

PS 8 (4/01)

UNITED STATES DISTRICT COURT

FILED

for

District Of Connecticut

2007 NOV -6 P 3: 53

U.S.A. vs.

Mojica , Luis

Docket No.

0205 3:06CR00317(SRU)

Petition for Action on Conditions of Pretrial Release

COMES NOW Nicole Owens, PROBATION OFFICER presenting an official report upon the conduct of defendant Luis Mojica who was placed under pretrial release supervision by the Honorable William I. Garfinkel, United States Magistrate Judge sitting in the court at Bridgeport, Connecticut on the 5th day of September, 2007 under the following conditions:

\$200,000 non-surety bond co-signed by Maria Aviles, Jahira Nieves and Luis Rivera. In addition to the standard conditions the Court also ordered the following special conditions of release:

- 1. The defendant shall seek/maintain employment; 2. The defendant's travel shall be restricted to the District of Connecticut; 3. The defendant shall have no direct/indirect contact with any co-defendants or witnesses identified by the Government, but not limited to N. Alverado; 4. The defendant shall report to the Probation Office as directed; 5. The defendant shall submit to drug testing/treatment at the discretion of the Probation Office; 6. The defendant shall comply with a curfew set by the Probation Office; 7. The defendant shall refrain from possessing any firearms, dangerous or destructive devices; 8. The defendant shall refrain from possessing or use of any illegal narcotic, unless prescribed by a licensed physician; 9. The defendant shall not obtain a passport; 10. The defendant shall submit to electronic monitoring and will cover all fees associated with the monitoring service and 11. The defendant shall be placed in the custody if Jahira Nieves who agreed to supervise the defendant in accordance with the conditions of his release.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach.)

On September 17, 2007, Ms. Jahira Nieves contacted the Probation Office following a verbal altercation with the defendant stating he needs to find an alternative placement. She later recanted her request. On this date, this Officer cautioned both Mr. Mojica and Ms. Nieves that if such requests continue the Court would be notified. On November 1, 2007, Mr. Mojica's electronic monitoring service reported a violation alert. The basis of the alert indicated that the defendant had left his residence without permission. On November 2, 2007, this Officer admonished the defendant for his non-compliance. Mr. Mojica reported that he left Ms. Nieves' home because the couple were involved in an argument. Per the defendant he left the apartment and went to his mother's home before the situation escalated. He returned to the apartment several hours later. On November 6, 2007, Ms. Maria Aviles, the defendant's mother, contacted this Officer to report that the defendant and Ms Nieves were yet again involved in an altercation which turned physical. Per Ms. Aviles, Ms. Nieves attacked the defendant and then called the police. Reportedly, Ms. Nieves informed the Bridgeport Police Department that the defendant assaulted her. However, the defendant left the home prior to the arrival of the police. Defense counsel later reported that Ms. Nieves contacted Bridgeport Police to recant her assault allegations. Defense counsel also reported that Ms. Nieves reportedly made the said allegations because the defendant informed her that he was in the process of securing another custodian, and she did not want him to leave her home. Mr. Mojica was instructed by this Officer to remain at his mother's home until further notice from the Court. Mr. Luis Rivera, custodian and cousin of the defendant, has agreed to allow the defendant to reside in his home and act as his 3rd party custodian. Mr. Rivera is amendable to this move immediately. Additionally, Mr. Mojica has not secured employment to date. The Government and defense counsel have no objections to this

PRAYING THAT THE COURT WILL ORDER the removal of Ms. Jahira Nieves as the defendant's custodian, rename Mr. Luis Rivera of Ansonia, Connecticut as the 3rd party custodian, order the defendant to reside in the home of Luis Rivera and order the Probation Office to pay all previous (back fees) and on-going electronic monitoring fees until further notice.

ORDER OF COURT

Considered and ordered this 6th day of Nov, 2007 and ordered filed and made a part of the records in the above case.

Respectfully, Nicole Owens U.S. Probation Officer

The Honorable William I. Garfinkel United States Magistrate Judge

Place U.S. District Court at New Haven, CT

Date November 6, 2007

Handwritten initials OK