

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 08-10042-WEB
)	
DAVID E. BURKHOLDER,)	
)	
Defendant.)	
_____)	

ORDER MODIFYING CONDITIONS OF RELEASE

After hearing, the court denies the Government's motion to revoke the defendant's release in this case. The Court grants the Government's alternative request to modify the conditions of release previously imposed. The Order of Release previously imposed is modified to include the following conditions:

a) **No contact.** Defendant shall have no contact with: 1) Any family member who provided money to the defendant as a result of his representations and the solicitation by John and Donna Burkholder; 2) John and Donna Burkholder¹; 3) Any other person who provided money to the defendant as a result of the defendant's representations and the solicitation by John and Donna Burkholder; and 4) James Keaton and Anna Keaton.

b) **Travel Restriction.** Defendant's travel is restricted to the Northern District of California, and to the District of Kansas for Court appearances and consultation with local counsel, however, any such travel to the District of Kansas must be by the most direct route available and with prior notification to the Probation Office of the intended travel and the anticipated date and time of departure and return.

c) **Restriction on Financial Transactions.** The defendant shall not conduct any financial transaction in excess of \$5,000.00 without the prior approval of the United States

¹ As requested at the April 3, 2008 hearing, the defendant may return to McPherson with John and Donna Burkholder, provided he is not to discuss the case with them, but the defendant is to have no further pre-trial contact with them after he returns to his residence in California.

District Court for the District of Kansas.

d) **Drug Test**. The defendant shall submit to an immediate drug test, and such additional tests in the future as Probation deems appropriate.

e) **New Financial Accounts**. The defendant shall not open any new financial account with any financial institution.

Original Bond and Conditions of Release Still in Effect. The \$200,000 unsecured bond previously executed by the defendant and his co-signer remains in effect. Additionally, the conditions of release imposed by the Northern District of California remain in effect, including the following:

- Defendant shall appear at all proceedings as ordered by the Court and shall surrender for service of any sentence imposed.
- Defendant shall not commit any federal, state, or local crime.
- Defendant shall not harass, threaten, intimidate, injure, tamper with, or retaliate against any witness, victim, informant, juror, or officer of the Court, or obstruct any criminal investigation.
- Defendant shall not travel outside the Northern District of California [that is, the counties listed on the original order of release].
- Defendant shall report in person as directed to Pretrial Services in San Francisco.
- Defendant shall not apply for any passports or other travel documents.
- Defendant shall not use alcohol to excess and shall not use or possess any narcotic or other controlled substance without a legal prescription.
- Defendant shall maintain current employment or, if unemployed, shall seek and maintain verifiable employment.
- Defendant shall not change residence without prior approval of Pretrial Services.

IT IS SO ORDERED this 3rd Day of April, 2008, at Wichita, Ks.

s/Wesley E. Brown

Wesley E. Brown
U.S. Senior District Judge