

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 06 CR 964
)	
MICHAEL E. KELLY,)	The Honorable Ronald A Guzman
)	Judge Presiding
Defendant,)	

**DEFENDANT MICHAEL KELLY'S UNOPPOSED EMERGENCY
MOTION FOR IMMEDIATE MODIFICATION OF BOND**

NOW COMES the defendant, MICHAEL E. KELLY, by and through his attorney, JEFFREY B. STEINBACK on an emergency basis and without opposition from the government, hereby requests an immediate modification of one of the conditions of Mr. Kelly's bond. In support thereof, the following is offered:

1. The defendant, Michael Kelly was granted bail from this Honorable Court for the sole purposes of medical treatment. There were numerous conditions to Mr. Kelly's bond, among which was a GPS unit affixed to Mr. Kelly's leg. That unit has in fact been affixed to Mr. Kelly's leg effectively since the time of his release on bond.

2. As the Court has been periodically advised over the time period of Mr. Kelly's release on bond, Mr. Kelly has, among many other life-threatening diseases, metastatic colon cancer. He has been continually treated for this disease at the Goshen Center for Cancer Care, a health care center associated with Indiana University. Despite several different lines of chemotherapy to treat Mr. Kelly's metastatic disease, his oncologists advise that, unfortunately, his cancer has now progressed to the point that it has caused an obstruction of the small bowels. Mr. Kelly can

no longer process the food that he eats. As a result of this obstruction, the food he consumes remains in his stomach, causing a build-up of pressure and extreme discomfort. Doctors have advised that he required something they referred to as a “palliative PEG tube placed in the stomach to relieve pressure in his abdomen and to drain secretions.” The net effect of this is that Mr. Kelly simply can no longer eat solid foods.

3. The undersigned was recently in contact with Pretrial Services Officer, Melinda Page, of the South Bend office. Ms. Page has been closely monitoring Mr. Kelly since his release on bond over the past several months. Ms. Page advised the undersigned that Mr. Kelly has eaten no food since November 29, 2013. Ms. Page further advised that she very recently visited Mr. Kelly, observed his condition first hand, coming away from that visit with the very strong opinion that Mr. Kelly’s GPS unit presents a hazard for Mr. Kelly’s health. Ms. Page stated that Mr. Kelly was simply too weak to bear the weight of the unit and that, for both health and compassionate reasons, it should be removed.

4. Attached to this emergency motion is a letter from Dr. Alexander Starodub, an oncologist with the Goshen Center, primarily responsible for the care and treatment of Mr. Kelly’s cancer. As reflected in Dr. Starodub’s letter of December 4, 2013, Mr. Kelly “has extremely poor prognosis. He was referred to Hospice and his life expectancy is one to three weeks.” This letter and the other information contained in this motion have been shared with the government. Government counsel has no objection to this motion being presented on an emergency basis; nor does the government have any objection to the immediate removal of the GPS unit as a condition of bond.

5. It is our sad duty to report to the Court that Mr. Kelly is at the end of his death spiral. For the reasons stated in this motion, and without objection from the government, and by specific

request of the Pretrial Services Officer in Indiana, we respectfully request the Court modify the conditions of Mr. Kelly's bond through the entry of an Order, removing the GPS unit as a condition of his bond forthwith.

Respectfully submitted,

/S/ Jeffrey B. Steinback
JEFFREY B. STEINBACK
53 West Jackson Blvd., Suite 1420
Chicago, IL 60604
(847) 624-9600



Goshen Center for Cancer Care

December 4, 2013

RE: Michael Kelly

To whom it may concern,

Michael Kelly, DOB 10/06/1949, is my patient with metastatic colon cancer. He has been treated with several lines of chemotherapy for his metastatic disease. Unfortunately his cancer recently progressed to the point that it caused obstruction of the small bowels. At present the patient cannot eat or drink. He in fact required a palliative PEG tube placed in the stomach to relieve pressure in his abdomen and to drain secretions. Patient has extremely poor prognosis. He was referred to hospice, and his life expectancy is one to three weeks.

Please let me know if you have any additional concerns or questions.

Sincerely,

A handwritten signature in black ink that reads "A Starodub S". The signature is fluid and cursive.

Alexander N. Starodub, MD, PhD
Indiana University Health Goshen Center for Cancer Care

ANS/rls

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