

To: Honorable Maria Elena James
U.S. Magistrate Judge

From: Anthony Granados
U.S. Pretrial Services Officer

Subject: Bernard V. Ward
60 Day EMS Status Memorandum
CR07-0602 VRW

Date: February 28, 2008



MEMORANDUM

Your Honor,

Mr. Bernard V. Ward initially appeared before Your Honor on December 6, 2007, charged in an Indictment with Distribution of Child pornography (2 counts) and Receive Child Pornography (1 count). At that time, the defendant was released on a \$250,000 bond, with \$125,000 secured by property, with the following special conditions of release:

1. The defendant shall report to Pretrial Services as directed;
2. The defendant's travel is restricted to the Northern District of California;
3. The defendant shall surrender all passports and visas to the Court and shall not apply for any other passports or travel documents;
4. The defendant shall not possess any firearms, destructive devices or other dangerous weapons;
5. The defendant shall comply with a curfew as directed by Pretrial Services;
6. The defendant shall be subject to electronic monitoring and can only leave for work and to drive his children to and from school;
7. The defendant shall abide by a curfew as directed by Pretrial Services;
8. The defendant's computer use is limited to purposes related to employment; and
9. The defendant shall not have unsupervised contact with minors other than defendant's biological children.

VIOLATIONS AND EMS ALERTS: Pretrial Services received an EMS alert on February 25, 2008, of Telephone Fail at 10:08am and Telephone Restore at 11:12am. The undersigned was on the phone during that time with the defendant's attorney, Mr. Weinberg, who advised that he received a message from the defendant advising that he was changing his telephone service provider. The undersigned subsequently spoke to the defendant regarding this event. Mr. Ward advised that the new service provider, Comcast, had not advised him that there would be any break in his service. The undersigned instructed Mr. Ward to notify Pretrial Services prior to any future changes in phone service. It should be noted that even if the phone is not connected to the electronic monitoring equipment, it continues to function and will report any information or violations once it is reconnected.

➔ **SUPERVISION AND GENERAL COMPLIANCE:** A Bail Violation Hearing was conducted before Your Honor on January 24, 2008, in response to information provided to the Court by Pretrial Services that Mr. Ward had violated his electronic monitoring schedule on December 21, 2007, and subsequently provided false information to Pretrial Services regarding his whereabouts during the violation.

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At the Bail Violation Hearing the defendant admitted to both of the above noted violations and was subsequently strongly admonished by Your Honor. At that time the subject of the defendant's computer use and access was discussed. All parties agreed that the defendant will only have access to one computer in his home and that computer will be subject to inspection and monitoring by Pretrial Services, including the installation of monitoring software.

A home visit was conducted on February 26, 2008. At that time, the undersigned inspected the defendant's computer and did not see any indication of inappropriate use. It should be noted that there are at least two other computers located in the defendant's home, however, the defendant is only allowed access to the one computer with the monitoring software. Other than the brief issue noted above with the defendant's phone line, his electronic monitoring equipment has been functioning properly and there were no signs of damage or tampering.

Mr. Ward continues to reside at an appropriate location. The defendant reported that there is still a possibility that he may be allowed to return to work in the near future.

Mr. Ward is scheduled to appear for a Motion Hearing on April 24, 2008, at 2:00pm before the Honorable Vaughn R. Walker, Chief United States District Court Judge.

RECOMMENDATION: In light of the fact that Mr. Ward is charged with an offense that falls under the umbrella of the Adam Walsh Act, Pretrial Services respectfully recommends no changes at this time.

This memorandum is submitted for Your Honor's information and consideration.

Respectfully Submitted,


Anthony Granados
U.S. Pretrial Services Officer

Reviewed by:


Allen Lew, Supervising

U.S. Pretrial Services Officer

cc Jennifer Leonardo, U.S. Department of Justice

Doron Weinberg, Defense Attorney