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## Man accused in \$3.8 million plot is freed

**Prosecutor argues the defendant is likely to flee before trial.**

**By Denny Walsh -- Bee Staff Writer - (*Published February 26, 2004*)**

A former Sacramento bail bondsman accused of trying to cash a stolen U.S. Treasury check with a face value of more than \$3.8 million was ordered released from custody Wednesday by a federal magistrate judge.

Donald Thomas Malone, once associated with Fast Break Bail Bonds in downtown Sacramento, was freed on his own recognizance over the strong objections of Assistant U.S. Attorney Michelle Rodriguez, who insisted Malone will flee to avoid prosecution.

U.S. Magistrate Judge John F. Moulds directed the court's pretrial services officers to supervise the 53-year-old Malone. He also imposed certain restrictions on Malone's movements and travel and ordered him to surrender his passport.

In arguing against Malone's release, Rodriguez called him "a mob boss" and "a ringleader in complicated identity-theft schemes."

"He's quite sophisticated in accessing and using databases," she said.

The prosecutor told Moulds that Malone "has incurred an astronomical amount of debt," including more than \$3.6 million in federal and state taxes.

Rodriguez also argued that those members of Malone's family who are not convicted criminals themselves have disowned him, that he has no income and no property "and no reason to stay here, and will not do so, the United States believes."

This argument prompted Malone's attorney, Troy Ellerman, to tell Moulds that if his client has no money and no assets, it is probably not accurate to describe him as "an organized crime boss," and that "disorganized crime boss" would be more appropriate.

Rodriguez put FBI Special Agent Eric Hellekson on the witness stand to support her assertions.

The agent acknowledged under cross-examination by Ellerman that, as far as he knew, Malone had never traveled outside the United States.

"He's lived here (in Sacramento) 50 years, isn't that right?" Ellerman asked.

"I don't know that," Hellekson replied.

A federal grand jury indicted Malone, Christopher Maleek Jordan and Apache Beautae on Feb. 11, but the indictment was sealed until Friday, when Malone was arrested without incident at a

Sacramento apartment. He was arraigned Monday and pleaded not guilty.

Jordan, 23, of Los Angeles and Beautae, 43, of San Bernardino are still at large.

Malone is charged with conspiring to cash a U.S. Treasury check for \$3,851,566. It was stolen, along with other items, from the U.S. mail in San Diego in September 2000 and delivered to Malone at Fast Break Bail Bonds, the indictment says.

Rodriguez told Moulds Wednesday that the check was presented to Charles Schwab Bank for payment and the transaction was pending when Malone was arrested.

The indictment says the life of the conspiracy to draw against the stolen check was from September 2000 through January 2001.

It says Malone delivered the check, bearing a forged endorsement, to another person in December 2000 for deposit to the Schwab account, which Malone had opened under the names Robert P. Thorenton and San Diego-based Pacific Enterprises, the corporate payee.

The next month, according to the indictment, Malone plotted to withdraw cash and credit from the account using counterfeit, fraudulently obtained identification documents, including a passport in the Thorenton name that was delivered to him at Fast Break.

Rodriguez told Moulds the bail bond agency went out of existence in June. A person who answered the phone there Wednesday said the business is closed but is expected to reopen "in a few weeks under the same name and with a new owner."

The indictment charges that, between June 2000 and January 2001, Malone, Jordan and Beautae used fraudulent documents and stolen identities to buy property in Loomis and San Bernardino. Jordan was operating as a mortgage broker in Sacramento at the time, the indictment says.

The final count in the 11-count indictment charges Malone with using a false Social Security number from March 1997 through May 2002 to obtain a line of credit at First USA Bank.

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#### About the Writer

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