United States District Court--District of Arizona - Phoenix
Order Setting Conditions of Release

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SEP 14 2015
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY _____ DEPUTY

DATE: 9/14/2015 **CASE NUMBER:** CR 15-01118-003-PHX-SPL

USA vs. Casimer Anthony Polanchek II

☒ **PERSONAL RECOGNIZANCE**
☐ **AMOUNT OF BOND**_____
☐ **UNSECURED**
☐ **SECURED BY**
SECURITY TO BE POSTED BY_____
NEXT APPEARANCE 11/3/2015 at 9:00 AM before Judge Logan or as directed through counsel
☒ **401 West Washington St., Phoenix, AZ, Courtroom #501, 5th Floor**
☐ **Goodwin & Cortez, US Post Office Bldg., Prescott, AZ, 2nd Floor**

IT IS ORDERED THAT DEFENDANT IS SUBJECT TO THE FOLLOWING CONDITIONS AND SHALL:

☒ appear at all proceedings as required and to surrender for service of any sentence imposed.

☒ not commit any federal, state or local crime.

☒ cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.

☒ immediately advise the court, defense counsel and U.S. Attorney in writing of change in address/telephone number.

☐ maintain or actively seek verifiable employment if defendant is physically or medically able and provide proof of such to Pretrial Services.

☒ not travel outside of: Arizona unless express PRIOR Court permission is granted to do so.

☐ avoid all direct or indirect contact with persons who are considered alleged victim(s), potential witness(es), family members of victim(s)/witness(es), and/or ( ) the custodial parent, except Defendant may communicate with custodial parent solely for visitation purposes with his/her minor child(dren): _____

☒ report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350.

☐ report as directed to the U.S. PROBATION OFFICE 602-322-7400 and abide by all terms of conditions of Supervised Release/Probation.

☐ execute an agreement to forfeit upon failing to appear as required, the bond or designated property:_____

☐ Defendant is placed in the third party custody of_____

☒ refrain from ☐ any ☒ excessive use of alcohol and not use or possess any narcotic or other controlled substance defined by 21 U.S.C. 802 unless prescribed for defendant by a licensed medical practitioner in the course of his/her legitimate medical practice. This provision does not permit the use or possession of medicinal marijuana even with a physician's written certification.

☐ participate in drug/alcohol counseling/treatment and submit to drug/alcohol testing, including breathalyzer testing and make copayment toward the cost as directed by U. S. Pretrial Services. The defendant shall not interfere, obstruct or tamper in any way with the administration of any Court ordered substance abuse testing.

☒ shall surrender all travel documents to Pretrial Services by September 18, 2015 and will not obtain a passport or other travel document during the pendency of these proceedings.

☐ obtain no passport.

☐ not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.

☒ maintain weekly contact with his/her counsel by Friday, noon of each week with Patricia A. Gitre

☐ shall timely pay his/her monthly child support payments as previously ordered by the subject state court in the total amount of $_____

☒ The defendant shall actively participate in any mental health treatment program as directed by Pretrial Services. The defendant shall comply with all treatment requirements including taking all medication as prescribed by his/her mental health care provider.

☐ shall not access via computer or possess any photographs or videos of sexually explicit conduct as defined by 18 U.S.C. § 2256(2)

☐ _____

ADVICE OF PENALTIES AND SANCTIONS

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 a term of imprisonment of not more than one year if the offense is a misdemeanor. This sentence shall be consecutive to any other term of imprisonment.

Title 18 U.S.C. §1503 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years, and a $250,000 fine to intimidate a juror or officer of the court; Title 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years imprisonment and a $250,000 fine to obstruct a criminal investigation; Title 18 U.S.C. §1512 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section by not more than twenty years or by not more than ten years and a $250,000 fine for tampering with a witness, victim or informant; or by intentionally harassing another person and thereby hindering /delaying /preventing or dissuading any person from attending or testifying in an official proceeding or otherwise violating the section is punishable by imprisonment for not more than one year and a $250,000 fine; and 18 U.S.C. §1513 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years of imprisonment, a fine of $250,000, or both, 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 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, 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.

If the person was released for appearance as a material witness, a fine as provided by law or imprisonment for not more than one year, or both.

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.

DATE	SIGNATURE OF DEFENDANT
9/14/15	[signature]

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 to notify the court immediately in the event the defendant violates any condition of release or disappears. 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 CUSTODIAN(S)

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 of release.

DATE: 9/14/2015

[signature]
DAVID K. DUNCAN
United States Magistrate Judge

USA, PTS/PROB, USM, DEFT, DEFT ATTY