

08 CR 846
USA v. Jon Burge
Judge Lefkow

ument 5 Filed 10/21/08 Page 1 of 5

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FILED
6-30-10
JUN 30 2010

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case No. 8:08-MJ-1497TBM

JON BURGE

ORDER OF RELEASE

It is hereby **ORDERED**:

1. That the United States Marshal is hereby directed to release the above-named defendant upon his/her agreement, in writing, to comply with the following conditions of release.
2. That the conditions of release are hereby established as set forth below.

Done and Ordered in Tampa, Florida, this 21st day of October 2008.



THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Robert O'Neill, Assistant United States Attorney
Dionja Dyer, Attorney for Defendant
Pretrial Services
U.S. Marshal

CONDITIONS OF RELEASE

1. The defendant must appear before the Court in accordance with all notices.
2. The defendant must not, at any time, for any reason whatsoever, leave the Middle District of Florida without first obtaining written permission of the United States District Court for the Middle District of Florida, Tampa Division.
3. The defendant must not change his/her present address without first advising, in writing, the United States Pretrial Services for the Middle District of Florida, Tampa Division.
4. The defendant shall not commit a federal, state or local crime during the period of his/her release. The defendant shall inform the Pre-Trial Services Agency immediately if arrested or otherwise charged with any offense. The defendant is specifically advised that federal law prohibits conduct relating to intimidation of witnesses, jurors and officers of the Court (18 U.S.C. § 1503); conduct relating to obstruction of criminal investigations (18 U.S.C. § 1510); conduct involving tampering with witnesses, victims or informants (18 U.S.C. § 1512); and conduct involving retaliation against a witness, victim or informant (18 U.S.C. § 1513), as well as attempts to commit any of the foregoing acts.

5. SPECIAL CONDITIONS OF DEFENDANT'S RELEASE:

6. J.S.
10-22-08
• The defendant shall report to the United States Pre-Trial Services Agency, Tampa Division, by telephone or in person at least twice each week, as directed by the Agency.

• The Defendant shall surrender his passport to the Pretrial Services Agency by 10:00 a.m. on October 22, 2008. Defendant shall not obtain any new travel documents.

• Refrain from possessing a firearm, destructive device or dangerous weapon. Defendant shall surrender all firearms presently in his possession to Thomas Brady to hold in secure location.

• Execute an agreement to forfeit specified property.

• Post a secured bond in an amount totaling \$250,000 and secured by forfeiture agreement.

• Defendant to provide prescriptions of current medications to Pretrial Services.

• Defendant is directed to appear for arraignment in the Northern District of Illinois on October 27, 2008.

6. A violation of any of the above conditions may result in the immediate issuance of a warrant for the defendant's arrest and may result in a forfeiture of the bond previously given.

Further, upon re-arrest, the defendant may be detained in jail without the setting of new conditions of release.

Moreover, a person who violates his/her conditions of release may be prosecuted for contempt of Court.

7. A defendant commits a separate offense against the laws of the United States if, after having been released under these conditions of release, he/she knowingly fails to appear before a Court as required by the conditions of release, or knowingly fails to surrender for service of a sentence pursuant to a court order. If a person fails to appear in connection with –

- (a) an offense punishable by death, life imprisonment or imprisonment for a term of 15 years or more, the penalties for failure to appear are a \$250,000 fine, or imprisonment for not more than 10 years, or both;
- (b) an offense punishable by imprisonment for a term of five or more years, but less than 15 years, the penalties for failure to appear are a fine of not more than \$250,000, or imprisonment for not more than five years, or both;
- (c) any other felony, the penalties for failure to appear are a \$250,000 fine, or imprisonment for not more than two years, or both;
- (d) a misdemeanor, the penalties for failure to appear are a \$100,000 fine (if the offense occurred after November 1, 1987), or a \$25,000 fine (if the offense occurred before November 1, 1987), or imprisonment for not more than one year, or both.

