PS 8
(5/05)

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

United States of America

vs.

Gardy Alexandre Docket No. 0101 1:23-05013M

AMENDED PETITION FOR ACTION ON CONDITIONS OF PRETRIAL RELEASE

The undersigned U.S. Probation and Pretrial Services Officer presents this report regarding defendant Gardy Alexandre , who was placed under pretrial release supervision by the Honorable William Matthawan, on 1/26/2023 under the following standard conditions of release:

1. Shall appear before this Court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of the defendant's release as may be ordered or notified by this Court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is required to ascertain from the Clerk of Court or defense counsel the time and place of all scheduled proceedings on the case. In no event may a defendant assume that his or her case has been dismissed unless the Court has entered an order of dismissal. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment. This is a continuing bond, including any proceeding on appeal or review, which shall remain in full force and effect until such time as the Court shall order otherwise.

2. May not travel outside the Southern District of Florida unless otherwise approved by the Court prior to any such travel. The Southern District of Florida consists of the following counties: Broward, Highlands, Indian River, Martin, Miami-Dade, Monroe, Okeechobee, Palm Beach and St. Lucie.

3. May not change his/her present address without prior notification and approval from the U.S. Probation Officer or the Court.

4. Must cooperate with law enforcement officers in the collection of a DNA sample if the collection is required by 42 U.S.C. Section 14135a.

5. Must not violate any federal, state or local law while on release in this case. Should the defendant come in contact with law enforcement he/she shall notify the U.S. Probation Officer within 72 hours.

Special Conditions of Bond are as follows:

A. Surrender all passports and travel documents, if any, to Pretrial Services and not obtain any travel documents during the pendency of the case;
B. Report to Pretrial Services as directed
C. Submit to substance abuse testing and/or treatment, contribute to the cost of services rendered based on ability to pay, as determined by the U.S. Probation Officer;
D. Abstain from alcohol use or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), without a prescription by a licensed medical practitioner;
E. Participate in a mental health assessment and/or treatment and contribute ot the costs of services rendered based on ability to pay, as determined by the U.S. Probation Officer
F. Maintain of actively seek full-time employment;
G. Avoid all contact with victims or witnesses to the crimes charged, except through counsel. The AUSA shall provide defense counsel and pretrial services with the names of all the victims or witnesses. The prohibition against contact does not take effect until defense counsel receives the list. The prohibition against contact applies only to those persons on the list, but the prosecutor may expand the list by sending written notice to defnse counsel and pretrial services;
H. Avid all contact with co-defendants and defendants in related cases, except through counsel; Refrain from possessing a firearm, destructive device or other dangerous weapons and shall surrender (if any), their concealed weapons permit to the U.S. Probation Office;
I. May travel to and from the Southern District of Florida and District of Massachusetts, and must notify Pretrial Services, and State Court Probation, of travel plans 48 hours in advance before leaving and upon return
J. Must comply with UA Court
K. Attend court proceedings
L. May not move from residence
M. May not apply for any new loans
N. May not open any businesses

On February 9, 2023, Mr. Alexandre appeared before the Honorable Judith G. Dein, U.S. Magistrate Judge for the District of Massachusetts on 02/09/2023. The Court ordered Mr. Alexandre released on the same conditions imposed by the Southern District of Florida. The conditions are as follows:

1. Report to Pretrial Services as directed.
2. Surrender all passports and travel documents, if any, to Pretrial Services and not obtain any travel documents during pendency of the case.
3. Submit to substance abuse testing and/or treatment, contribute to the cost of services rendered based on ability to pay, as determined by the U.S. Probation Officer. First test will not count.
4. Abstain from alcohol use or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802), without a prescription by a licensed medical practitioner.

5. Participate in a mental health assessment and/or treatment and contribute to the costs of services rendered based on ability to pay, as determined by the U.S. Probation Officer.
6. Maintain or actively seek full-time employment.
7. Avoid all contact with victims or witnesses to the crimes charged, except through counsel. The AUSA shall provide defense counsel and pretrial services with the names of all victims or witnesses. The prohibition against contact does not take effect until defense counsel receives the list. The prohibition against contact applies only to those persons on the list, but the prosecutor may expand the list by sending written notice to defense counsel and pretrial services.
8. Avoid all contact with co-defendants and defendants in related cases, except through counsel.
9. Refrain from possessing a firearm, destructive device or other dangerous weapons and shall surrender (if any), their concealed weapons permit to the U.S. Probation Officer.
10. May travel to and from Southern District of Florida and District of Massachusetts and must notify Pretrial Services and State Court Probation of travel plans before leaving and upon return. Must notify 48 hours in advance.
11. Must comply with VA court.
12. Must attend court proceedings.
13. May not move from residence.
14. May not apply for any new loans.
15. May not open any new business.

And respectfully seeks action by the Court and for cause as follows:

On October 12, 2023, the U.S. Probation and Pretrial Services Office filed a petition seeking a show causing hearing regarding non-compliance matters including a new arrest for driving with a suspended license Mr. Alexandre is being supervised by the Southern District of Florida.

On October 6, 2023, Mr. Alexandre appeared in Palm Beach County, Florida court (case number 23CT01728), *pro se,* for the adjudication of a single charge of driving with a suspended license. The court found Mr. Alexandre guilty but agreed to vacate the guilty finding in 60 days if Mr. Alexandre pays $100 in court costs, and either completes 40 hours of community service or obtains a valid driver's license within that period.

According to Supervising Officer Heath Schur, Mr. Alexandre has provided negative toxicology screens and is complying with court ordered conditions of release at this time. Officer Schur did not wish for any additional conditions of release to be added or any modifications to be made.

The U.S. Probation and Pretrial Services Office respectfully requests the petition be withdrawn and the show cause hearing scheduled for October 25, 2023 be cancelled as a result.

Petition for Action on Conditions of Pretrial Release

PRAYING THE COURT WILL:

☐ Issue a warrant.
☐ Issue a summons for the defendant to appear for a show cause hearing.
☒ Other: Withdraw the petition filed on 10/12/2023, and cancel show cause hearing scheduled for 10/27/23

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: 10/24/2023 Place: Worcester, Massachusetts

/s/: *Kara Lightowler* Date: 10/24/2023

Kara Lightowler
U.S. Probation Officer

ORDER OF COURT

☐ Warrant to issue.
☐ Summons to issue. Clerk to schedule show cause hearing.
X ☐ Other: Withdraw the petition filed on 10/12/2023, and cancel show causing hearing scheduled for 10/27/23

Considered and ordered this **Oct 24, 2023** day of _____, 2023, and ordered filed and made part of the record in the above case.

Judith Gail Dein
Honorable Judith G. Dein,
U.S. Magistrate Judge