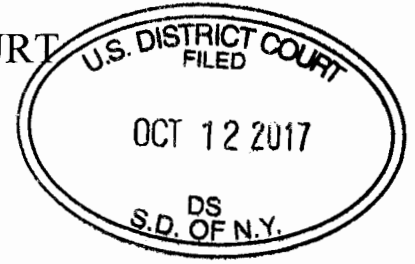


UNITED STATES DISTRICT COURT

for the

Southern District of New York



United States of America

v.

JAMES GATTO

Defendant

)
)
)
)
)

Case No. 17
MAG 7120

DOC # _____

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 42 U.S.C. § 14135a.
- (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: _____

Place

on _____

Date and Time

If blank, defendant will be notified of next appearance.

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

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT: **JAMES GATTO**

17 MAG 7120

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.

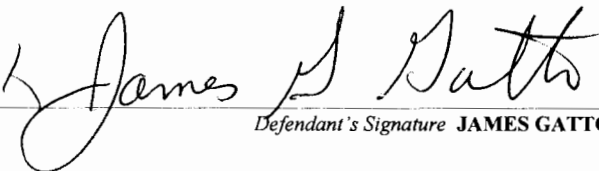
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (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.


 Defendant's Signature **JAMES GATTO**


DEFENDANT RELEASED

City and State

Directions to the United States Marshal

- () 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: 10/12/17


 Judicial Officer's Signature **AUSA**
Edward Diskant, AUSA SDNY
 Printed name and title

ADDITIONAL CONDITIONS OF RELEASE

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

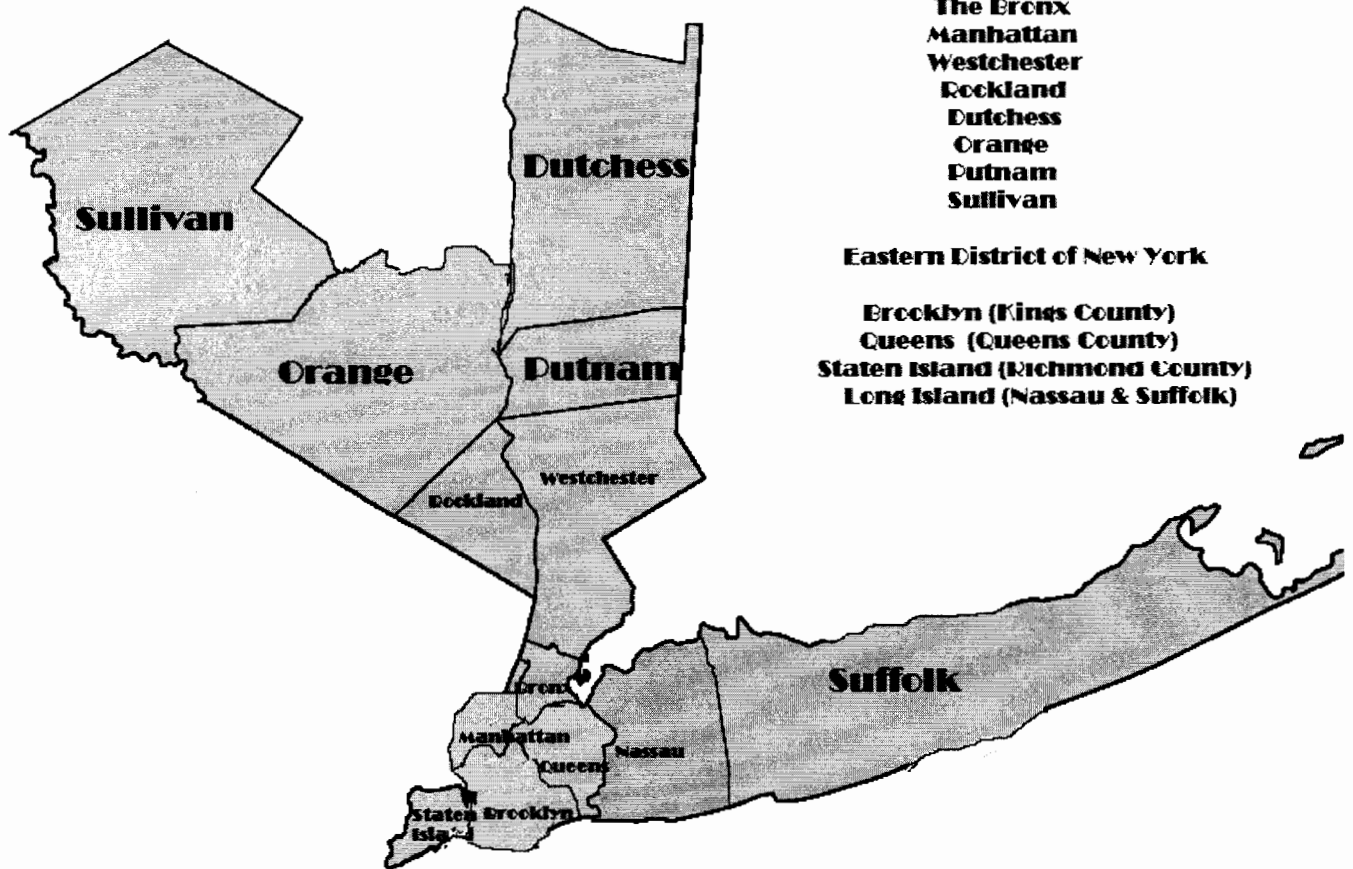
() (6) The defendant is placed in the custody of:
 Person or organization _____
 Address (only if above is an organization) _____
 City and state _____ Tel. No. _____
 who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c)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

