

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. **SACR 16-76-JVS**

Date March 26, 2020

Present: The Honorable **JAMES V SELNA, U.S. DISTRICT COURT JUDGE**

Interpreter None

Lisa Bredahl

Not Present

Not Present

Deputy Clerk

Court Reporter/Recorder

Assistant U.S. Attorney

U.S.A. v. Defendant(s):

Present Cust. Bond

Attorneys for Defendants:

Present App. Ret.

1. Gilbert "Gil" N. Michaels

Not X

1. Joel Levine / Paul Meyer

Not X

Proceedings: [IN CHAMBERS] Order on Renewed Application for Bail

Gilbert Michaels ("Michaels") filed a renewed application for bail, as well as two supplements. (Docket Nos. 1056-58. (Docket No. .) The Government has responded (Docket No. 1059), and Michaels replied (Docket No. 160).

Gilbert is of an age and has medical conditions that place him in the group most susceptible to Covid-19.

Having considered the parties' briefs, the Court finds that it has the authority to grant temporary release pursuant to 18 U.S.C. § 3142 (i). The statute provides in part:

The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.

(Emphasis supplied.)

The Court takes into account the Covid-19 pandemic, and assesses Michaels' medical condition in light thereof. Michaels has demonstrated that the Covid-19 virus and its effects in California constitute "another compelling reason." See United States v. Stephens, United States District Court for the Southern District of New York, No. 5-cr-95, Mar. 19, 2020, pp. 2-3.

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Michaels should confer with Government and present a proposed order addressing the following:

- Into to whose custody he would be released.
- GPS monitoring with permission to leave the approved residence only for medical reasons. Limitations on any ability to transfer funds or assets.
- Provisions for a substantial increase in the bond as discussed at the hearing on December 19, 2020. (Docket No. 1001, pp. 14-15.) At least one-half on any increase shall come from Michaels' personal funds or assets.
- Incorporating the three conditions urged by the Government in its opposition. (Docket No 1059, pp. 6-7.)

The parties shall confer with the Probation Officer and state the Probation Officer's views on the proposed order.

Upon presentation of an acceptable order, Michaels will be released temporarily for a period of ninety days. Michaels may apply to the Court for an extension no later than ten days before the expiration of the ninety days. Otherwise he is ordered to surrender to the United States Marshal's office at 411 W. 4th Street, Second Floor, Santa Ana, CA 92701. The Court reserves right to revoke this order in light changed circumstances after notice to the parties.

The present ruling does not withdraw and in not in derogation of this Court's, or in conflict with the Ninth Circuit's, finding that Michaels is a flight risk, and that he did not rebut the presumption that he is a flight risk. United States v. Michaels, United States Circuit Court of Appeals for the Ninth Circuit, No. 19-50379, Jan. 14, 2020, p. 2.

Extraordinary circumstances may require relief not otherwise available. Such is the case here. 18 U.S.C. § 3142 (i).

_____ : _____
Initials of Deputy Clerk lmb

cc: