PROB 12B
(12/00)

United States District Court
for
The District of Rhode Island

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

Name of Offender: David Butziger **Case Number**: 1:20-CR-00072-MSM-1

Name of Sentencing Judicial Officer: Honorable Mary S. McElroy, U.S. District Judge

Original Offense: Conspiracy to Commit Bank Fraud, in violation of Title 18, U.S. C. Section 1349, a Class B felony

Original Sentence: Time served, followed by 3 years of supervised release with the following special conditions. The defendant shall spend the first 6 months of supervised release on Home Detention with RF monitoring and will be restricted to his residence every day. Exceptions to home detention: employment, education, religious services, medical treatment, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations or other activities as pre-approved by the officer. The defendant shall pay all or part of the cost of monitoring based on ability to pay as determined by the probation officer. The defendant is to provide access to all financial information requested by the supervising probation officer including, but not limited to, copies of all federal and state income tax returns. All tax returns shall be filed in a timely manner. The defendant will not open new lines of credit, which includes the leasing of any vehicle or other property or use existing credit resources without the prior approval of the supervising probation officer until court ordered financial obligations have been satisfied. The defendant will maintain one personal checking account and one business checking account. All the defendant's income, monetary gains, or other pecuniary proceeds will be deposited into the business account. His personal account will be used for payment of all personal expenses. Records of all other bank accounts, including business accounts, will be disclosed to the supervising probation officer upon request. The defendant will not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of $1,000.00 without the approval of the supervising probation officer until all financial obligations imposed by this court have been satisfied. The defendant will not enter any gambling establishment without the permission of the U.S. Probation Office and/or the Court. The defendant will cooperate with the U.S. Probation Office in the investigation and approval of any position of self-employment including any independent. entrepreneurial, or freelance employment or business activity. A $100 special assessment and $5,000 fine was also imposed.

Type of Supervision: Supervised Release **Date Supervision Commenced**: 2/9/2022

PROB 12B
(12/00)

PETITIONING THE COURT

X To modify the conditions of supervision as follows:

The defendant shall complete the remainder of the first 6 months of his supervised release on Home Detention with GPS Monitoring and will be restricted to his residence every day. Exceptions to home detention: employment, education, religious services, medical treatment, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations or other activities as pre-approved by the officer. The defendant shall pay all or part of the cost of monitoring based on ability to pay as determined by the probation officer.

CAUSE

On February 9, 2022, Mr. Butziger appeared before the Court after having entered a plea of guilty to the charge of Bank Fraud and was sentenced to time served followed by 3 years of supervised release with special conditions to include Home Detention with Radio Frequency Monitoring.

Mr. Butziger began his term of supervised release on this same date and per the special conditions imposed was placed on Radio Frequency Monitoring. All of the conditions and parameters of the Location Monitoring Program were explained to Mr. Butziger and he acknowledged his understanding of them and signed the U.S. Probation Office's Location Monitoring Agreement (and was provided with a copy for his records).

On February 17, 2022, the Court approved a modification of Mr. Butziger's conditions of supervision allowing for out of state/district travel, and overnight travel, for the purposes of employment.

Mr. Butziger's primary source of employment is through his parent's company, Rhode Island Party and Charter Boating, conducting third party maritime drug testing for Anderson-Kelly Maritime Health Resources. This employment requires Mr. Butziger to travel throughout the East Coast, usually on 24 hrs notice (or less), and for multiple days at a time. To date, Mr. Butziger has been cooperative and compliant with providing the U.S. Probation Office with documentation and verification required to approve this employment related travel.

The U.S. Probation Office believes that given the requirements of his employment that modifying the existing Home Detention condition by replacing Radio Frequency monitoring with GPS (global positioning) monitoring will enable the U.S. Probation Office to better enforce the Home Detention condition imposed by the Court by enabling a better level of verification and monitoring of Mr. Butziger's employment travel.

The U.S. Probation Office has discussed this modification with Mr. Butziger and his Attorney, he has agreed to this modification. Please find attached a signed and dated PROB 49 Waiver of Hearing to Modify Conditions of Supervised Release. AUSA, Lee Vilker was also advised of this proposed modification and concurs with this course of action.

PROB 12B
(12/00)

Reviewed and approved by:

Heather McLoughlin

Heather McLoughlin
Supervising U.S. Probation Officer

Date: 4/14/2022

Respectfully Submitted by:

DAPicozzi

David A. Picozzi
U.S. Probation Officer
Location Monitoring Specialist

Date: 4/14/2022

The Court Orders:

☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other

Mary S. McElroy
Honorable Mary S. McElroy

4/21/2022
Date