalties and Sanctions

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, an order of detention, as provided in 18 USC § 3148, and a prosecution for contempt as provided in 18 USC § 401 which could result in a possible term of imprisonment or fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years, if the offense is a felony, or to a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself. 18 USC § 3147.

18 USC § 1503 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 USC § 1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 USC § 1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 USC § 1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 USC § 3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sending, surrender for the service of a sentence, or appeal or certiorari after conviction for:

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

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

*[Handwritten Signature]*

Signature of Defendant

*[Redacted Address]*

Address

City/State/Zip Code

713-829-6022

Telephone Number

### Direction 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 complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: July 8, 2011

*[Handwritten Signature]*

Stephen Wm. Smith  
United States Magistrate Judge