

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.)
)
IGNACIO TORRES)
)
)

No. 11 CR 604
Judge Harry D. Leinenweber

**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
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(312) 886-2050

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

United States of America

v.

Case No. 11 CR 604

Defendant

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:

- (checked) (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 finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(X) (7) The defendant is placed in the custody of:
Person or organization NAFEM; LORENZINI
Address (only if above is an organization) 2425 N. Harding
City and state Chicago, IL Tel. No. (only if above is an organization) 772 300

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: NAFEM; Lorenzini 2/26/12
Custodian or Proxy Date

(X) (8) The defendant must:
(a) report to the PRE-TRIAL SERVICES, telephone number, no later than
(b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property: 200,000 SECURED BY PROPERTY AT 2351 N. ELSTON AVENUE CHICAGO, IL
(c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum: LOAN AGREEMENT AND QUICK CLAIM DEED.
(d) execute a bail bond with solvent sureties in the amount of \$
(e) maintain or actively seek employment.
(f) maintain or commence an education program.
(g) surrender any passport to: PRE-TRIAL SERVICES
(h) obtain no passport.
(i) abide by the following restrictions on personal association, place of abode, or travel: REMAIN IN NORTHERN DISTRICT OF ILLINOIS
(j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to:

(k) undergo medical or psychiatric treatment:
(l) return to custody each (week) day at o'clock after being released each (week) day at o'clock for employment, schooling, or the following purpose(s):

(m) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
(n) refrain from possessing a firearm, destructive device, or other dangerous weapons.
(o) refrain from () any (X) excessive use of alcohol.
(p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
(q) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing 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. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.
(r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

(s) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.
(i) Curfew. You are restricted to your residence every day () from to , or () as directed by the pretrial services office or supervising officer; or
(X) (ii) 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 pre-approved by the pretrial services office or supervising officer; or
(iii) Home Incarceration. You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
(t) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.
The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

(i) Location monitoring technology as directed by the pretrial services office or supervising officer;
(ii) Radio Frequency (RF) monitoring;
(iii) Passive Global Positioning Satellite (GPS) monitoring;
(iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
(v) Voice Recognition monitoring

(u) do not leave home/residence without prior approval of PRE-TRIAL SERVICES

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. I promise 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 Signature

Chicago IL
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.

Date: 2/23/2012

Judicial Officer's Signature

Judge HAROLD D. LEINENWEBER
Print name and title