

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

UNITED STATES OF AMERICA

VS.

Case no: 2:23-cr-88-SPC-KCD

DIOP MCKENZIE

ORDER SETTING CONDITIONS OF RELEASE

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

- (1) The defendant **must not violate** any federal, state or local law while on release in this case.
- (2) The defendant **must cooperate** in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant **must immediately advise** the court, Pretrial Services Office, defense counsel and the U.S. Attorney in writing of any change in address and telephone number.
- (4) The defendant **must appear** at all proceedings as required and must surrender for service of any sentence imposed as directed. The defendant shall next appear in the United States District Court where the charges are pending, or the United States Courthouse, 401 W. Central Boulevard, Orlando, FL 32801, in the Courtroom directed upon notice.
- (5) The defendant **must report** as soon as possible to the Pretrial Services Office any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (6) The defendant **must refrain** from any use or possession of a narcotic drug or other controlled substances listed in 21 U.S.C. § 802, unless with prior written approval of the Pretrial Services Officer or as may be lawfully prescribed in writing by a licensed medical practitioner.
- (7) Defendant **shall not** attempt to influence, intimidate, injure, tamper with, or retaliate against any juror, judicial officer, witness, victim, or informant in this case.
- (8) If ordered to comply with drug testing or location monitoring, the defendant must refrain from tampering with, obstructing, or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any such testing or monitoring.

ADDITIONAL CONDITIONS OF RELEASE

In order to reasonably assure the appearance of the defendant and the safety of any person and the community, it is **FURTHER ORDERED** that the release of the defendant is subject to the conditions marked below:

☒

** Defendant shall be subject to Pretrial Services supervision and shall report as directed by the Pretrial Services Office.

☐

** Defendant shall not change residential address without advanced approval from Pretrial Services.

☐

** Defendant shall refrain from having in the defendant's residence, or otherwise in the defendant's possession, any firearm, ammunition, destructive device, or other dangerous weapon.

☐

Defendant shall refrain from the excessive use of alcohol.

☐

Defendant shall refrain from the use of alcohol.

☐

Defendant shall surrender any passport:

☐

prior to release; or

☐

to Clerk, U.S. District Court, by 4:00 p.m. on _____

☒

Defendant shall obtain no passport or travel documents.

☒

** Defendant's travel and residence restricted to the Middle District of Florida.

☐

** Defendant's travel restricted _____

☐

Notwithstanding the foregoing, Pretrial Services may approve travel.

☐

** Defendant shall refrain from direct or indirect contact with any victim, witness, or the family of any victim or witness, including specifically:

☐ The defendant executes an UNSECURED bond binding the defendant to pay the United States the sum of \$ _____ in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Defendant shall execute a cash bond binding the defendant to pay the United States the sum of \$ _____ in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

☐ Defendant's bond shall be secured by the following property: _____

☐ The bond shall be co-signed by _____

☐ Defendant shall provide a corporate surety bond guaranteeing payment to the United States the sum of \$ _____ in the event of a failure to appear as required or to appear for service of any sentence imposed.

☐ Defendant shall be placed in the custody of _____, who shall act as a third party custodian in this case and who agrees to the following:

(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.

Signed: _____

☐ Defendant shall maintain, actively seek, or commence:

☐ verifiable employment ☐ an education program

☐ Defendant shall participate in a psychiatric and mental health assessment, evaluation, and treatment, as directed by Pretrial Services, with costs to be borne by the defendant, as determined by Pretrial Services.

☐ Defendant shall submit to any method of testing required by Pretrial Services for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and any form of prohibited substance screening or testing.

☐ Defendant shall participate in a program of inpatient or outpatient substance abuse testing, education, and treatment if deemed advisable by Pretrial Services and pay a percentage of the fee, as determined by Pretrial Services.

☐ Participate in mental health/psychiatric and/or specialized treatment for defendants charged

with a sex offense as directed by Pretrial Services.

☐ ** Defendant shall participate in the Location Monitoring program and abide by all the rules of the program and will pay all or part of the costs of the program as directed by Pretrial Services.

☐ ** Curfew: You are restricted to your residence every day from _____ to _____ or as directed by the Pretrial Services Office.

☐ 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 as pre-approved by the Pretrial Services Office.

☐ Home Incarceration: You are restricted to your residence at all times except for medical needs or treatment, religious services, attorney visits and court appearances pre-approved by the Pretrial Services Office.

Location Monitoring will be performed:

☐ using GPS monitoring equipment.

☐ using electronic monitoring equipment, at the discretion of Pretrial Services.

☐ ** Defendant shall have no contact with minors without a responsible adult present.

☐ ** Defendant shall have no contact with minors.

☐ ** Defendant's residence shall not contain:

☐ Internet service accessible from inside the residence.

☐ Any electronic device capable of connecting to the Internet (including, but not limited to any computer, smart phone, hand-held computing device, or gaming console).

☐ Any medium capable of storing data from the Internet (for example, a flash drive, a compact disc, a floppy disk, and cloud based storage).

☐ Encrypted data, or any device capable of encrypting data.

☐ ** Defendant shall not use or possess:

☐ Any electronic device capable of connecting to the Internet (including, but not limited to any computer, smart phone, hand-held computing device, or gaming

console). This prohibition applies to all locations, whether public or private, such as libraries, internet cafes, the defendant's places of employment, educational facilities, or any other third-party locations.

☐

Any medium capable of storing data from the Internet (for example, a flash drive, a compact disc, a floppy disk, and cloud based storage).

☐

Encrypted data, or any device capable of encrypting data.

☐

Defendant may use an electronic device and access the Internet at work solely for work-related purposes and shall not access any illegal or prohibited content. Defendant and his employer must permit routine inspection of the electronic device to confirm adherence to this condition. You must inform your employer and any other third party that this condition, including the inspection provision. Pretrial Services must conduct any inspections in a manner no more intrusive than necessary to ensure compliance with this condition.

The following additional conditions also apply:

ADVICE OF PENALTIES AND SANCTIONS TO THE DEFENDANT

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 a Federal offense while on pretrial 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 ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to 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.

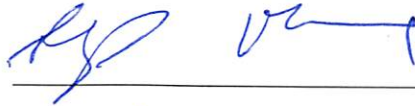
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (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 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.



Signature of Defendant

355 N Rosalind Ave

Address

Orlando, FL 32801

City and State, Zip Code

Phone

DIRECTIONS TO THE UNITED STATES MARSHAL

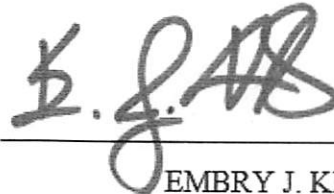


The defendant is **ORDERED** released after processing.



The United States marshal is **ORDERED** to keep the defendant in custody until notified by the Clerk or Judicial Officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: September 19, 2023



EMBRY J. KIDD

UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Pretrial Services Office
United States Marshals Service
Assistant U.S. Attorney
Counsel of Record