

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 8:10-MJ-1508TBM

DAVID R. LEWALSKI

**NOTICE OF WAIVER OF PRELIMINARY HEARING**

The United States of America, by Robert E. O'Neill, United States Attorney for the Middle District of Florida, files this Notice of Waiver of Preliminary Hearing in the above-captioned case.

On November 2, 2010, the Honorable Thomas B. McCoun, III authorized an arrest warrant for David R. Lewalski based upon a complaint that alleged a violation of wire fraud. On or about November 4, 2010, the defendant was arrested in the Southern District of New York. On the same date, the defendant had his initial appearance, was detained, and was ordered transported to the Middle District of Florida. The defendant is currently in the Marshals' custody awaiting transport.

Federal Rule of Criminal Procedure 5.1 provides that a defendant charged by complaint must have a preliminary hearing within fourteen (14) days if in custody, unless the defendant waives the hearing. The undersigned inquired with the attorney who represented the defendant at the hearing in New York on November 4, 2010, as to

the defendant's intentions with respect to having a preliminary hearing. This attorney specifically advised that he had spoken to his client and the defendant affirmatively waives his right to a preliminary hearing.

Respectfully submitted,

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**U.S. v. DAVID R. LEWALSKI**

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2010, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and a true and correct copy of the foregoing document and the notice of electronic filing was sent by e-mail delivery to the following non-CM/ECF participant(s):

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