UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

UNITED STATES OF AMERICA)	
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)	
V.)	No. 11 CR 604
)	Judge Harry D. Leinenweber
)	•
IGNACIO TORRES)	
)	

GOVERNMENT'S MOTION FOR DECLARATION OF BOND FORFEITURE

The United States of America by its attorney, ZACHARY FARDON, United States Attorney for the Northern District of Illinois, files this motion for declaration of bond forfeiture pursuant to Fed. R. Crim. P. 46(f), and states as follows:

1. On or about September 8, 2011, defendant Ignacio Torres was arrested in Chicago and charged by complaint with possession with intent to distribute 500 grams or more of cocaine. The defendant was detained pending trial. On or about October 6, 2011, a grand jury returned an indictment against Torres for possession with intent to distribute 500 grams or more of cocaine. On February 23, 2012, the Court released Torres on a \$200,000 bond, secured by real property owned by Ignacio Torres, Sr. and Noemi Lorenzana, located at 2351 N. Elston Avenue, Chicago, Illinois. The pretrial release order contained a number of conditions, including a condition that "[t]he defendant must not violate any federal, state, or local law while on release." The order

also required the defendant to refrain from use of unlawful narcotic drugs. A copy of the release order is attached and marked as Exhibit A.

- 2. Pursuant to Fed. R. Crim. P. 46(f) and the order and conditions of pretrial release, the Court must declare the bail forfeited if a condition of the bond is breached.
- 3. On November 12, 2013, this Court revoked the defendant's bond, ordered that the defendant to be detained, and ordered the defendant to surrender to the U.S. Marshals that same day. After the hearing, the defendant fled from the courthouse and did not surrender to the U.S. Marshals. The defendant is now a fugitive. On both November 12 and 13, 2013, federal agents went to the residence at 2425 N. Harding, Chicago, Illinois, where the defendant was living while on pretrial release, and the defendant was not present. Agents have spoken to numerous family members of the defendant, and all claim that they do not have knowledge of the defendant's whereabouts. The defendant has violated his conditions of release: (1) by violating 18 U.S.C. § 1073, which prohibits flight to avoid custody or confinement after conviction for a felony; (2) by violating federal law when he ignored the court order to surrender to the U.S. Marshals; and (3) by using cocaine and marijuana while on bond, as evidenced by a June 2013 drug test. The defendant may have also violated the travel restriction in the conditions of release, which limits his travel to the Northern District of Illinois. Based on the defendant's breaches of the conditions of release, the United States now seeks entry of an order forfeiting the defendant's bond in the amount of \$200,000.

WHEREFORE, the government respectfully requests that this Court enter an order

declaring the bond posted in the present action forfeited.

Respectfully submitted,

ZACHARY FARDON United States Attorney

By: /s/ Matthew F. Madden
MATTHEW F. MADDEN
Assistant United States Attorney
219 South Dearborn Street
Chicago, IL 60604
(312) 886-2050

AO 199A (Rev. 11/08) Order Setting Conditions of Release

Page 1 of _

Pages

UNITED STATES DISTRICT COURT

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United States of A	
V.) Case No. // (2 60 </th
Defendant	028 - 5

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

 The defendant must appear at (if blank, to be notified)

 Place

 On

 Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released on condition that:

() (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
 () (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of dollars (\$ in the event of a failure to appear as required or surrender to serve any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon find	RDERED that the defendant's release is	subject to the condition	munico ociow.		•
	defendant is placed in the custody of:				
/ Pers	on or organization	LIRE VPA	Ve		
Add	ress (only if above is an organization)	24175 N.	HARdiNa		
	and state			Tel. No. (only if above is a	n organization)) >>
ho agrees (a) to si	unervise the defendant in accordance wit	h all of the conditions	f release, (b) to use o		ndant's appearance at all scheduled court
oceedings, and (c	to notify the court immediately if the de	efendant violates any co	ndition of release or	lisappears.	
6 -7, (-	,,				21 1
		Sign	red: , 4 10 P	1. 712.0 C	JC 4/22/17.
,	•			Custodian or Proxy	- Date
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	telephone number	no later than		er jaron eta errogioaren 1	e der
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(v) (d) /	execute a bail bond with solvent suretie	s in the amount of 3	,		
(/ /) (e)	maintain or actively seek employment.	<u> </u>			
((((((((((((((maintain or commence an education pro		وسيرسد		
(/)(g)	surrender any passport to:	12:21 3	RVICES		
(X) (h)	obtain no passport.			ر د د اور میلور میرود	Northern District
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(人) (j)	avoid all contact, directly or indirectly,	with any person who is	or may become a vic	tim or potential witness in the	investigation or
	prosecution, including but not limited to	0:	raing .	#4.57	
()(b)	undergo medical or psychiatric treatmer	nt-			
()(k)	undergo mexicar or payemante ireams	"	/ 		
1. 3.			 		
()(1)	return to custody each (week) day at	o*c	ock after being relea	sed each (week) day at	o'clock for employment,
	schooling, or the following purpose(s):				
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ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

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.

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

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. For onise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Defendant's Signable
Chicago
City and State

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 judge 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 judge at the time and place specified.

ate: 2/03/2012

Judicial Officer's Signature

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE

U.S. ATTORNEY U.S.

US MARSHAL

HENWEDER