



RECEIVED CLERK

DEC 19 2011

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
Southern District of Texas, Houston Division

David Bradley
Clerk

P.O. Box 61010
Houston, TX 77208

December 14, 2011

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH
350 South Main Street, Rm. 150
Salt Lake City, Utah 84101-2180

FROM: M. Lerma, Deputy Clerk

Case No. Cr H-11-1576M
Your Case No. 2:11cr985

USA vs Robert J. Andres

Enclosed please find all papers pursuant to Rule 5 of the Federal Rule of Criminal Procedure:

- File (including minutes, orders, etc.)
- Bonds (any cash deposit in the Registry will be forwarded under separate cover)
- Passports:
- Other:
- Please sign and return a copy of this form in the enclosed envelope.

Received by:

Jeri Parrow

Date:

12/19/2011

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:11-mj-01576-1
Internal Use Only**

CLOSED
FILED
U.S. DISTRICT COURT
2011 DEC 19 P 1:48
DISTRICT OF UTAH
BY: _____
DEPUTY CLERK

Case title: USA v. Andres
Other court case number: 2:11cr985 District of Utah, Salt Lake City

Date Filed: 12/09/2011
Date Terminated: 12/14/2011

Assigned to: Magistrate Judge Frances H Stacy

Defendant (1)

Robert J. Andres
Bond: \$100,000.00 Unsecured
TERMINATED: 12/14/2011

represented by **Federal Public Defender - Houston**
440 Louisiana
Ste 310
Houston, TX 77002
713-718-4600
Fax: 713-718-4610
Email: hou_ecf@fd.org
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18:1343.F

Disposition

TRUE COPY I CERTIFY
ATTEST:

DAVID J. BRATNEY, Clerk of Court
Mercedes P. Hanna
Deputy Clerk

Plaintiff

USA

Date Filed	#	Docket Text
12/09/2011		Arrest (Rule 40) of Robert J. Andres, filed. (mlerma,) (Entered: 12/12/2011)
12/09/2011	<u>1</u>	Copy of Indictment filed in the District of Utah as to Robert J. Andres:, filed. (mlerma,) (Entered: 12/12/2011)
12/09/2011	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Frances H Stacy: INITIAL APPEARANCE IN RULE 5(c)(3) PROCEEDINGS as to Robert J. Andres held on 12/9/2011 Appearances:T. Hall AUSA.M. Herman AFPD (ERO:Yes) Deft remanded to USM, filed.(mlerma,) (Entered: 12/12/2011)
12/09/2011	<u>3</u>	Sealed Financial Affidavit CJA 23 by Robert J. Andres, filed. (Entered: 12/12/2011)
12/09/2011	<u>4</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER - Houston for Robert J. Andres.(Signed by Magistrate Judge Frances H Stacy) Parties notified. (mlerma,) (Entered: 12/12/2011)
12/09/2011	<u>5</u>	WAIVER of Rule 5 & 5.1 Hearings by Robert J. Andres, filed.(mlerma,) (Entered: 12/12/2011)
12/09/2011	<u>6</u>	Unsecured Appearance Bond Entered as to Robert J. Andres in amount of \$ 100,000.00,, filed. (mlerma,) (Additional attachment(s) added on 12/13/2011: # <u>1</u> un redacted Appearance Bond) (mlerma,). (Entered: 12/13/2011)
12/12/2011	<u>7</u>	ORDER Setting Conditions of Release as to Robert J. Andres (1) \$100,000.00 Unsecured.(Signed by Magistrate Judge Frances H Stacy) Parties notified. (mlerma,) (Additional attachment(s) added on 12/13/2011: # <u>1</u> un redacted Order Setting Conditions of Release) (mlerma,). (Entered: 12/13/2011)
12/14/2011	<u>8</u>	RULE 5 Papers sent to U. S. District of Utah, Salt Lake City Division as to Robert J. Andres, filed.(mlerma,) (Entered: 12/14/2011)
12/14/2011		(Court only) ***Case Terminated as to Robert J. Andres (mlerma,) (Entered: 12/14/2011)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

ORDER SETTING CONDITIONS
OF RELEASE

V.

ROBERT J. ANDRES

Defendant

CASE NUMBER: CR-H- 11-1576M

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 appear at (if blank, to be notified)

_____ on _____
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 100,000 dollars in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

TRUE COPY I CERTIFY
ATTEST:
WILLIAM BRADLEY, Clerk of Court

By: Meredith P. Hanna
of Hanna
Deputy Clerk Pages

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

Signed: _____
Custodian or Proxy Date

(X) (7) The defendant shall:

- (X) (a) report to the PRE-TRIAL SERVICES telephone number 713-250-5218
(X) (b) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property: \$100,000.00
() (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 \$
(x) (e) maintain or actively seek employment.
() (f) maintain or commence an education program.
(X) (g) surrender any passport to:
(X) (h) obtain no passport.
(X) (i) abide by the following restrictions on personal association, place of abode, or travel: (x) SOUTHERN DISTRICT OF TEXAS (x) Utah
(X) (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 Contact with any Potential Witnesses
() (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 a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.
(X) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.
(X) (o) refrain from () any (X) excessive use of alcohol.
(X) (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 substance abuse therapy and counseling if deemed advisable by the pretrial services offices 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 of part of the cost of the program based upon your ability to pay as determined by the pretrial office or supervising officer.
() (i) Curfew. You are restricted to your residence everyday () 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, court appearances pre-approved by the pretrial services office or supervising officer.
(X) (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.
(x) (v) Defendant is not to obtain funds from any investors. Defendant is not to open any new banking accounts, or new lines of credit.
() (w)
() (x)

WHITE COPY-COURT YELLOW-DEFENDANT BLUE-U.S. ATTORNEY PINK-U.S. MARSHAL GREEN-PRETRIAL SERVICES

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 pretrial 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 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.

Robert J. Anderson

Signature of Defendant

10800 ARCHMONT DR

Address

Houston, TX 77070 281-732-9773

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:

12/12/11

James S. ...

Signature of Judicial Officer

U. S. MAGISTRATE JUDGE

Name and Title of Judicial Officer

United States District Court

SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

v.

APPEARANCE BOND

ROBERT J. ANDRES

Defendant

CASE NUMBER CR-H-11-1576M

Non-surety: I, the undersigned defendant acknowledge that I and upon my Personal Recognizance
Surety: XX We, the undersigned, jointly severally acknowledge that we and our . . .
personal representatives, jointly and severally, are bound to pay to the United States of America the sum of
\$ 100,000.00, and there has been deposited in the Registry of the Court the sum of
\$ _____ in cash one signature (describe other security.)

The conditions of this bond are that the defendant ROBERT J ANDRES
(name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States district court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such a matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States district court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States district court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on 12-9-11 at Houston, Texas
Date Place
X Defendant: [Signature] Address: 10802 ARCHMONT DR. HOUSTON, TX 77070
Surety: [Signature] Address: 5644 WESTHELMER # 272
Surety: _____ Address: H.I. 77056

Signed and acknowledged before me on 12-9-11
Date

Approved: [Signature]
Judicial Officer

[Signature]
Judicial Officer/Clerk
TRUE COPY I CERTIFY
ATTEST:
DAVID E. BRADLEY, Clerk of Court
By: [Signature]
County Clerk

JUSTIFICATION OF SURETIES

I, the undersigned surety, say that I reside at _____
_____; and that my net worth is the sum
of _____ dollars (\$ _____). I further
state that

Surety

Sworn to before me and subscribed in my presence on _____
Date
at _____
Place

Name and Title

Signature of Judicial Officer/Clerk

I, the undersigned surety, say that I reside at _____
_____; and that my net worth is the sum
of _____ dollars (\$ _____). I further
state that

Surety

Sworn to before me and subscribed in my presence on _____
Date
at _____
Place

Name and Title

Signature of Judicial Officer/Clerk

Justification Approved: _____
Judicial Officer

UNITED STATES DISTRICT COURT

for the SOUTHERN District of TEXAS

FILED
SOUTHERN DISTRICT OF TEXAS
12-9-11
BY DEPUTY

United States of America

v.

Robert Andres

Defendant

Case No. H-11-1576M

Charging District's Case No. 2:11cr985

WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court)

Utah

Provenant

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
(2) an identity hearing to determine whether I am the person named in the charges;
(3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
(4) a preliminary hearing within 10 days of my first appearance if I am in custody and 20 days otherwise unless I am indicted to determine whether there is probable cause to believe that an offense has been committed;
(5) a hearing on any motion by the government for detention;
(6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- [X] an identity hearing and production of the warrant.
[] a preliminary hearing.
[] a detention hearing.
[] an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

Robert Andres (handwritten signature)

Defendant's signature

Signature of defendant's attorney
TRUE COPY I CERTIFY
ATTEST:
DAVID J. BRADLEY, Clerk of Court
BY: Mercedes P. Hanna
Deputy Clerk

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

§
§
§
§
§

vs.

ROBERT J. ANDRES

CRIMINAL CASE H-11-1576M

COURT OF TEXAS
FILED
12-9-11
CLERK

Order Appointing Counsel

Because the defendant has satisfied this court that he/she cannot afford to employ counsel, the court appoints the Federal Public Defender to represent him/her.

Signed on 12-9-11, in Houston, Texas.

FRANCES H. STACY
United States Magistrate Judge

By Order of the Court

Beverly White
Deputy Clerk

12-9-11
Date

TRUE COPY I CENTER
ATTEST:
DAVID S. BRADLEY, Clerk of Court
BY: Mercedes P. Herrera
Deputy Clerk