

United States District Court
DISTRICT OF IDAHO

U.S. Courts
Rec'd _____ Filed *ATJ*

MAR 27 2004

Cameron S. Burke
Clerk, Idaho

UNITED STATES OF AMERICA

v.

MARIA KARGER

**ORDER SETTING CONDITIONS
OF RELEASE**

Case Number: CR02-232-E-BLW

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 Pocatello, Idaho Federal Bldg before Chief Judge Winmill for Jury Trial and Pre-Trial Conference as directed in prior Procedural Order.

Release on Personal Recognizance or Unsecured Bond

Defendant was previously released on Conditions (attached) and shall abide by those as well.

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

- (X) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (X) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of *see bond form attached* dollars (\$) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed. Refer to Arizona Order.

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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 3rd-party custody of:
 (Name of person or organization)
 (Address)
 (City and State & Zipcode) (Tel. No.)

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

All Arizona conditions remain in effect.

- (X) (X) The defendant shall:
 (X) (a) maintain or actively seek employment.
 () (b) maintain or commence an educational program approved by Pre-Trial Officer.
 (X) (c) abide by the following restrictions on his personal associations, place of abode, or travel:
 Travel restricted to District of Idaho for court appearances and to the District of Arizona at the direction of the Pre-Trial Officer.
- (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: *AD CONTACT w/ CO-DEFENDANTS, family of co-defendants, any witnesses*
- (X) (e) report on a regular basis to the following agency: Report as directed by USPO.
- (X) (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 (X) (h) refrain from the use of alcohol, and any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
- () (I) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
- (X) (j) Defendant shall submit to drug testing as directed and shall pay at least \$2.00 per drug test collected by designated aftercare provider. this amount is subject to payment based on defendant's ability to pay.
- () (k) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
- (X) (l) Defendant shall submit to search of person/residence/vehicle at discretion of USPO.
- (X) (m) Defendant shall not possess or use any illegal controlled substance not paraphernalia related to use of controlled substances.
- (X) (n) **surrender any passport to counsel to surrender to the US. District Court at Arizona.**
- () (o) obtain no passport.
- (X) (p) Defendant shall submit to drug-testing as required by USPO.
 (X) Defendant shall provided Pre-Trial access to Financial Information
 (X) Defendant shall submit to search & seizure requirements at USPO's discretion.

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 a Federal offense while on pretrial release will result in an additional sentence of 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 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

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 10 years, or both;
- (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 or surrender 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.

Maria Helena Kerge
Signature of Defendant

5840 S. Springbrook Dr
Address

Judson Mo 9520977-1780
City and State Telephone

85745

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 place specified, if still in custody.

Date: July 27, 2004

Larry M. Boyle
Signature of Judicial Officer
Chief U.S. Magistrate Judge
Name and Title of Judicial Officer

CASE NUMBER: 04-01998M

NAME OF DEFENDANT MARIA KARGER		ADDRESS OF DEFENDANT, ZIP CODE 57405, Springbrook Dr - TUC AZ 85746		TELEPHONE NUMBER 520 977-1780
NAME OF SURETY(ies) MARIA GARCIA		ADDRESS(es) OF SURETY(ies), ZIP CODE 923 W. 25th St TUC AZ 85713		TELEPHONE NUMBER(S) 520 791-3007
AMOUNT OF BOND \$25,000	<input type="checkbox"/> UNSECURED	<input type="checkbox"/> SECURED BY DEPOSIT RECEIVER	OTHER SECURITY POSTED/TO BE POSTED BY \$25,000.00 PROPERTY BOND	TIME AND DATE OF NEXT APPEARANCE AS DIRECTED
			COURTROOM 105 W. Congress	

CONDITIONS OF RELEASE AND APPEARANCE

FILED
RECEIVED
JUN 15 2004
 CLERK U.S. DISTRICT COURT
 DISTRICT OF ARIZONA

Defendant is subject to each condition checked:

- The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
 - The defendant acknowledges: video depositions will be taken, defendant is responsible to know the time and date, and to appear for same.
- The defendant shall not commit any federal, state or local crime.
- The defendant shall immediately advise the court, defense counsel and U.S. Attorney in writing before any change in address/telephone number.
- The defendant shall:
 - maintain or actively seek verifiable employment and provide proof of such to Pretrial Services.
 - abide by the following restrictions on his personal associations, place of abode, or travel: Defendant shall not travel outside the State of Arizona, unless court permission is granted to travel elsewhere.
 - avoid all contact **DIRECT OR INDIRECT** with the CO-DEFENDANTS, WITNESSES, OR FAMILY OF CO-DEFENDANT AND WITNESSES
 - report on a regular basis to the following agency: **PRETRIAL SERVICES AS DIRECTED (520) 205-4350**
 - comply with the following curfew: _____
- Defendant is placed in the custody of _____
- Defendant shall surrender all passports and visas to the Court and shall not apply for any other passports.
- Defendant shall not possess any firearm, destructive device, or other dangerous weapon.
- Defendant shall participate in (drug) (alcohol) (psychiatric) counseling, and submit to drug testing, as directed by Pretrial Services. The defendant shall comply with all treatment requirements including taking all medication as prescribed by his mental health care provider.
- The defendant shall refrain from ANY/excessive use of alcohol and any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 USC 802 unless prescribed by a licensed medical practitioner. The defendant shall submit to drug and/or alcohol treatment, not limited to urine drug testing and breathalyzer tests, at the discretion of Pretrial Services. The defendant shall make a copayment directly to the agency contracted by Pretrial Services to provide any required counseling or drug testing, in an amount to be determined by Pretrial Services, not to exceed the total cost of services rendered, each month until these services are terminated.
- The following conditions also apply: **make all required appearances in District of Idaho**

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 U.S.C. §3148, forfeiture of bond, and a prosecution for contempt as provided in 18 U.S.C. 5401 which could result in a possible term of imprisonment or a 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 less than two years nor more than ten years, if the offense is a felony; or a term of imprisonment of not less than ninety days nor 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 U.S.C. §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 U.S.C. §1510 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C. §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 U.S.C. §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 U.S.C. §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 a sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, 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 not more than two years, or both;
- (4) a misdemeanor, the defendant 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 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.

ACKNOWLEDGEMENT 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.

DATE 6/15/04	SIGNATURE OF DEFENDANT <i>Maria Karger</i>
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Custodian agrees to (a) 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.

SIGNATURE OF CUSTODIAN	ADDRESS OF CUSTODIAN	TELEPHONE
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We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF SURETY(ies) <i>Maria Garcia</i>	DATE: 6/10/2004
923 W 25th St TUC AZ 85713	Signed before me on the date shown above. This order authorizes the U.S. Marshal to release defendant from custody.
<i>Brent R. ...</i>	<i>Brent R. ...</i>
Witnessed and acknowledged before Judicial Officer/Clerk/Attorney	Signature of U.S. Magistrate Judge
	BAIL SET BY GLENDA E. EDMONDS

United States District Court
for the
District of Idaho
July 29, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:02-cr-00232

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

Michael Joseph Fica, Esq. 1-208-478-4175
US ATTORNEY
801 E Sherman
Pocatello, ID 83201

Bertram Polis, Esq.
338 N Granada Ave
Tucson, AZ 85701

Kelly Kumm, Esq. 1-208-232-2880
1305 E Center St
Pocatello, ID 83201

U.S. Marshal
HAND DELIVERED

Probation
HAND DELIVERED

Chief Judge B. Lynn Winmill
 Judge Edward J. Lodge
 Chief Magistrate Judge Larry M. Boyle
 Magistrate Judge Mikel H. Williams

Visiting Judges:
 Judge David O. Carter
 Judge John C. Coughenour
 Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 7-29-04

BY: 
(Deputy Clerk)