

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America v. Michael Fitzgerald <hr style="width: 100%;"/> Defendant)))))	Case No. 21-mj-351
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ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant’s release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. District Court for the District of Columbia, 333 Constitution Ave NW, DC
Place
before Magistrate Judge G. Michael Harvey (Telephonic/VTC)

on 4/29/2021 1:00 pm
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 Person or organization _____
 Address (*only if above is an organization*) _____
 City and state _____ Tel. No. _____
- who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.
- Signed: _____

 Custodian Date
- (X) (7) The defendant must:
- (X) (a) submit to supervision by and report for supervision to the Pretrial Services of the Western District of Wisconsin ("PSA")
 telephone number _____, no later than _____ weekly by phone; verify
 address weekly with PSA.
- () (b) continue or actively seek employment.
- () (c) continue or start an education program.
- () (d) surrender any passport to: _____
- () (e) not obtain a passport or other international travel document.
- (X) (f) abide by the following restrictions on personal association, residence, or travel: Stay away from DC except for attendance
at Court proceedings, meeting with counsel, or required PSA business.
- () (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution,
 including: _____
- (X) (h) get medical or psychiatric treatment: Continue to seek and receive mental health treatment; continue with medication
regimen as prescribed by doctors.
- () (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling,
 or the following purposes: _____
- () (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers
 necessary.
- (X) (k) not possess a firearm, destructive device, or other weapon.
- () (l) not use alcohol () at all () excessively.
- () (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed
 medical practitioner.
- () (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random
 frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited
 substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited
 substance screening or testing.
- () (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or
 supervising officer.
- () (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- () (i) **Curfew.** You are restricted to your residence every day () 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
 approved in advance by the pretrial services office or supervising officer; or
- () (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and
 court appearances or other activities specifically approved by the court.
- (X) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program
 requirements and instructions provided.
 () You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or
 supervising officer.
- () (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including
 arrests, questioning, or traffic stops.
- (X) (s) Notify PSA in advance of any travel outside the W.D. Wisc. Def. must receive Court's approval for any travel
outside of the Continental U.S. Def. shall receive courtesy supervision of PSA (W.D. Wisc.).

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a 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 will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will 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 will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the 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 surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

acknowledged on the record

Defendant's Signature

City and State

Directions to the United States Marshal

- (xx) 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 judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: April 21, 2021 nunc pro tunc



G. Michael Harvey

2021.04.22 13:25:57 -04'00'

Judicial Officer's Signature

G. Michael Harvey, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

Michael Fitzgerald)

Case No. 21-MJ-351

Defendant)

APPEARANCE BOND

Defendant's Agreement

I, Michael Fitzgerald (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- (X) to appear for court proceedings;
(X) if convicted, to surrender to serve a sentence that the court may impose; or
(X) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- (X) (1) This is a personal recognizance bond.
() (2) This is an unsecured bond of \$.
() (3) This is a secured bond of \$, secured by:
() (a) \$, in cash deposited with the court.
() (b) the agreement of the defendant and each surety to forfeit the following cash or other property (describe the cash or other property, including claims on it - such as a lien, mortgage, or loan - and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

- () (c) a bail bond with a solvent surety (attach a copy of the bail bond, or describe it and identify the surety):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: _____

unable to sign due to pandemic

Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

CLERK OF COURT

Philip Tran

Digitally signed
by Philip Tran

Date: 04/21/2021

Signature of Clerk or Deputy Clerk

Approved.

Date: 04/21/2021



Digitally
signed by G.
Michael Harvey

Judge's signature