UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v. CASE NO.: 2:22-mj-1148-KCD

ANDREW JOHNSON

ORDER SETTING CONDITIONS OF RELEASE

To reasonably assure the appearance of Defendant Andrew Johnson and the safety of other persons and the community, the Court hereby **ORDERS** that Defendant's release is subject to the **CONDITIONS** set forth herein.

Standard Conditions of Release

(1) Defendant **must not** commit any offense in violation of federal, state, or local law while on release.

(2) Defendant **must** cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.

(3) Defendant **must immediately** advise the Court, the Pretrial Services Office (or the supervising officer), defense counsel, and the U.S. Attorney in writing of any change in address and telephone number.

(4) Defendant **must** appear at all proceedings as required and must surrender for service of any sentence imposed as directed. Defendant **must** next appear in the United States Courthouse and Federal Building or other location in the Courtroom directed upon notice.

Additional Conditions of Release

IT IS FURTHER ORDERED that Defendant's release is subject to the condition(s) marked below:

☐ Defendant is placed in the third-party custody of the third-party custodian identified below, who agrees to: (a) supervise Defendant; (b) use every effort to assure Defendant's appearance at all court

proceedings; and (c) notify the court immediately if Defendant violates a condition of release or is no longer in the custodian's custody.

_____	_____	_____
Custodian (printed name)	*Custodian (signature)*	*Date*

☒ Report as directed by the Pretrial Services Office.

☐ Obtain no passport (or other international travel document) and surrender any existing passport (active or expired) to the Clerk's Office no later than _____.

☐ Maintain or actively seek verifiable employment.

- ☐ Defendant may not maintain or seek employment in any position that: _____.
- ☐ Defendant must inform any employer of the existence and nature of the pending charge(s).

☐ Continue or start an education program.

☒ Refrain from possessing a firearm, destructive device, or other dangerous weapon.

☐ Refrain from any consumption of alcoholic beverages.

☐ Refrain from excessive consumption of alcoholic beverages.

☐ Refrain from any use or unlawful possession of a narcotic drug or other controlled substance in 21 U.S.C. § 802, unless with prior written approval of the Pretrial Services Office or the supervising officer, or as may be lawfully prescribed in writing by a licensed medical practitioner.

☐ 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.

☐ Abide by the following restriction(s) on personal association:

Defendant must not have contact, directly or indirectly, with ____.

☐ Abide by the following restriction(s) on residence:

Defendant's residence is restricted to _____.

Notwithstanding this restriction, the Pretrial Services Office or the supervising officer may permit Defendant to change his or her residence temporarily in response to a genuine emergency (including, but not limited to, any condition that may threaten the defendant's life, health,

or safety) until such time as an appropriate motion seeking to modify this residential restriction can be filed with and resolved by the Court.

☒ Abide by the following restriction(s) on travel:

Defendant's travel is restricted to the Middle District of Florida other than for court purposes.

Defendant may also visit defendant's attorney if outside this area, but only after providing notification to the Pretrial Services Office or the supervising officer. All other travel must be approved by the Pretrial Services Office or the supervising officer. Any request to travel outside the area set forth above must be submitted in writing and approved by the Pretrial Services Office or the supervising officer at least three (3) days before the date on which travel is to commence. A courtesy copy of this written request must also be submitted to the Assistant United States Attorney assigned to this case.

The Middle District of Florida consists of the following Florida counties: Baker, Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Duval, Flagler, Glades, Hamilton, Hardee, Hendry, Hernando, Hillsborough, Lake, Lee, Marion, Manatee, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Seminole, Sumter, Suwannee, Union, and Volusia. The Ft. Myers Division consists of the following Florida counties: Charlotte, Collier, DeSoto, Glades, Hendry, and Lee.

☐ Submit to a mental health evaluation or psychiatric evaluation as directed by the Pretrial Services Office.

☐ Submit to a mental health evaluation and/or treatment to include crisis counseling, psychiatric treatment, and/or medication management treatment as determined by the Pretrial Services Office.

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

☐ Submit to any method of testing required by the Pretrial Services Office or the supervising officer 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/or any form of prohibited substance screening or testing. Defendant must refrain from obstructing or

attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing.

☐ Participate in the following location restriction program and comply with its requirements as directed, which may include electronic monitoring or location monitoring.

- ☐ **Curfew:** You are restricted to your residence every day as follows. "Your residence" means the interior (*i.e.*, within the walls) of your house, condominium, or apartment.
  - ☐ from _____ to _____; or
  - ☐ as directed by the Pretrial Services Office or the supervising officer.
- ☐ **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. "Your residence" means the interior (*i.e.*, within the walls) of your house, condominium, or apartment.
- ☐ **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. "Your residence" means the interior (*i.e.*, within the walls) of your house, condominium, or apartment. Visits to your attorney or to the United States Attorney's Office outside of your residence require court approval.
- ☐ **Stand-Alone Monitoring:** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court. Stand-Alone Monitoring will require electronic monitoring or location monitoring with global positioning system (GPS) technology.

☐ Submit to electronic monitoring or location monitoring and comply with its requirements as directed. If Stand-Alone Monitoring is ordered, the Pretrial Services Office must use a GPS tracking device. Otherwise, the Pretrial Services Office must determine the use of appropriate location monitoring technology (*e.g.*, a land line, voice recognition system, radio frequency system, cellular monitoring unit, or GPS tracking device). Defendant must refrain from obstructing or

attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any electronic monitoring or location monitoring technology. Defendant must pay all or part of the cost of the program based upon Defendant's ability to pay as determined by the Pretrial Services Office.

☐ Avoid and refrain from any unsupervised contact with minors, including any verbal, written, telephonic, or electronic communication.

☐ Avoid and refrain from any contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including but not limited to:

_____.

☐ Avoid and refrain from any contact with any co-defendant(s).

☐ Refrain from visiting any commercial transportation establishments, including but not limited to: airports; seaports; marinas; commercial bus terminals; train stations; etc. Defendant may not obtain any travel documents from any such establishments.

☐ Defendant must not have any computer or internet access. This includes any cellular telephone, smart phone, tablet, gaming console, or any other device that has or is capable of internet access.

☐ Other condition(s):

ADVICE OF PENALTIES AND SANCTIONS

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.

If you commit a federal felony offense while on release, the punishment is an additional prison term of not more than ten years. For a federal misdemeanor offense, the punishment is an additional prison term of not more than one year. This sentence will be consecutive to (*i.e.*, in addition 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.

Acknowledgments

I acknowledge that I am the defendant in this case, a surety, or a custodian and that I am aware of the conditions of release. I, the defendant, promise to obey all conditions of release, to appear as directed, and to surrender to serve any sentence imposed. I – the defendant, surety, or custodian – am aware of the penalties and sanctions set forth above. I swear under penalty of perjury that the above information is true as it relates to me, and I agree to the conditions set forth herein. I also state that I have either read all of the conditions of release imposed on the defendant or they have been explained to me.

Date: 12-7-22 *Defendant's signature*

Surety (printed name) *Surety (signature)* *Date*

Surety / Custodian (printed name) *Surety / Custodian (signature)* *Date*

Surety / Custodian (printed name) *Surety / Custodian (signature)* *Date*

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. If still in custody, the defendant must be produced before the appropriate judicial officer at the time and place specified.

Date: December 7, 2022

Kyle C. Dudek
United States Magistrate Judge