

# Appendix

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

SEP 25 2026

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALAINA MARIE GARCIA,

Defendant - Appellant.

No. 26-3462

D.C. No.

2:24-cr-00025-DLC-1

District of Montana,

Butte

ORDER

Before: HURWITZ and VANDYKE, Circuit Judges.

The unopposed motion (Docket Entry No. 16) to supplement the record is granted.

The motion (Docket Entry No. 8) for bail pending appeal is denied. Appellant has not shown that the appeal raises a “substantial question” of law or fact that is “fairly debatable,” and that if that question is decided in defendant’s favor, the likely result is either reversal or a new trial. *See* 18 U.S.C. § 3143(b); *United States v. Handy*, 761 F.2d 1279, 1283 (9th Cir. 1985).

The existing briefing schedule remains in effect.

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United States District Court

DISTRICT OF MONTANA

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UNITED STATES OF AMERICA

V.

**ORDER SETTING  
CONDITIONS OF RELEASE**

Alaina Marie Garcia

Case No.: CR 24-25-BU-DLC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) Defendant must not commit any offense in violation of federal, state, local or tribal law while on release in this case.
- (2) Defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C § 14135a
- (3) Defendant must advise the court or the pretrial services officer in writing before making any change of residence or telephone number.
- (4) Defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must next appear at

\_\_\_\_\_  
PLACE

on

\_\_\_\_\_  
DATE AND TIME

- (5) Defendant must sign an Appearance Bond, if ordered.

### Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- (1) [a] Defendant must submit to **supervision** by, and report to, Pretrial Services, no later than immediately following today's court proceedings and thereafter at such times and in such manner as designated by the Officer.
- (2) [d] Defendant must surrender to the Pretrial Services Officer any **passport and/or passport card** or other international travel document.
- (3) [e] Defendant must not obtain a **passport, passport card**, or other international travel document.
- (4) [f] Except upon prior approval by the Pretrial Services Officer, the Defendant's **travel** is restricted to the District of Montana.
- (5) [g] Defendant shall not have contact with or harass, threaten, intimidate, tamper with, improperly influence, or injure the person or property of **witnesses, coconspirators, jurors, informants, victims** of crime, judicial officers, or other persons related to official proceedings before the Court, in violation of 18 U.S.C. § 1503, 1512, and 1513.
- (6) [k] Defendant must not possess a **firearm**, destructive device, or other weapon.
- (7) [l] Defendant must not (X) use **alcohol** or () not use **alcohol** to excess.
- (8) [m] Defendant must not use or unlawfully possess a narcotic drug or other **controlled substances** defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (9) [n] Defendant must submit to substance abuse **testing** to include not more than 180 urinalysis tests, not more than 180 breathalyzer tests, and not more than 36 sweat patch applications annually. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and any form of prohibited substance screening or testing. Defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing. Defendant shall pay all costs associated with the program, unless the Pretrial Services Officer determines Defendant is financially unable to pay.   
*\*no medical marijuana*
- (10) [o] Defendant must participate in substance abuse treatment or alcohol abuse treatment program, which may include inpatient treatment, and follow the rules and regulations of that program. The Pretrial Services Officer will obtain the authorization of the Court before requiring residential or inpatient treatment pursuant to this condition. The Pretrial Services Officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The program may include urinalysis testing to determine if you have used drugs or alcohol. Defendant must not attempt to obstruct or tamper with the testing methods. Defendant must pay part or all of the costs of this treatment as directed by the Pretrial Services Officer.
- (11) Defendant must not be in the presence of individuals using controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner, to include methamphetamine, heroin, marijuana, and PCP.
- (12) Defendant must maintain contact with their attorney.   
*\*no medical marijuana*

**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence will be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you will be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender must be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

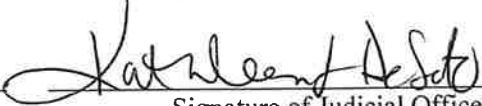
**Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
 \_\_\_\_\_  
 Signature of Defendant  
 Bozeman, MT  
 \_\_\_\_\_  
 City and State

**Directions to the United States Marshal**

- ☒ The defendant is ORDERED released after processing.  
☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant must be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Sept 5, 2024   
 \_\_\_\_\_  
 Signature of Judicial Officer  
 Kathleen L. DeSoto, U.S. Magistrate  
 Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALAINA MARIE GARCIA,

Defendant.

CR 24-25-BU-DLC

ORDER

Before the Court is Defendant Alaina Marie Garcia's motion to supplement the record. (Doc. 99.) The Government defers to the discretion of the Court. (*Id.* at 2.) For good cause appearing,

IT IS ORDERED that the motion (Doc. 99) is GRANTED. Defendant may supplement the record with Exhibits 3, 4, and 5.

DATED this 30th day of July, 2026.



Dana L. Christensen, District Judge  
United States District Court

# Exhibit 4

## Steve Hormel

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**From:** GARCIA ALAINA MARIE (57040511)

**Sent Date:** Sunday, July 26, 2026 8:35 PM

**To:** steve@hormellaw.com

**Subject:** RE: Need Declarations

I won't flee because I have my family and property to care for in Bozeman, Montana. I am committed to resolving all of my legal issues as I have done my entire life.

July 26, 2026

I declare under penalty of perjury of the laws of the United States of America, the foregoing is true and correct.

Signed,

Alaina Marie Garcia

# Exhibit 5



## Steve Hormel

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**From:** GARCIA ALAINA MARIE (57040511)  
**Sent Date:** Monday, July 27, 2026 1:35 PM  
**To:** steve@hormellaw.com  
**Subject:** Updated Declaration

Declaration from Alaina Marie Garcia:

July 27, 2026

I will not flee upon being released pending appeal due to my family. I have a beautiful 20 month old daughter, an amazing 11 year son, and a phenomenol spouse that deserve all of my love, care and support in everyway every single day with our home and animals. I am fully dedicated to providing my family with all of their daily care as the primary caretaker and primary custodian. I participate in my community as a mother, teacher and property manager. Upon being released, I can care for my family, community and country. I declare under penalty of perjury of the laws of the United States of America, the foregoing is true and correct.

s/Alaina Marie Garcia