

United States District Court
DISTRICT OF IDAHO

U.S. Courts
Rec'd _____ Filed AW

APR - 6 2004

Cameron S. Burke
Clerk, Idaho

UNITED STATES OF AMERICA

v.

DICK EBEN BUTCHER

ORDER SETTING CONDITIONS
OF RELEASE

Case Number: CR04-64-S-EJL

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 the Boise, Idaho Federal Building at 1:30 pm, JUNE 1, 2004, before the Honorable Edward J. Lodge, for a Jury Trial or as otherwise directed by the Court.

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 _____ dollars (\$ _____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

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)
 (Address)
 (City and State) (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

- The defendant shall:
- (a) maintain or actively seek employment.
- (b) maintain or commence an educational program.
- (c) abide by the following restrictions on his personal associations, place of abode, or travel:
 Travel restricted to Bannock County or as directed by USPO.
- (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
- (e) report on a regular basis to the following agency: Report as directed by USPO.
- (f) comply with the following curfew:
- (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
- (h) refrain from **ANY** 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:
- (j) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property:
- (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:
- (l) defendant shall not associate with children under the age of 18 years.
- (m) 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):
- (n) surrender any passport to
- (o) obtain no passport.
- (p) Defendant shall submit to drug-testing as required by USPO.
- (Q) Electronic Monitoring.
- (R) Defendant shall abide by all the terms and conditions imposed by the U.S. Probation Officer. The defendant shall provide Pre-Trial Services with access to any requested financial information. The defendant shall submit to search of his residence, person, and vehicle as directed by the pre-trial officer and shall permit confiscation of any contraband found therein.

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 five 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;
- (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.

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.

[Handwritten Signature]
Signature of Defendant

5311 ANNIE OAKLEY DR.
Address

LAS VEGAS NV 702-451-5683
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 place specified, if still in custody.

Date: April 6, 2004

[Handwritten Signature]
Signature of Judicial Officer

Larry M. Boyle
Name and Title of Judicial Officer

United States District Court
for the
District of Idaho
April 6, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:04-cr-00064

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

George William Breitsameter, Esq. 1-208-334-1413
US ATTORNEY'S OFFICE
Box 32
Boise, ID 83707

John C DeFranco, Esq. 1-208-345-8945
ELLSWORTH KALLAS TALBOY
2402 W Jefferson
Boise, ID 83702

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: 4-7-04

BY: *CSB*
(Deputy Clerk)