

**UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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)	
UNITED STATES OF AMERICA)	
)	
v.)	Case No. 06-CR-0964
)	
MICHAEL E. KELLY)	
)	
)	
)	

DEFENDANT’S MOTION FOR RELEASE ON BAIL PENDING TRIAL

Defendant Michael E. Kelly, by and through his undersigned counsel, hereby moves for his release from federal custody on bail pending trial:

(a) Mr. Kelly has serious coronary artery disease and severe aortic stenosis. As reported in an alarming letter from renowned cardiologist Dr. Joseph V. Messer furnished to defense counsel early this morning, Mr. Kelly’s condition poses serious cardiac risks to his health, including rupture of the aorta resulting in sudden death, and requires the immediate examination by a cardiologist and cardiovascular surgeon.

(b) Pretrial Services has recognized that the conditions proposed by Mr. Kelly will reasonably assure his appearance for trial and has recommended his pre-trial release pursuant to 18 U.S.C. § 3142(a), *et seq.*

(c) The statutory factors governing the pretrial release of defendants awaiting trial, the lack of any prior criminal history, the considerable constraints proposed by Mr. Kelly to secure his reappearance to defend against the allegations in this district, and the health concerns expressed by physicians familiar with Mr. Kelly’s medical history all support Mr. Kelly’s immediate release on bail pending trial.

Further grounds for this Motion are set forth in Defendant's Memorandum of Law in support of this Motion for Release on Bail Pending Trial, which is being filed contemporaneously with this Motion.

Dated: February 9, 2006

By: /s/ Robert W. Tarun
One of the Attorneys for the Individual Defendants

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