

IN THE CIRCUIT COURT IN AND
FOR ORANGE COUNTY, FLORIDA.

CASE NO. 48-2007-CF-1796-O

STATE OF FLORIDA,

Plaintiff,

-vs-

LISA MARIE NOWAK,

Defendant.

MOTION FOR MODIFICATION OF PRE-TRIAL RELEASE

COMES NOW the Defendant, LISA MARIE NOWAK, by and through the undersigned, and moves this Honorable Court to enter an Order modifying terms for pre-trial release. In furtherance thereof, Defendant would show the Court as follows:

1. As one of the conditions for Defendant's release and after the posting of monetary bond in the above-styled cause, the Court required a condition that Defendant wear an electronic monitoring device. She was released on February 6, 2007 and was at that time and ever since required to wear a commercial electronic monitoring device.

2. There are numerous objections to the device:

A. It costs the Defendant \$105.00 per week for the privilege of using the monitoring services. This totals \$2,940.00 so far. As such and in view of the other issues it is an unnecessary and excessive expense.

B. Because of Defendant's notoriety and use of this particular device a private company has capitalized on the fact that Defendant is wearing their product. On or about May 2, 2007, the president of the

manufacturer invited media to his office and specifically shared what his device could reveal about Lisa Nowak, i.e. where Lisa Nowak was right at that moment. A demonstration was given to the media with comments. A copy of the article which appeared in syndicated newspapers throughout the United States is attached as Exhibit "A." This was done without prior approval of the Court and is violative of Defendant's right of privacy guaranteed by Article 1, Section 23, Constitution of the State of Florida.

C. The device is not small, comfortable, lightweight or unobtrusive as its supplier would have one believe. The main box which is the device has dimensions of about 4" x 4" x 1" and is attached to a 1-¼ inch wide heavy metallic band covered with a plastic coating that encircles the leg. Lisa Nowak, who remains on active duty in the United States military is unable to properly wear boots that go with the uniform that she is required to wear at her duty station. Because this device is on her ankle and will not slide any further up her leg, she cannot tie the top part of the boot lace. Therefore, the top part of her boot sticks out with a notable protrusion under the pant leg. See photographs attached as composite Exhibit "B."

D. The device can be a safety hazard. Lisa Nowak has been driving on the highway to work when the low battery buzzer has alerted. At the time the battery buzzer alerts the individual wearing the device has approximately one (1) minute or two (2) at the most to change the battery before a loud siren commences. Then the telephone contained in the device will start to ring and an individual monitoring will start talking directly through

the box. This situation obviously requires that the person wearing the device pull over to the side of the road to change the battery and prevent the sequence above. That is not always possible depending upon which roadway one is driving.

E. The low battery buzz and siren interfere with going to public places to eat or to shop for basic necessities. When the siren goes off it draws excessive attention to the person wearing the device and to anyone with that person. Batteries are supposed to last 12-15 hours, but they are not consistent. Some buzz after only four (4) to eight (8) hours even though they show that they have a full charge.

F. Defendant cannot reasonably travel on public aircraft. The accommodations necessary for her to do this on anticipated travel back to Orlando for hearing or trial are chaotic. Further, she cannot travel without a huge hassle of coordination with the flight crew, getting the permission to leave the electronic device on and passing through TSA inspectors and security.

G. Defendant cannot exercise properly and as she still remains a member of the military, exercise is a required component of her service. With the device on her ankle she cannot run. Running was her primary form of aerobic activity prior to this episode.

H. Because the device cannot be immersed in water, swimming cannot be included in the exercise regimen. Further, Defendant cannot adequately supervise her young children at the pool.

3. Defendant has scrupulously followed all instructions connected with electronic monitoring. Any issues referenced above have not been as a result of the person wearing the monitor. Attached as Exhibit "B" is a letter from David Rothbart of Court Programs, Inc. His company has the contract with the Ninth Judicial Circuit and the application of the device. Mr. Rothbart advises that Lisa Nowak has kept all of the rules, regulations, court restrictions and reporting schedule without any incident since monitoring first began.

