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Farkas petitioning to have GPS monitor removed

His attorney claims the device is too heavy and does not serve a purpose.

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Lee Farkas is petitioning a federal judge to remove a GPS monitoring device he is required to wear while awaiting trial because it is unnecessary and cumbersome.

In court papers filed last week, an attorney for the indicted former Taylor, Bean & Whitaker Mortgage Corp. chairman claims the device is too heavy and doesn't serve a purpose anyway.

Farkas' travel has been restricted to within the Middle District, contingent on a 10 p.m. curfew, plus other places like Atlanta, Miami and the Eastern District of Virginia, where his case is being handled, to attend court appearances and meet with attorneys. In late September, Farkas was permitted travel to Lexington, Ky. in order to meet with potential legal counsel.



"There is no reason for the GPS monitoring, since Mr. Farkas could drive to the Orlando International Airport with the monitor on and walk on to an airplane for a flight to Kazakhstan, and he would still be in compliance with the terms and conditions of his release, until that airplane took off and he was out of the reach of the government," William B. Cummings, Farkas' court-appointed attorney, wrote in his motion.

Cummings argued that Farkas' two pretrial services officers — one of whom is based in Ocala, the other in the Eastern District of Virginia — both have recognized his client's compliance with his travel restrictions and local curfew in the three-plus months his bond conditions have been in effect. Government attorneys oppose the request, the motion pointed out.

This year, Farkas posted

\$2 million bond to avoid detention while awaiting trial on 16 federal criminal counts on bank, wire and securities fraud. He is accused of orchestrating a \$1.9 billion scheme to defraud investors over a seven-year period as chairman of the now-bankrupt, Ocala-based private mortgage lender.

On June 23, U.S. Magistrate Judge Gary R. Jones, then with the Ocala division of the Middle District, ordered Farkas to wear a GPS monitor and to surrender his passport.

In his motion, Cummings stated Farkas' GPS device "serves no practice purpose" because unlike sex offenders or drug users, Farkas is not forbidden from attending certain events or being around certain people. He also claimed Farkas is not a flight

risk, pointing out that his client neither attempted to flee upon learning of a federal investigation nor transferred his assets.

Besides, there is the matter of weight, the device being no lightweight ankle strap.

“The new device is a self-contained unit, four to five inches long and substantially heavier than the original anklet, and must be worn at all times,” the defense motion, filed October 8, states.

A hearing on the matter is set for Oct. 22 at the Alexandria, Va., federal courthouse before U.S. District Judge Leonie M. Brinkema. Farkas’ trial is set to begin February 2011.

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