

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

**AMENDED ORDER SETTING CONDITIONS
OF RELEASE**

v.

LYDIA I. CLADEK

Case No. 3:10-cr-277-J-99TJC-TEM

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant **shall not commit** any offense in violation of federal, state or local law while on release in this case and shall report any violations, arrests or convictions to Pretrial Services immediately.
- (2) The defendant **shall remain at the address of the third party custodian and not change address without prior permission from the Pretrial Services Officer.**
- (3) The defendant **shall appear** at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear **before the Honorable Timothy J. Corrigan, United States District Judge, 300 North Hogan Street, Courtroom 10D, Tenth Floor, Jacksonville, Florida, on February 7, 2011 at 9:00 A.M.**

ADDITIONAL CONDITIONS OF RELEASE

In order reasonably to assure the appearance of the defendant and the safety of other persons and the community, it is **FURTHER ORDERED** that the release of defendant is subject to the conditions set forth below:

(4) **Financial Conditions:**

The defendant shall execute an **unsecured bond** binding defendant to pay the United States of America the sum of **\$5 Million Dollars, with no money deposited with the Registry of the Clerk of Court.** This bond is to secure attendance of defendant in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed or for failure to obey any and all of the other conditions of release imposed herein.

(5) CUSTODIANSHIP

The defendant is placed in the custody of: _____
who agrees: (a) to supervise the defendant in accordance with all the conditions of release,
(b) to use every effort to assure the appearance of the defendant at all scheduled court
proceedings, and (c) to notify the court immediately in the event the defendant violates any
conditions of release or disappears.

DATE Signed _____
Custodian or Proxy

Address: _____

Telephone: _____

(6) Specific Conditions: The defendant shall:

- A. Defendant shall have no employment without the approval of the Court.
- B. Defendant shall have no investment activity of any kind.
- C. Abide by the following restrictions on travel: **defendant's travel is restricted to St. John's County and Duval County, Florida.** Defendant's travel may be modified by the Pretrial Services Officer.
- D. Report on a regular basis to **Pretrial Services Office** as directed by the Pretrial Services Officer.
- E. **Avoid all contact, directly or indirectly, outside the presence of counsel, with the following persons: former employees of Lydia Cladek, Inc. ("LCI"), creditor's or debtor's in the bankruptcy case of 3:10-bk-2805 (Judge Glenn), (except as part of any proceedings or deposition in that case) or investors, current or previous, in LCI.**

- F. Defendant is placed on 24 hour home confinement and shall not leave the residence of the third party custodian. Defendant will be allowed out of the residence for emergency medical reasons, scheduled court appearances and consultation with counsel only under the direction of the Pretrial Services Officer and must be accompanied by the Third Party Custodian during these times. The Pretrial Service Officer will have discretion to modify defendant's home confinement if the Officer deems it appropriate.**
- G. Defendant, agents or counsel for defendant shall immediately surrender passport to the Clerk of the United States District Court.**
- H. Defendant shall not obtain a new passport.**
- I. Defendant is required to participate in the electronic monitoring program under the direction of Pretrial Services. Costs to be contributed by the defendant at the direction of Pretrial Services.**
- J. Prior to release the defendant must suggest a third party custodian and a hearing must be conducted for the Court to find the third party custodian suitable.**

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

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

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant; or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of 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 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, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you 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 in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

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

Date: _____

Signature of Defendant

Address

City and State

Telephone

DIRECTIONS TO UNITED STATES MARSHAL

- () The defendant is **ORDERED** released after processing.
(X) The United States Marshal is **ORDERED** to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions of release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: December 15, 2010



THOMAS E. MORRIS
United States Magistrate Judge

Copies to:
Asst. U.S. Attorney (Taylor)
Asst. Federal Public Defender (Grant)
Lydia I. Cladek
Third Party Custodian
U.S. Marshal
Pretrial Services
Probation Office