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Attorney for Defendant,
JAYSON PETER COSTA

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JAYSON PETER COSTA, Defendant.	Case No. 1: 11-CR-00026 LJO **STIPULATION TO MODIFY PRE-TRIAL RELEASE CONDITIONS OF DEFENDANT JAYSON PETER COSTA AND ORDER THEREON**

IT IS HEREBY STIPULATED by and between the defendant, JAYSON PETER COSTA, through his counsel, John F. Garland, and the United States of America, through its counsel, Benjamin B. Wagner, United States Attorney and Stanley A. Boone, Assistant United States Attorney, that in light of defendant's full compliance with condition 7(h) which provides that the Defendant shall "refrain from **ANY** use of alcohol, and any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 USC §802 unless prescribed by a licensed medical practitioner. *However*, *medical marijuana*, *prescribed or not*, *may not be used*." On March 10, 2011, the defendant's conditions were further modified to include a condition that the defendant be subject to drug and alcohol testing. As part of the modification, the defendant was required to pay for the costs associated with monitoring his use.

The defendant has requested that the modification added on March 10, 2011 be removed. The pretrial services officer had no objection to this request based upon defendant's performance. The government had no objection to removal if the defendant paid his costs

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associated with testing in full prior to removal of this condition. Pursuant to the government's request, the defendant has now paid in full of the costs of drug and/or alcohol testing.

Accordingly, the parties stipulate that JAYSON PETER COSTA's pre-trial release conditions be modified by **removing** the special condition set forth in the CONSENT TO MODIFY CONDITIONS OF RELEASE filed March 10, 2011 (Doc. 107), which provides: "You shall submit to drug and/or alcohol testing as directed by the Pretrial Services Officer."

However, the parties stipulate the original pre-trial condition that "the defendant shall continue to refrain from ANY use of alcohol, and any use or unlawful possession of a narcotic drug and other controlled substances" as required by condition 7(h) will remain in effect.

Pretrial Services Officer Dan Stark agrees to the above modification of conditions.

Dated: May 19, 2012

/s/ John F. Garland
JOHN F. GARLAND
Attorney for Defendant

Dated: May 19, 2012

Benjamin B. Wagner
United States Attorney

/s/ Stanley A. Boone
By: STANLEY A. BOONE
Assistant U.S. Attorney

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ORDER

GOOD CAUSE APPEARING, based on the stipulation of the parties, the special pre-trial condition set forth above shall be **removed** from defendant JAYSON PETER COSTA'S pre-trial release conditions. All other conditions of the defendant's pre-trial release not inconsistent with this modification, including the condition that the defendant refrain from ANY use of alcohol, shall remain in full force and effect.

IT IS SO ORDERED.

Dated: **May 22, 2012** **/s/ Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE