

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2008 OCT 22 AM 9:12

LORETTA G. WHYTE
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 07-103
	*	SECTION: "L"
v.	*	
JAMES G. PERDIGAO	*	
a/k/a Jamie Perdigao	*	
	* * *	

**MOTION AND INCORPORATED MEMORANDUM
TO UNSEAL APPEARANCE BOND**

NOW INTO COURT comes the United States of America, appearing herein through the undersigned Assistant United States Attorneys and moves this Honorable Court to unseal the appearance bond in the above-captioned case for the foregoing reason:

Currently before this Court, the government has pending a motion to revoke the bond set for defendant James G. Perdigao due to Perdigao violating several conditions of his release. *See generally* Rec. Doc. 160 Additionally, in light of Perdigao's violations and the pending revocation motion, the government also anticipates filing a motion to forfeit Perdigao's bond. The conditions for bond forfeiture, as well as the necessary language upon which the government will base its forfeiture motion, are examined in the language of appearance bond. However, the appearance bond in this matter is under seal and the government cannot locate its copy.

_____	Fee
_____	Process
_____	Dkt'd
_____	CommDep
_____	Doc. No

Ordinarily, an appearance bond will state as follows:

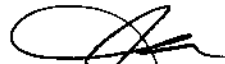
[I]f the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond or any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such 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.

It is therefore necessary for the government to review a copy of Perdigao's sealed appearance bond to ensure the proper forfeiture language was addressed in the bond. Additionally, if such language is provided in Perdigao's bond, such documentation will be needed to lay the foundation for the government's bond forfeiture motion.


New Orleans, Louisiana, this 22nd day of October, 2008.

Respectfully submitted,

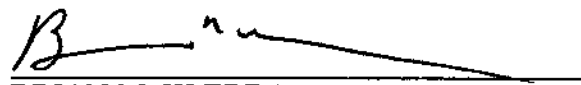
JIM LETTEN
UNITED STATES ATTORNEY



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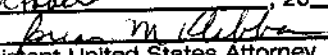


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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon counsel for all parties by mailing the same to each, properly addressed, and postage prepaid this 22nd day of October, 2008.

Assistant United States Attorney