At the present time, the charge in this case involves penalties which equal or exceed the penalty set forth in subparagraph (b), and therefore, the penalties for failure to appear are those conditions in that subparagraph.

4. The telephone number and mailing address of the United States Attorney for the Middle District of Florida, Tampa Division, are: (813) 274-6000; and Park Tower, Suite 3200, 400 North Tampa Street, Tampa, FL 33602.
5. The telephone number and address of the United States Pre-Trial Services Agency, Tampa Division, are: 301 Federal Building, 500 Zack Street, Tampa, FL 33602; and (813) 225-7648 (or 1 (800) 676-0125).
6. NOTICE TO COUNSEL AND DEFENDANT: In cases assigned to United States Magistrate Judge Thomas B. McCoun III, any requests to travel outside the area set forth in this document must be submitted in a **written motion with a proposed order** at least **three (3)** days prior to the date upon which travel is expected to begin. Failure to comply with this requirement will result in automatic denial of the request unless a showing is made that an actual emergency situation exists, such as serious illness in the family.

FILED
UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION

2008 OCT 22 AM 9:18

CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

AGREEMENT TO FORFEIT PROPERTY

UNITED STATES OF AMERICA

v.

JON BURGE

Case No. 8:08-MJ-1497TBM

2008 OCT 21 PM 4:18

I/we, the undersigned, acknowledge pursuant to 18 U.S.C. § 3142(c)(1)(B)(xi) in consideration of the release of the defendant, that I/we and my/our personal representatives jointly and severally agree to forfeit to the United States of America the following property:

751 Flamingo Drive, Apollo Beach, FL 33572

and there has been posted with the Court the following indicia of my ownership of the property: NA

I/we further declare under penalty of perjury that I/we am the sole owners of the property described above and that the property described above is not subject to any lien, encumbrance, or claim of right or ownership except my own, that imposed by this agreement, and those listed below: NA and that I/we will not alienate, further encumber, or otherwise willfully impair the value of my interest in the property.

The conditions of this agreement are that the defendant JON BURGE 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 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 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 agreement (including any proceedings 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 agreement, then this agreement is to be void, but if the defendant fails to obey or perform any of these conditions, the property described in this agreement shall immediately be forfeited to the United States. Forfeiture under this agreement 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 property 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 forfeiture of the property together with interest and costs, and execution may be issued and the property secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States of America.

I/we agree to waive any claim to Homestead Exemption as a defense.

This agreement is signed on October 21, 2008, at Tampa, Florida.

Defendant

Jon Burge

Address: Same as above

Signed and acknowledged before me on October 21, 2008.

S. Cohn
S. Cohn, Deputy Clerk USM

Approved:

Thomas B. McCoun III
THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

Case No. 8:08-MJ-1497TBM

v.

JON BURGE

APPEARANCE BOND

Surety: We, the undersigned, jointly and severally acknowledge that we and our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of \$250,000, and there has been no deposit made into the Registry of the Court.

The conditions of this bond are that the defendant JON BURGE 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 matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

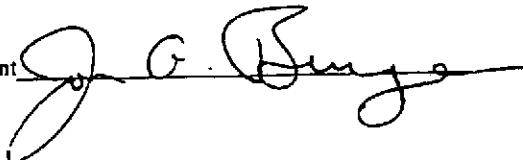
It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

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.

I/We agree to waive any claim to homestead exemption as a defense.

This bond is signed on October 21, 2008.

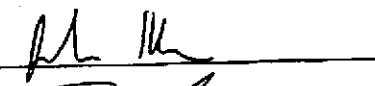
Defendant



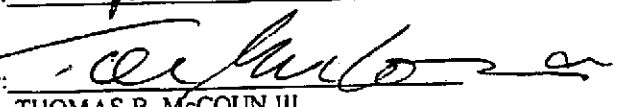
Address: 751 Flamingo Dr., Apollo Beach, FL 33572
Phone Number: 813-641-0785

Signed and acknowledged before me on October 21, 2008.

Deputy Clerk or Deputy U.S. Marshal:



Approved by:



THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE