FILED
MAR 18 2010
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

JAN DAVID KAROWSKY
Attorney at Law
A Professional Corporation
California State Bar Number 53854
716 19th Street, Suite 100
Sacramento, CA 95811-1767
(916) 447-1134
(916) 448-0265 (Fax)

Attorney for Defendant
Richard Mendoza

UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

United States of America,

Plaintiff,

vs.

Richard Mendoza, et.al.,

Defendant

Case No.: Cr.S-07-248-WBS

STIPULATION AND PROPOSED ORDER RE: MODIFICATION OF SPECIAL CONDITIONS OF RELEASE FILED JUNE 22, 2009 TO MODIFY CURFEW RE COACHING RELATED RESPONSIBILITIES

JUDGE: Hon. Dale. A. Drozd
United States Magistrate Judge

FACTS

On June 22, 2009, at a hearing on a Petition for Revocation of Pretrial Release, The Honorable Kimberly J. Mueller, Magistrate-Judge, ordered that Defendant Richard Mendoza's pre-trial release conditions were to be modified, inter alia, to include a curfew, restricting

Defendant Richard Mendoza to his residence from 6:00 p.m. to 4:00 a.m. Monday through Friday.[1]

Additionally, the Special Conditions of Release entered on June 22, 2009 ordered that Defendant Mendoza was "only permitted to leave your residence on a Saturday or Sunday to deal with issues pertaining to your coaching related responsibilities." Mr. Mendoza coaches his son's t-ball and football teams' practices and games.

Team practices and games are now scheduled on weekdays in addition to weekends and go on past 6:00 p.m.. In order to fulfill his coaching responsibilities, Mr. Mendoza needs to have the 6:00 p.m. weekday curfew modified to 9:00 p.m. for those weekdays on which a practice or game will go past 6:00 p.m..

Mr. Mendoza's Pretrial Services Officer and the prosecuting AUSA have been consulted and both agree to the requested modification.

STIPULATION

Plaintiff, United States, and Defendant Richard Mendoza, through their undersigned counsel, hereby stipulate and agree that the curfew condition entered on June 22, 2009 as Document 419 shall be modified as follows: "**CURFEW:** You are restricted to your residence from 6:00 p.m. to 4:00 a.m. Monday through Friday, except for those weekdays on which you have coaching related responsibilities. When and only when you have coaching related responsibilities on a weekday, your curfew shall be from 9:00 p.m. to 4:00 a.m.. In addition, you are only allowed to perform coaching related responsibilities on weekdays if you provide

[1] See Document 419, filed in this case, attached hereto as Exhibit "A," and incorporated herein by reference.

detailed information about where you will be going and what you will be doing, and you receive advance permission from Pretrial Services." In all other respects, the June 22, 2009 order and the Special Conditions of Release ordered then shall remain in full force and effect.

IT IS SO STIPULATED.

DATED: March 18, 2010

BENJAMIN B. WAGNER
United States Attorney

By /s/ Jason Hitt

Jason Hitt
Assistant U.S. Attorney
by Jan Karowsky

DATED: March 18, 2010

JAN DAVID KAROWSKY
Attorney at Law
A Professional Corporation

By /s/ Jan Karowsky

JAN DAVID KAROWSKY
Attorney for Defendant
Richard Mendoza

Good Cause Appearing, IT IS HEREBY ORDERED that the curfew condition entered on June 22, 2009 as Document 419 shall be modified as follows: "CURFEW: You are restricted to your residence from 6:00 p.m. to 4:00 a.m. Monday through Friday, except for those weekdays on which you have coaching related responsibilities. When and only when you have coaching related responsibilities on a weekday, your curfew shall be from 9:00 p.m. to 4:00 a.m.. In addition, you are only allowed to perform coaching related responsibilities on weekdays if you provide detailed information about where you will be going and what you will be doing, and you

receive advance permission from Pretrial Services." In all other respects, the June 22, 2009 order and the Special Conditions of Release ordered then shall remain in full force and effect.

Dated: 3/18/10

Dale A. Drozd

DALE A. DROZD
United States Magistrate Judge

FILED
JUN 22 2009
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

SPECIAL CONDITIONS OF RELEASE

RE: Mendoza, Richard
Doc. No. CRS.-07-248-WBS

1. You shall report to and comply with the rules and regulations of the Pretrial Services Agency;

2. You shall report in person to the Pretrial Services Agency on the first working day following your release from custody;

3. You are to reside at a location approved by the pretrial services officer and not move or absent yourself from this residence for more than 24 hours without the prior approval of the pretrial services officer;

4. Your travel is restricted to the Eastern and Northern District of California without the prior consent of the pretrial services officer;

5. You shall not possess a firearm, destructive device, or other dangerous weapon; additionally, you shall provide written proof of divestment of all firearms currently under your control;

6. You shall refrain from any use of alcohol or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; and you shall notify Pretrial Services immediately of any prescribed medication(s). However, medicinal marijuana, prescribed or not, may not be used;

7. You shall submit to drug or alcohol testing as approved by the pretrial services officer;

8. You shall seek and/or maintain employment and provide proof of same as requested by your pretrial services officer;

9. You shall have no contact with the co-defendants in this case unless in the presence of defense counsel;

10. You shall not associate or have any contact with any validated or documented gang members as known to the defendant; and

11) You shall participate in the following home confinement program components and abide by all the requirements of the program, which will include electronic monitoring.

CURFEW: You are restricted to your residence from 6:00 p.m. to 4:00 a.m. Monday through Friday. You are to remain on lockdown at your residence on Saturday and Sunday. You are only permitted to leave your residence on a Saturday or Sunday to deal with issues pertaining to your coaching related responsibilities. In addition, you are only allowed to leave on Saturday and Sunday for coaching responsibilities if you provide detailed information about where you will be going and what you will be doing, and you receive advance permission from Pretrial Services.

You shall, in accordance with this release order, have a home monitoring unit installed in your residence, a radio frequency transmitter device attached to your person, and shall comply with all instructions for the use and operation of said devices as given to you by the Pretrial Services Agency and employees of the monitoring company.

June 22, 2009