

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:20-cr-119-T-36TGW

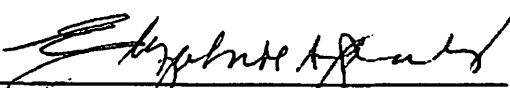
JAMES LEE CLARK
_____ /

ORDER OF RELEASE

It is hereby ORDERED:

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

DONE and ORDERED at Tampa, Florida this 27th day of May 2020.



HONORABLE ELIZABETH A. JENKINS
United States Magistrate Judge

CONDITIONS OF RELEASE

1. Defendant must appear before the Court in accordance with all notices.
2. Defendant must not at any time, for any reason whatsoever, leave the Middle District of Florida or the Southern District of Florida without first obtaining written permission of the United States District Court for the Middle District of Florida or the district court where criminal charges are pending.
3. Defendant must not change his present address without prior court approval.
4. Defendant shall not commit a federal, state or local crime during the period of his release. Defendant shall inform the United States Pretrial Services Agency ("Pretrial Services") immediately if arrested or otherwise charged with any offense. 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. Defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.

6. **SPECIAL CONDITIONS OF DEFENDANT'S RELEASE**

- * Defendant shall report to Pretrial Services as directed.
- * Defendant shall avoid all contact with potential witnesses or victims in this case, except that this restriction does not apply to members of Defendant's immediate family and does not prohibit Defendant's counsel from contacting witnesses as necessary to prepare the defense nor does it prohibit Defendant from contacting witnesses as necessary to cooperate with the Government.
- * Defendant shall not use or unlawfully possess a narcotic drug or other controlled substance unless as prescribed by a licensed medical practitioner. Further, Defendant shall submit to any method of testing required by Pretrial Services for determining whether Defendant is using a prohibited substance. Such methods 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. Defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- * Defendant shall submit to a substance abuse evaluation and/or treatment at the direction of Pretrial Services.
- * Defendant shall submit to a mental health evaluation and any treatment deemed necessary, to include psychiatric medication and treatment with the costs to be borne to the defendant as directed by Pretrial Services.
- * Defendant shall not use or possess any firearms, dangerous weapons or destructive devices.
- * Defendant shall surrender his passport to Pretrial Services by 6/01/2020 by 3:00 pm. Upon being placed on probation, being taken into custody for imposition of sentence, dismissal, or not guilty verdict, Defendant will have 180 days to file a motion requesting the return of the passport. If such motion is not filed, Pretrial Services will return Defendant's passport to the United States Department of State.
- * Defendant shall not obtain a passport or any new travel documents.

- * Defendant shall seek and/or maintain full time legitimate employment.
- * Defendant shall post a secured bond in an amount totaling \$50,000.00. This bond shall be secured by \$5,000.00 cash paid into the registry no later than 3:00 p.m. on 6/01/2020.
- * Defendant shall not possess any third party identifiers or financial information, except his own and that of his/her children.

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

Further, upon re-arrest, Defendant may be detained in jail without the setting of new conditions of release or, if new conditions of release are established, those conditions will, in all likelihood, be significantly greater than the conditions previously established.

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

8. 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.

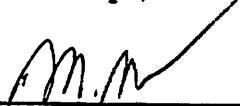
Any term of imprisonment for failure to appear is required by law to be consecutive to the sentence of imprisonment for any other offense.

Furthermore, federal law provides that a person convicted of an offense that is committed while Defendant is released under these conditions of release shall be sentenced, in addition to the sentence prescribed for the offense, to a term of imprisonment of not more than 10 years if the offense is a felony; or a term of not more than one year, if the offense is a misdemeanor. Any term of imprisonment imposed pursuant to this provision of law is to be consecutive to any other term of imprisonment.

I acknowledge that I have read the above or that the above has been read to me and that I fully understand the conditions of my admission to bail and the possible penalties for the violation of any of those conditions.

I further acknowledge that I have been given a copy of this instrument, as well as a copy of the bail bond to which it is attached.

Signed at Tampa, Florida, this 27th day of May 2020



WITNESS



DEFENDANT

1. The Middle District of Florida consists of the following Florida Counties: Baker, Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Duval, Flagler, Glades, Hamilton, Hardee, Hendry, Hernando, Hillsborough, Lake, Lee, Marion, Manatee, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Seminole, Sumter, Suwanee, Union, and Volusia.
2. The telephone number and mailing address for the Clerk of the United States District Court for the Middle District of Florida, Tampa Division, are: 813/301-5400 and 801 North Florida Avenue, United States Courthouse, Tampa, Florida 33602.
3. The telephone number of the United States Marshal's Office for the Middle District of Florida, Tampa Division, is: 813/483-4200.
4. The telephone number and mailing address of the United States Attorney for the Middle District of Florida, Tampa Division, are: 813/274-6000; Park Tower, Suite 3200, 400 N. Tampa Street, Tampa, Florida 33602.
5. The commercial telephone number of the United States Pretrial Services Agency, is 813/225-7648, and the toll-free number is 1/800/676-0125.

6. **NOTICE TO COUNSEL AND DEFENDANT:** in cases assigned to United States Magistrate Judge Thomas G. Wilson, any requests to travel outside the area set forth in this document must be submitted at least three (3) **BUSINESS** 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.