

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

WAYDE McKELVY

CRIMINAL No. 15-398-3

ORDER

AND NOW, this _____ day of July, 2017, upon consideration of Defendant Wayde McKelvy's Unopposed Motion to Modify Conditions of Pretrial Release, it is hereby **ORDERED** that the Motion is **GRANTED**. The Conditions of Release Order dated October 5, 2015, shall be modified to eliminate the requirement that McKelvy submit to electronic monitoring and permit McKelvy to travel outside of Colorado for work after informing Pretrial Services of his travel plans.

BY THE COURT:

THE HONORABLE JOEL H. SLOMSKY, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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v.

WAYDE McKELVY

CRIMINAL No. 15-398-3

**DEFENDANT WAYDE McKELVY'S UNOPPOSED
MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE**

Defendant Wayde McKelvy ("McKelvy"), by and through his undersigned counsel, hereby moves this Honorable Court to modify the conditions of pretrial release, and in support of this motion states as follows:

1. On September 2, 2015, a grand jury sitting in the Eastern District of Pennsylvania returned an indictment charging McKelvy with a variety of wire fraud and securities fraud charges relating to Mantria Corporation.
2. On October 2, 2015, McKelvy appeared before Magistrate Judge Richard A. Lloret for an arraignment and bail status hearing. The parties agreed to conditions of release and Judge Lloret signed a Conditions of Release Order (the "Order") dated October 5, 2015. The Order provided, *inter alia*, that McKelvy shall submit to electronic monitoring at 2925 Wigwam Parkway, Unit #611, Henderson, Nevada 89074, where McKelvy's parents resided. In addition, the Order restricted McKelvy's travel to the District of Nevada.
3. McKelvy's parents moved from Nevada to Aurora, Colorado in February 2016.
4. Due to financial constraints, McKelvy had to move with his parents to Colorado.
5. On February 18, 2016, McKelvy filed a motion to modify conditions of pretrial release to permit him to move to Colorado and reside with his parents. (Dkt. #61).

6. On February 19, 2016, the Court entered an Order modifying the Conditions of Pretrial Release Order dated October 5, 2015, to permit McKelvy to move to Colorado and reside at an address approved by Pretrial Services. (Dkt. #62).

7. McKelvy currently resides with his parents at 16363 East Fremont Avenue, Apt. 1617, Aurora, Colorado 80016.

8. McKelvy's daughters have a company, Contact TRACS, which provides marketing software for small businesses. McKelvy's daughters plan to hold seminars to present their services to small businesses outside Colorado beginning in September 2017. McKelvy seeks permission to travel outside Colorado to assist his daughters in presenting Contact TRACS' services to small businesses. McKelvy will inform Pretrial Services of his travel plans prior to leaving Colorado.

9. Accordingly, McKelvy seeks to remove the condition of pretrial release requiring McKelvy to submit to electronic monitoring. In addition, McKelvy seeks to modify the conditions of pretrial release to permit him to travel outside of Colorado in order to assist his daughters with seminars for Contract TRACS with prior permission from Pretrial Services.

10. McKelvy has complied with all conditions of pretrial release since October 2015.

11. Counsel for McKelvy spoke with Assistant United States Attorney Robert J. Livermore about his intention to seek modification of the conditions of pretrial release. Mr. Livermore advised counsel for McKelvy that the government consents to the motion to modify the conditions of pretrial release.

12. Counsel for McKelvy spoke with Lourdes Roscoe of Pretrial Services about his intention to seek modification of the conditions of pretrial release. Ms. Roscoe advised counsel

for McKelvy that Pretrial Services consents to the motion to modify the conditions of pretrial release.

WHEREFORE, for the above reasons, it is respectfully requested that the Conditions of Release Order dated October 5, 2015, be modified to permit McKelvy to travel outside the District of Colorado for work with the prior approval of Pretrial Services.

Dated: July 19, 2017

Respectfully submitted,

/s/ wjm 409

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Counsel for Defendant Wayde McKelvy

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 19, 2017, a true and correct copy of Defendant Wayde McKelvy's Unopposed Motion to Modify Conditions of Pretrial Release was served via the Electronic Case Filing ("ECF") system and/or email upon the following:

Robert J. Livermore, Esquire
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

Lourdes Roscoe
U.S. Pretrial Services Officer
Eastern District of Pennsylvania
Lourdes_roscoe@paept.uscourts.gov

/s/ wjm 409
William J. Murray, Jr., Esquire