

United States District Court
EASTERN DISTRICT OF NEW YORK

★ JUN 20 2008 ★

UNITED STATES OF AMERICA

ORDER SETTING CONDITIONS OF RELEASE AND BOND BROOKLYN OFFICE

v.

Ralph Cioffi

Case No.: 08 CR 415 (FB)

Defendant

RELEASE ORDER

It is hereby ORDERED that the above-named defendant be released as follows, subject to the Standard Conditions of Bond on the reverse and:

- Upon Personal Recognizance Bond on his/her promise to appear at all scheduled proceedings as required, or
- Upon Unsecured Bond executed by defendant in the amount of \$ _____ or \$ 4 million
- Upon Secured Appearance Bond as provided herein.

Additional Conditions of Release

Upon finding that release under the standard conditions detailed on the reverse will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, IT IS FURTHER ORDERED that the defendant is subject to the following additional conditions of release:

- 1. The defendant must remain in and may not leave the following areas without Court permission: continental United States
- 2. The defendant shall avoid all contact and not associate with any of the following persons or entities: _____
- 3. The defendant shall avoid and not go to any of the following locations: _____
- 4. The defendant shall surrender any and all passports to the U.S. Pretrial Services Agency by 6/19/08 and shall not apply for any other passport.
- 5. Defendant is placed under the express supervision of the Pretrial Services Agency, subject to the Special Conditions on the reverse, if applicable, and subject to random visits by a Pretrial Services officer at defendant's home and/or place of work;
 - must report to that agency () in person _____ times per _____ and/or by telephone 1 times per WEEK;
 - is subject to home detention with electronic monitoring with the following conditions: _____
- must undergo random drug testing evaluation and/or treatment for: substance abuse; alcoholism mental health problems.
- must pay the cost of treatment and/or electronic monitoring by with personal funds and/or insurance.
- 6. Other Conditions: _____

APPEARANCE BOND

The undersigned defendant and sureties jointly and severally acknowledge that I/we and my/our personal representatives, jointly and severally, are bound to pay to the United States of America the sum of \$ 4,000,000.00. The undersigned agree(s) that this obligation is secured with his/her/their interest in the following property ("Collateral") which he/she/they represent is/are free and clear of liens except as otherwise indicated:

- cash deposited in the Registry of the Court the sum of \$ _____;
- premises located at: 200 Oxford Drive, Tenally owned by Ralph and Phyllis Cioffi (up to \$1,000,000)
- I/We also agree to execute a confession of judgment in form approved by the U.S. Attorney which shall be duly filed with the proper local and state authorities on or before June 27, 2008

Other Conditions: Additional Property IRA ACCOUNT IN THE NAME OF RALPH CIOFFI
22 1075 NELSON'S WALK, NAPLES, FL (UP TO \$1,000,000)

Phyllis Cioffi
Surety

Address: _____

Surety

Address: _____

Surety

Address: _____

The Court has advised the defendant of the conditions of release per 18:3142(h)(1) and (h)(2). This bond is conditioned upon the appearance of the defendant and is subject to the Standard Conditions of Bond set forth on the reverse. If the defendant fails to appear as ordered or notified, or any other condition of this bond is not met, this bond shall be due forthwith.

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 on the reverse of this form.

Ralph Cioffi
Signature of Defendant

Release of the Defendant is hereby ordered on 6/19/08

s/SMG

Standard Conditions of Release

In all cases, IT IS ORDERED that the release of the defendant is subject to the following conditions:

1. Defendant shall immediately advise the court, defense counsel, and the U.S. Attorney in writing of any change in address and/or telephone number.
2. Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
3. Defendant shall not commit any federal, state, or local crime.

The conditions of this bond are that the defendant named on the obverse is to appear before the 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 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 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.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the preceding conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the entitled matter on the obverse at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

Special Conditions of Release

1. If defendant is subject to home detention, defendant may not leave his/her residence without the approval of the Pretrial Services Agency, except for court appearances and visits with defense counsel in this pending criminal case and for medical emergencies. In all instances, however, the defendant must notify the Pretrial Services Agency of his or her departure from the residence.
2. If the defendant fails to report as required to the Pretrial Services Agency or to appear for any specified treatment or evaluation, defendant may be subject to such random visits at his/her residence or work by a Pretrial Services Officer as may be necessary to verify his/her residence or place of employment in order to secure compliance with the order of release.

Advice of Penalties

If defendant violates any of the preceding conditions of release, a warrant will issue for his/her arrest and the terms and conditions of any further release will be reconsidered. Such reconsideration can result in a revocation of release, an order of detention, the forfeiture of any previously posted bail, and a prosecution for contempt, the latter of which could result in a term of imprisonment and/or a fine. In addition, if the defendant fails to appear as required, he/she could be prosecuted for failing to appear and, if found guilty, be subject to imprisonment for up to ten years and/or fined up to \$250,000 depending upon the offense charged.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense of up to ten years, depending on the offense. Defendant is advised that it is a criminal offense to intimidate or attempt to intimidate a witness, juror, or officer of the court, or to obstruct a criminal investigation, or to tamper with a witness, victim, or informant, or to retaliate against a witness, victim, or informant, or to threaten or to attempt to do so. These offenses are punishable by up to ten years of imprisonment and a \$250,000 fine. The term(s) of imprisonment imposed for any of the foregoing offenses shall be consecutive to the sentence of imprisonment for any other offense and must be imposed in addition to the sentence received for the offense itself.