

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

TODD EARNSHAW,

*Defendant.*

ORDER AMENDING CONDITIONS  
OF PRETRIAL RELEASE

Case Number: 06-40068-02-JAR

On June 9, 2009, a hearing was conducted in accordance with 18 U.S.C. § 3148. The Government appeared by and through Chris Kenney, Assistant United States Attorney. The defendant appeared in person and through Mark Bennett, Jr., CJA panel attorney. The Government requested a hearing on the Amended Petition for Action on Conditions of Pretrial Release for the defendant to show cause why his bond should not be revoked. After hearing the evidence and the arguments of counsel, the Government's motion for revocation of defendant's pretrial release and for detention is DENIED. The following findings require amending the conditions for continuing defendant on pretrial release pending further proceedings in this case:

The court finds there is probable cause to believe that the defendant has committed the state crimes of Driving Under the Influence, Handicap Parking Violation and Failure to Control Speed to Avoid a Collision while on pretrial release. Based upon the evidence and arguments presented, the court concludes that conditions of release do exist which will reasonably assure that the defendant will not flee or pose a danger to the safety of the community. The defendant shall be required to continue participation in his out-patient substance/alcohol abuse therapy and counseling program; refrain from any use of alcohol; participate in a home confinement program and abide by all of the requirements of the program which will include electronic monitoring or other location verification system. The defendant shall pay all or part of the cost of the program based upon his ability to pay as determined by the pretrial service office or supervising officer. Defendant is placed

on a curfew restricting him to his residence every day as directed by the pretrial services office or supervising officer. Defendant shall refrain from entering any retail establishment which primarily serves alcohol, including the Jose Peppers Cantina, Lewellan's Pub or similar establishments. Finally, should the pretrial services office or supervising officer deem it appropriate, defendant shall undergo mental health therapy and counseling, including anger management counseling.

**IT IS THEREFORE ORDERED** that the defendant shall continue on the conditions of pretrial release imposed by the court for pretrial release, including the additional conditions set forth above.

**IT IS SO ORDERED.**

Dated at Topeka, Kansas, this 9<sup>th</sup> day of June, 2009.

*s/K. Gary Sebelius*

United States Magistrate Judge