

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

UNITED STATES OF AMERICA

-vs-

Case No.: 2:10-cr-39-FtM-36SPC

MICHAEL OLAF SCHUTT

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**ORDER REVOKING CONDITIONS OF RELEASE**

\_\_\_\_\_ On September 22, 2010, the Government filed an Ex Parte Motion for Revocation of Release Order and/or Modifications of Conditions of Release and Warrant for Arrest filed due to allegations made by the co-signer of the Defendant's bond, Jennifer Shearman. Mrs. Shearman, the Defendant's wife, indicated she was in fear, was afraid her husband was going to flee, and wished to be removed from the Defendant's bond. The District Court has referred the matter to this Court for disposition. The Court granted the Government's motion and issued a Warrant for the Defendant's arrest.

A hearing was held on September 24, 2010. The Defendant was present in person and was represented by James Felman, Esq. The Government was represented by Yolande Viacava, Assistant United States Attorney. In light of the statements made by the Defendant's wife, the Government seeks detention or in the alternative, a modification of the Defendant's bond.

Defense Counsel argues the Defendant's marriage has suffered a fatal parting of the ways. Defendant's assistance to the Government has been substantial and exemplary. He is not facing a substantial incarceration therefore, there is little motive to flee. Defense Counsel indicates there is someone else he could stay with until he has to return to Court for sentencing or that conditions can be fashioned so that he remains in his home and has no contact with his wife.

The Court makes its finding upon review of the Government's Motion, the statements and testimony of Jennifer Shearman, report from Pretrial Services, and the Court's prior Order of Detention. The Court initially detained the Defendant finding him a risk of flight. Defendant lacked ties to the community, was not a U.S. Citizen and had gone to Germany where his family resides. His only tie to the community was his wife whom he knew for less than a year. The Court is cognizant of the fact that these are allegations made by the Defendant's wife during a time when the relationship is strained. However, that does not change the opinion of the Court that the Defendant has no employment ties, no familial ties, is not a U.S. citizen, and sought information to obtain a pilots license. The Defendant has already pled guilty and has been adjudicated guilty by the District Court. Thus, the Court finds the Defendant shall be detained until such time as he appears before the District Court for sentencing.

Accordingly, it is, **ORDERED** that the Defendant's bond is hereby **REVOKED**, and that he shall be detained in the custody of the U.S. Marshals Service.

**DONE** and **ORDERED** in Fort Myers, Florida on 27th day of September, 2010.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES MAGISTRATE JUDGE**

Copies: All Parties of Record, U.S. Marshals Service