

PROB 12C
(TXN 4/2008)U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

United States District Court

JUN 23 2010

CLERK, U.S. DISTRICT COURT

By _____ Deputy

for

Northern District of Texas

Supplemental Petition for Offender Under SupervisionName of Offender: Richard Michael SimkaninCase No: 4:03-CR-188-A(01)Name of Sentencing Judicial Officer: U.S. District Judge John McBrydeDate of Original Sentence: April 30, 2004Original Offense: Counts 3-12: Willful Failure to Collect, Account for, and Pay Over Taxes Due, 26 USC § 7202; Counts 13-27: False Claims Against the United States and Aiding and Abetting, 18 USC §§ 287 & 2; Counts 28-31: Failure to File Individual Income Tax Returns, 26 USC § 7203Original Sentence: 60 months custody as to Counts 3-26, 24 months custody as to Count 27, and 12 months custody as to Counts 28-31; Counts 3-26 & 28-31 shall run concurrently with each other, Count 27 shall run consecutively to the sentences imposed as to Counts 3-26 & 28-31, for a total term of imprisonment of 84 months, 3-year term of supervised release as to Counts 3-27, 1-year term of supervised release as to Counts 28-31, all counts to run concurrentlyType of Supervision: Supervised ReleaseDate Supervision Commenced: June 18, 2010Assistant U.S. Attorney: David JarvisDefense Attorney: Arch McColl, III (Retained)**PETITIONING THE COURT FOR ACTION FOR CAUSE AS FOLLOWS:**

To supplement the supervised release violator's warrant issued on June 21, 2010.

The probation officer believes that the offender violated the following conditions:

I.**Violation of Standard Condition No. 1:** The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Federal Bureau of Prisons.

Nature of Noncompliance

Richard Michael Simkanin violated this condition of supervised release when he failed to report to the U.S. Probation Office in or about June 21, 2010. On June 18, 2010, at 8 a.m., Mr. Simkanin was released from Texarkana Federal Correctional Institution in Texarkana, Texas. He was placed on a Greyhound bus to Dallas, Texas, with an estimated arrival at 1:50 p.m. He was instructed to report within 72 hours to the U.S. Probation Office in Dallas, Texas, on Monday, June 21, 2010, at 8 a.m. Mr. Simkanin failed to report as instructed.

Mr. Simkanin further violated this condition of supervised release by refusing to report in person to the U.S. Probation Office, even after being informed telephonically by Chief U.S. Probation Officer Jolene R. Whitten that it was a violation of his sentencing order if he did not report as ordered by the court. In or about June 21, 2010, at approximately 3:15 p.m., Mr. Simkanin called Chief USPO Whitten on her cellular telephone, advising her that he was releasing her from any responsibility or liability associated with supervising him. Mr. Simkanin stated he had been released from Federal Correctional Institution Texarkana and had filed some documents in the District Court in Fort Worth. He further stated, "I won't be coming in to see you" because he did not feel we could help him and, "you and I both know it's voluntary". Chief USPO Whitten advised Mr. Simkanin that reporting was not voluntary, and that he was in violation of his sentencing order by not reporting to the U.S. Probation Office as ordered. Mr. Simkanin stated he was "doing that now" and Chief USPO Whitten told him he must report in person. He advised Chief USPO Whitten he was not required to report, as he had done his full term with the Department of Justice. He was advised by Chief USPO Whitten he still must report to U.S. Probation. She asked Mr. Simkanin where he was and he stated he was presently staying with friends. She asked if he had filed the paperwork at the Tarrant County District Clerk's Office or at the federal courthouse in Fort Worth. He said it was at the federal courthouse. She asked if he filed in person or online. He said, "No, we filed in person." Mr. Simkanin stated he just wanted her to know he was doing okay. Chief USPO Whitten asked Mr. Simkanin if he was refusing to report, and he said yes. She asked him for an address and he stated he did not have one, that he was "intransit". She asked if he was in Fort Worth, and he said he was in Texas. She asked where he was headed, and he said it could be anywhere.

While speaking with Mr. Simkanin, Chief USPO Whitten observed that he had previously called her cellular telephone and left a voice mail message at approximately 2:24 p.m. When she later played back the voice mail message, it essentially contained the same information as addressed in the personal telephone conversation noted above.

PROB 12C

Richard Michael Simkanin

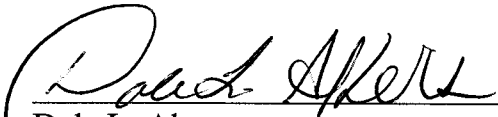
Supplemental Petition for Offender Under Supervision

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Given Mr. Simkanin's history of noncompliance both in and out of federal custody, and past threats on federal agents and federal judges, it is requested that the supervised release violator's warrant issued on June 21, 2010, be supplemented with the above information..

Respectfully submitted,

Approved,

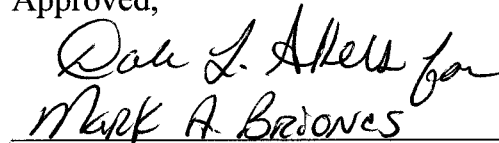


Dale L. Akers

Senior U.S. Probation Officer

Benbrook, Texas

817-732-7309, Ext. 219



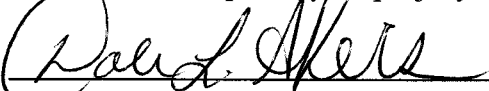
Mark A. Briones

Supervising U.S. Probation Officer

Benbrook, Texas

817-732-7309, Ext. 206

I declare under penalty of perjury that the foregoing is true and correct.



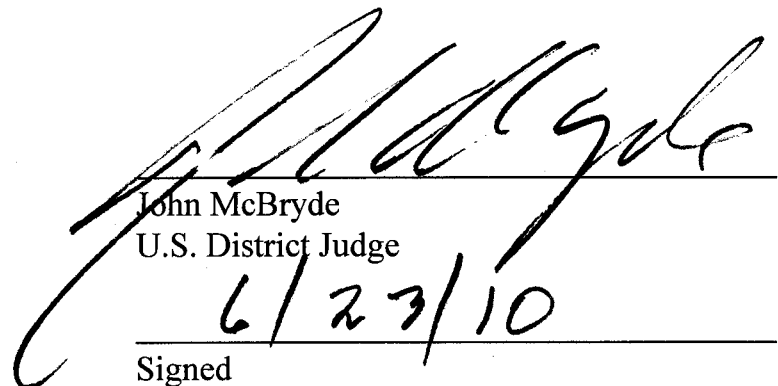
Dale L. Akers

Senior U.S. Probation Officer

6-23-10
Date

THE COURT ORDERS:

- ☐ No action.
- ☒ The supplemental violation be added to the supervised release violator's warrant issued on June 21, 2010.
- ☐ The issuance of a summons.
- ☐ Other.



John McBryde
U.S. District Judge
6/23/10
Signed

MAB/ehb