4. If released from the requirement of electronic monitoring Defendant will continue to obey all Court Orders connected with her pre-trial release including that restriction from travel in Brevard County, Florida. Further, Defendant will agree to promptly notify of any impending trip to the State of Florida.

WHEREFORE, Defendant prays this Court will take these matters under consideration and delete the pre-trial release requirement of electronic monitoring.

I HEREBY CERTIFY that a copy hereof has been furnished by hand/mail delivery to PAM DAVIS, ESQ., Assistant State Attorney, 415 N. Orange Ave., Orlando, FL, 32801; on August 9, 2007.



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Posted on Wed, May. 02, 2007

Utah company keeping track of former astronaut Nowak

By PAUL FOY

On his computer screen, Randy Olshen traces the movement of Lisa Nowak, the fired NASA astronaut facing charges of trying to kidnap a rival for a space shuttle pilot's affections.

"She may have been at the mall. She goes to the mall occasionally," said Olshen, president of SecureAlert, a Utah company that deployed the GPS tracking device Nowak was ordered to wear pending a trial scheduled for September.

"It looks like she's going home. This is her neighborhood. She's traveling down this road," said Olshen, zooming in on Nowak's tidy Houston-area subdivision. "She's back in her neighborhood right now. She's at home."

SecureAlert, a division of RemoteMDx, says the sky's the limit for sales of its "21st century ball and chain." The so-called TrackerPAL combines global positioning system transmitter, cellular telephone, computer processor and earsplitting alarm that triggers when offenders go astray. It can be activated for two- and three-way communication, and permits active monitoring 24 hours a day.

The technology is a leap ahead of the radio-frequency monitor that domestic diva Martha Stewart had to wear under house arrest for lying to investigators about a stock sale.

Those ankle devices, a crude electronic tether, can't track offenders on the run or provide voice communications, and Stewart often complained it irritated her skin. She once claimed she knew how to remove it, but it isn't known if she tried. SecureAlert says its unit is tamperproof, comfortable and non-allergic.

"They're fantastic, the best on the market," said Tom Eberly, jail and justice director for the Mecklenburg County, N.C., sheriff's office, which is renting 85 TrackerPALs. "We can see in real-time where they're at. It's pretty cool. You can buzz them at any moment and talk to their ankle: 'Hey, what are you up to?'"

The TrackerPAL is the only device that meets specifications of the Adam Walsh Child Safety Act, a law passed by Congress in 2006 that provides states with money to track sex offenders.

SecureAlert got the specifications written into the bill by hiring a trio of former top Utah officials to lobby Sen. Orrin Hatch, R-Utah. But when the company dumped the lobbyists, including Utah's former parole board chairman, last summer, they sued, claiming they were owed millions of dollars in compensation.

Olshen said it was a misunderstanding quickly settled out of court for 100,000 shares of stock - now trading for about \$2 a share - plus an undisclosed amount of cash.

SecureAlert has a half-dozen competitors, but none that can match its proprietary technology. The

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Honorable Marc Lubet
Circuit Court Judge
Orange County Courthouse
Orlando, Fl 32801

July 2, 2007

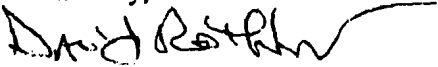
RE: Lisa Nowak

Judge Lubet,

This correspondence is in regards to Lisa Nowak. On February 6, 2007 she was assigned for pre-trial supervision with Court Programs on a G.P.S. device. Since that time Mrs. Nowak has conformed to our rules and regulations and the Courts restrictions as to her conditions of release. Mrs. Nowak has kept her reporting schedule as required by our local representative, Jeanice Chevere. The G.P.S. monitoring devise has been utilized by Mrs. Nowak without incident throughout her supervision period.

Court Programs will continue her supervision as directed by the Court. Please contact myself or Jeanice Chevere if any additional information is needed or required .

Sincerely,



Mr. David M. Rothbart
Director
Court Programs, Inc.

EXHIBIT B