

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DELENA PERRY,

Defendant.

RELEASE ORDER

07-cr-115-jcs

For reasons stated on the record in this case, it is ORDERED that the above-named defendant shall be released during the pendency of this case upon defendant's promise to obey the following conditions of release:

Standard Conditions for All Released Defendants

1. Defendant shall not commit any offense in violation of federal, state or local law while on release.
2. Defendant shall appear at all proceedings as required and shall surrender at the time and place directed by further court order for service of any sentence subsequently imposed in this case.
3. Defendant shall report immediately to the U.S. Marshal's Office for processing and then the Pretrial Services Office in this building for a post-hearing interview.
4. Defendant shall hereafter meet with defendant's pretrial service officer at the times and places directed and obey all directions and instructions of the pretrial services office.
5. Defendant shall next appear in the U.S. Courthouse, 120 North Henry Street, Madison, Wisconsin at a time and date to be announced.
6. Defendant shall not engage in any undercover or informant activity on behalf of any government agency, except for a debriefing, without prior written approval of a district judge of this court.
7. If defendant is charged with a felony, then defendant shall not ship, transport or receive any firearm or ammunition. *See* 18 U.S.C. § 922(n). Note that this is not a prohibition against the continued possession of firearms, which is addressed in condition number 14, below.

8. This court has a zero-tolerance policy for drug use by criminal defendants released on conditions. Violation of any condition of release or of any other direction or instruction given by the pretrial service office relating to drugs or drug use shall result in a return to court for a hearing on the modification or revocation of conditions of release. To ensure the fair enforcement of this policy, every criminal defendant released on conditions shall be subjected to at least one random test for drug use.

Note Well: If defendant has a drug or alcohol use problem, it is defendant's obligation to advise pretrial services **now** so that appropriate conditions can be considered and fashioned to address the problem.

9. Defendant shall surrender defendant's passport to the clerk of this court. If the defendant is acquitted or the charges are dismissed, the clerk shall return the passport to the defendant. If the defendant is convicted, the clerk shall send the passport and a copy of the judgment and conviction order to the U.S. State Department. Defendant shall not apply for a replacement passport while on pretrial release or while serving any sentence if convicted.
10. Defendant shall report in advance to the pretrial services office all changes in employment, residence, and telephone.
11. If defendant has any contact with any representative of any law enforcement agency regarding any criminal or traffic matter, defendant shall report this contact to the pretrial services office within 24 hours of the contact.

Additional Conditions

12. Defendant shall undergo an Alcohol and Other Drug Assessment and a mental health assessment at the direction of the pretrial services office and comply with any instructions or directions given by the pretrial services office as a result of the assessment, including mental health and/or drug counseling as directed.
13. Defendant shall not be released from custody until she has received prescriptions for all prescribed medications so that she may continue her treatment regimen without interruption upon release.

Notice of Penalties and Sanctions

The defendant's violation of any of the conditions of release imposed in this order may result in the immediate issuance of a warrant for the defendant's arrest, the revocation of release, and an order of detention. It could also result in a separate prosecution for contempt under 18 U.S.C. § 401, which is punishable by a term of imprisonment and a fine. *See* 18 U.S.C. § 3148.

If the defendant commits a crime while released pursuant to this order and is later convicted of that new crime, then the defendant can also be prosecuted in federal court for having committed a crime while released, which is a violation of 18 U.S.C. § 3147. If the new offense is a felony, the defendant would face a term of imprisonment of up to ten years. If the new offense is a misdemeanor, the defendant would face a term of imprisonment of up to one year. Any sentence imposed for such a violation would be consecutive to any other sentence of imprisonment imposed upon the defendant.

It is a crime for the defendant knowingly to fail to appear as required by the conditions of release, or to fail to appear 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. *See* 18 U.S.C. § 3146.

It is a federal crime to intimidate, to influence, or to injure jurors or officers of the court or to attempt to do so. *See* 18 U.S.C. § 1503.

It is a federal crime to obstruct criminal investigations by bribery, or by disclosing the existence or content of subpoenas to financial institutions or the insurance industry. *See* 18 U.S.C. § 1510.

It is a federal crime to intimidate, to harass, to influence, or to injure witnesses, potential witnesses, victims or informants, or to threaten or attempt to do so. *See* 18 U.S.C. § 1512.

It is a federal crime to retaliate against a witness, victim or informant, or to threaten or attempt to do so. *See* 18 U.S.C. § 1513.

Acknowledgment and Promise of the Defendant

I acknowledge that I am the defendant in this case.

I am aware of and I understand all of the conditions of release that have been imposed upon me.

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 and I understand the prohibitions and penalties set forth above in the Notice of Penalties and Sanctions section of this release order.

Signature of Defendant

Date

Address

Telephone Number

ORDER

It is ORDERED that the Marshal and the Dane County Jail shall release defendant Delena Perry once the Condition No. 13 has been met.

Entered this 4th Day of June, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge