

UNITED STATES DISTRICT COURT, DISTRICT OF ARIZONA, TUCSON  
ORDER SETTING CONDITIONS OF RELEASE AND APPEARANCE BOND

DATE: 7/6/2007 CASE NUMBER: 07-00818M-(HCE)  
USA vs. MANUEL ANTONIO GUTIERREZ III

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<p><u>JUL 10 2007</u> <u>JUL 9 2007</u></p>	
<p>CLERK U S DISTRICT COURT DISTRICT OF ARIZONA</p>	
BY _____	

- PERSONAL RECOGNIZANCE (O/R)
- AMOUNT OF BOND \$10,000  UNSECURED  SECURED BY PROPERTY or CORPORATE SURETY
- NEXT APPEARANCE AS DIRECTED BY COUNSEL

DEFENDANT IS SUBJECT TO THE FOLLOWING CONDITIONS:

- Defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- Defendant shall not commit any federal, state or local crime.
- Defendant shall IMMEDIATELY advise his/her attorney and Pretrial Services, in writing, PRIOR TO any change in residence address, mailing address or telephone number.
- Defendant acknowledges that videotaped depositions of material witnesses may be taken. Defendant is responsible for knowing the time and date of depositions and for appearing at depositions. Defendant's failure to appear will not delay or constitute cause for the continuance of the depositions and will be deemed a waiver of Defendant's right to confront the witness(es) in person. The depositions will proceed as scheduled.
- Defendant shall abide by the following restrictions on his personal associations, place of abode or travel: NOT TRAVEL OUT OF THE STATE OF ARIZONA, UNLESS COURT PERMISSION IS GRANTED TO TRAVEL ELSEWHERE.
- Defendant shall avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: \_\_\_\_\_
- 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.
- Curfew: Defendant is restricted to his/her residence everyday from \_ to \_ by the Court.
- IT IS FURTHER ORDERED THAT DEFENDANT SHALL REPORT TO PRETRIAL SERVICES AS DIRECTED BY HIS/HER PRETRIAL OFFICER AT: (520) 205-4350; 405 W. CONGRESS ST., SUITE 2633; ADDITIONALLY:
  - Defendant shall maintain or actively seek verifiable employment and provide proof of such to Pretrial Services.
  - Defendant shall maintain or commence an educational program and provide proof of such to Pretrial Services.
  - Defendant is placed in the third party custody of mother, ~~Soora Gutierrez~~ C/L WIFE, MARIA RUIZ
  - Defendant shall reside at ADDRESS INDICATED IN PRETRIAL SERVICES REPORT AS RESIDENCE, a halfway house, and follow all program requirements including the directions of staff members. The U.S. Marshal Service is authorized, if requested by the program director or an authorized staff member, to remove the Defendant from the program for noncompliance during evenings, weekends and holidays and place Defendant in temporary custody pending court proceedings.
  - Defendant shall participate in the following home confinement program component and abide by all the requirements of the program which  will or  will not include electronic monitoring or other location verification system. Defendant shall pay all or part of the cost of the program based on ability to pay as determined by Pretrial Services.
    - Curfew: Defendant is restricted to his/her residence everyday from \_ to \_ by Pretrial Services.
    - Home Detention: Defendant is restricted to his/her 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 Pretrial Services.
    - Home Incarceration: Defendant is restricted to his/her residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by Pretrial Services.
  - Defendant shall consume no alcohol; or  Defendant shall not use alcohol in excess; Defendant shall participate in alcohol treatment as directed by Pretrial Services and submit to alcohol testing, including breathalyzer testing and make copayment toward the cost of such services, as directed by Pretrial Services.
  - Defendant shall not use or possess a narcotic drug or other controlled substance (as defined by 21 U.S.C. § 802) unless prescribed for the Defendant by a licensed medical practitioner; Defendant shall participate in drug treatment as directed by Pretrial Services and submit to drug testing, including urinalysis testing and make copayment toward the cost of such services, as directed by Pretrial Services.
  - Defendant shall participate in a mental health treatment program as directed by Pretrial Services, and comply with all the treatment requirements including taking all medication prescribed by the mental health care provider, and make copayment toward the cost of such services as directed by Pretrial Services.
  - The following additional conditions also apply: \_\_\_\_\_

USA, Davila, PTS, USM (2), HCE, BOX

Copies Distributed

MANUEL ANTONIO GUTIERREZ III

**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. §401 which could result in a possible term of imprisonment or a fine, or both. 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 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.

**ACKNOWLEDGMENTS**

I, the Defendant, acknowledge I am aware of the conditions of my release. I promise to obey all conditions, appear as directed and surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE 7/10/07	SIGNATURE, ADDRESS AND PHONE NUMBER OF DEFENDANT <i>M. A. Gutierrez III</i>
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I, the Custodian, agree to supervise the Defendant in accordance with all conditions of release, 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 conditions of release or disappears.

DATE 7/10/07	SIGNATURE, ADDRESS AND PHONE NUMBER OF CUSTODIAN: <i>W. [unclear]</i>
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I (We), the surety(ies), have read and understand the terms of this bond and conditions of release and acknowledge that I (we) are bound by this encumbrance until duly exonerated.

DATE 7/10/07	SIGNATURE, ADDRESS AND PHONE NUMBER OF SURETY(IES) <i>Donna J. [unclear]</i>
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BOND SET BY: _____	DEFENDANT RELEASED BY: _____
Signed before me on this date: <u>7-10-07</u> ; By U.S. Magistrate Judge: <i>Neciba C. [unclear]</i>	
<b>THIS ORDER AUTHORIZES THE U.S. MARSHAL TO RELEASE DEFENDANT FROM CUSTODY.</b>	

07-818M  
USA vs. Manuel Antonio  
Gutierrez, III

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**FEDERAL  
POWER OF ATTORNEY**

POWER NO.

**AF50-00318650**

POWER AMOUNT \$

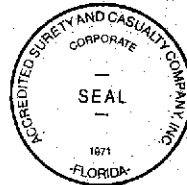
**50,000.00**

KNOW ALL MEN BY THESE PRESENTS that ACCREDITED SURETY AND CASUALTY CO., INC., a corporation duly organized and existing under the laws of the state of Florida and by the authority of the resolution adopted by the Board of Directors at a meeting duly called and held on April 14, 1999, which said resolution has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a **ball bond only**. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This Power of Attorney is for use with Bail Bonds only. Not valid if used in connection with State or Immigration Bonds. This power void if altered or erased, void if used with other powers of this company or in combination with powers from any other surety company, void if used to furnish bail in excess of the stated face amount of this power, and can only be used once.  
The obligation of the company shall not exceed the sum of **FIFTY THOUSAND DOLLARS** and provided this Power-of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, ACCREDITED SURETY AND CASUALTY CO., INC., has caused these presents to be signed by its duly authorized officer, proper for the purpose and its corporate seal to be hereunto affixed this 10<sup>th</sup> DAY of July MONTH 2007 YEAR

Bond Amount \$ 10,000.00  
Defendant Manuel Anthony Gutierrez III  
Charges CONS. TO POSS MJ 744  
Court Federal  
Case No. 07-00818M  
City TULSON State Arizona



By Deborah Jallad  
Deborah Jallad, President

VOID IF NOT ISSUED BY: **05/08/2008**  
**FOR FEDERAL USE ONLY**  
NOT VALID IF USED IN STATE COURT

If rewrite, original No. \_\_\_\_\_  
Executing Agent Blonia J. Uñas  
NAME

CB-012 (05/01)

COPY FOR COURT