

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO.: 98-721-CR-LENARD

RENE GONZALEZ,

Defendant.

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**DEFENDANT'S MOTION TO TRAVEL**

COMES NOW the Defendant RENE GONZALEZ by and through his undersigned counsel and moves this Court for the entry of an order modifying his probation to allow him to travel to Cuba for two weeks and as grounds therefore would state as follows:

On October 7, 2011, the defendant completed the fifteen (15) year incarcerative portion of his sentence and commenced his three year term of supervised release. The defendant, a dual citizen of the United States and Cuba, was ordered to remain in the United States and to commence his term of supervised release.

Over the past nearly five (5) months since his release from incarceration, the defendant has faithfully complied with each and every condition of his supervised release.

Well prior to his release from federal prison, the defendant brother Roberto Gonzalez was diagnosed with lung cancer. Over the past two year his lung cancer was in remission due to radical treatment that he received in Cuba and in Mexico. Unfortunately in on May 12, 2011, just prior to his brother's release, Roberto

Gonzalez was additionally diagnosed as having a malignant tumor in his brain.

He continued to receive chemotherapy and radiation therapy both in Cuba and in Mexico and once again, appeared to be regaining strength and vigor. He also received radiotherapy for the brain tumor in Mexico. He was able to celebrate his brother's release from custody but returned to Cuba on October 26, 2011 to continue his treatment which had rendered him glycemic and bloated. He was also diagnosed with pneumothorax in December 2011. Ultimately with with his blood sugar and bloated condition under control, once again Roberto Gonzalez began to shows signs of recovery and was allowed to return to his home in Havana by late January 2012.

Unfortunately, less than two weeks ago, Roberto Gonzalez took a turn for the worse and has been hospitalized in Havana since approximately February 9, 2012. Doctors in Cuba have discovered a severe blockage in the artery that allows blood to travel to his brain. The onset of these circulatory problems stem from the massive amounts of chemotherapy and radiation that Roberto Gonzalez has been subjected to over the years. He is now unable to travel to Mexico to continue his treatment there.

According to the doctors in Havana, the prognosis for Roberto Gonzalez is not good as he is not responding to treatment and his condition continues to worsen. The original cancerous tumors that was found in his lung is growing again and is pressing against vena cava cutting of his circulation. The prognosis is not optimistic and Rene Gonzalez seeks permission of the court to travel to Cuba as soon as this court allows for a period of two (2) weeks. This will allow his to spend time with his seriously ill brother.

As this court may recall, Roberto Gonzalez is an attorney in Havana. During

the trial in this case that was held in this case for more than seven months from November 2000 until June 2001, Roberto Gonzalez was a fixture during the trial rarely missing a single day in order that he could be there to support his brother.

Due to the breaking events as it pertains to Roberto Gonzalez's medical condition, the undersigned is filing this motion for permission to travel without supporting medical documentation. The undersigned has made a request from Roberto Gonzalez's treating physician for a report which includes Roberto Gonzalez's medical diagnosis and for his prognosis to support the filing of this motion should this court require. This motion will be supplemented with those records as soon as they are received and translated.

In order to best document the nature of Roberto Gonzalez's current condition, the undersigned has attached the translation of February 23, 2012 medical report signed by three physicians including the internal medicine treating physician, the head of the intensive care unit and finally the hospital director confirming the current, serious nature of Roberto Gonzalez's illness and his short term prognosis.

If this court were to grant this motion, the defendant would be residing with his wife and children and will promptly return to the United States when this court requires. In light of the serious nature of Roberto Gonzalez's illness, it is respectfully requests that the defendant be given permission to travel to Cuba for two (2) weeks as soon as possible.

On February 23, 2012, the undersigned spoke with the defendant's supervising probation officer who has informed the undersigned that the defendant has been fully compliant during his term of supervised release during the past five (5) months and

though these types of request have been granted in the past as to this type of international travel, he would defer to the court in this matter.

WHEREFORE, the Defendant RENE GONZALEZ respectfully requests that this Court enter an order permitting his to travel to Cuba for two (2) weeks as requested.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record this 24<sup>th</sup> day of February 2012.

Respectfully submitted,

LAW OFFICES OF PHILIP R. HOROWITZ  
Attorney for Defendant RENE GONZALEZ  
Suite #1910 - Two Datan Center  
9130 South Dadeland Boulevard  
Miami, Florida 33156  
Tel.: (305) 670-1915  
Fax.: (305) 670-1901  
E-Mail: [HorowitzDefense@aol.com](mailto:HorowitzDefense@aol.com)

/s/ Philip R. Horowitz

By: PHILIP R. HOROWITZ, ESQUIRE  
Florida Bar No.: 466557