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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 05-0639 RMW
12)
Plaintiff,) **DEFENDANT’S MOTION FOR**
13) **PRETRIAL RELEASE ON**
v.) **CONDITIONS**
14)
15 JOHN STEPHEN SACROSANTE,)
Defendant.) Date: December 20, 2005
Time: 2:30 p.m.
16) Honorable Richard Seeborg

17 Mr. Sacrosante appears before this Court following his arrest for failure to appear before
18 the Honorable Ronald M. Whyte on November 14, 2005. For the reasons set forth below, the
19 defense respectfully requests that the Court set conditions of pretrial release for Mr. Sacrosante,
20 including the condition that he reside in a residential drug treatment facility.

21 On November 9, 2005, Mr. Sacrosante returned to the San Jose area with the intention of
22 making his court appearance, and was in contact with his attorney prior to his scheduled
23 appearance on November 14, 2005. See Vinnard Dec., ¶¶5-6, Exhibit A. From November 10
24 through 13, he was residing in a sober living home in San Jose. See Support Systems Homes
25 Letter, Exhibit B.

26 After his failure to appear on November 14, it appears that Mr. Sacrosante attempted to

1 turn himself into the main police station in Campbell, California, on November 15, 2005, but
2 was turned away because no warrant had yet been entered for Mr. Sacrosante. *See id.* at ¶¶8-11.

3 Mr. Sacrosante's initial release conditions included a \$5,000 PR bond. In light of Mr.
4 Sacrosante's efforts to return to San Jose for his appearance and then turn himself in after his
5 failure to appear, the defense requests that he again be released on conditions, with the additional
6 condition that he reside locally in a residential drug program. As indicated in the Post-Bail
7 Report prepared by Pretrial Services, Mr. Sacrosante has a history of alcohol abuse. The defense
8 is informed that Mr. Sacrosante has maintained sobriety in recent years and has not relapsed, but
9 he believes it would be beneficial for him to reside in a supportive environment pending the
10 resolution of his case.

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12 Dated: December 20, 2005

13 Respectfully submitted,

14 BARRY J. PORTMAN
15 Federal Public Defender

16 /s/

17 LARA S. VINNARD
18 Assistant Federal Public Defender
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