Signed: _____
 Custodian Date

- () (7) The defendant must:
 - () (a) submit to supervision by and report for supervision to the _____, telephone number _____, no later than _____.
 - () (b) continue or actively seek employment.
 - () (c) continue or start an education program.
 - () (d) surrender any passport to: **PRETRIAL SERVICES**
 - () (e) not obtain a passport or other international travel document.
 - () (f) abide by the following restrictions on personal association, residence, or travel: **SOUTHERN AND EASTERN DISTRICTS OF NEW YORK, DISTRICT OF OREGAN, DISTRICT OF NEW JERSEY**
 - () (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: _____
 - () (h) get medical or psychiatric treatment: _____
 - () (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.
 - () (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.
 - () (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.
 - () (s) **DEFT TO BE RELEASED ON OWN RECOGNIZANCE; TRAVEL RESTRICTED TO SDNY/EDNY/DOR/DNJ; SURRENDER TRAVEL DOCUMENTS AND NO NEW APPLICATIONS; DEFT TO BE RELEASED ON OWN SIGNATURE; NO CONTACT WITH CO-DEFENDANTS EXCEPT IN PRESENCE OF COUNSEL; DEFT TO DISCUSS WITH COURT/PTS ANY TRAVEL OUTSIDE SPECIFIED DISTRICTS.**

ADDITIONAL CONDITIONS OF RELEASE

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



Southern District of New York

**The Bronx
Manhattan
Westchester
Rockland
Dutchess
Orange
Putnam
Sullivan**

Eastern District of New York

**Brooklyn (Kings County)
Queens (Queens County)
Staten Island (Richmond County)
Long Island (Nassau & Suffolk)**

ORIGINAL

DOCKET No. 17MAG7120

DEFENDANT James Gatto

AUSA Ed Diskant

DEF.'S COUNSEL Michael Schachter

None INTERPRETER NEEDED

RETAINED FEDERAL DEFENDERS CJA PRESENTMENT ONLY

DEFENDANT WAIVES PRETRIAL REPORT

Rule 5 Rule 9 Rule 5(c)(3) Detention Hrg.

DATE OF ARREST 09/26/2017

VOL. SURR.

TIME OF ARREST _____

ON WRIT

Other: _____

TIME OF PRESENTMENT _____

BAIL DISPOSITION

- DETENTION ON CONSENT W/O PREJUDICE DETENTION: RISK OF FLIGHT/DANGER SEE SEP. ORDER
- DETENTION HEARING SCHEDULED FOR: _____ SEE TRANSCRIPT
- AGREED CONDITIONS OF RELEASE
- DEF. RELEASED ON OWN RECOGNIZANCE
- \$ _____ PRB _____ FRP
- SECURED BY \$ _____ CASH/PROPERTY: _____
- TRAVEL RESTRICTED TO SDNY/EDNY/DOR, DNJ
- TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES
- SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)
- PRETRIAL SUPERVISION: REGULAR STRICT AS DIRECTED BY PRETRIAL SERVICES
- DRUG TESTING/TREATMT AS DIRECTED BY PTS MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS
- DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT
- HOME INCARCERATION HOME DETENTION CURFEW ELECTRONIC MONITORING GPS
- DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES
- DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] DEF. TO CONTINUE OR START EDUCATION PROGRAM
- DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON
- DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET
- DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: _____
- _____ ; REMAINING CONDITIONS TO BE MET BY: _____

ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:

No contact with co-Ds except in presence of counsel
D to discuss with court/PTS any travel outside specified districts

TIME 20 MIN

- DEF. ARRAIGNED; PLEADS NOT GUILTY CONFERENCE BEFORE D.J. ON _____
- DEF. WAIVES INDICTMENT
- SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL _____

For Rule 5(c)(3) Cases:

- IDENTITY HEARING WAIVED DEFENDANT TO BE REMOVED
- PRELIMINARY HEARING IN SDNY WAIVED CONTROL DATE FOR REMOVAL: _____

PRELIMINARY HEARING DATE: 11-9-17

ON DEFENDANT'S CONSENT

DATE: 10/12/2017

Katharine H Parker

UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.