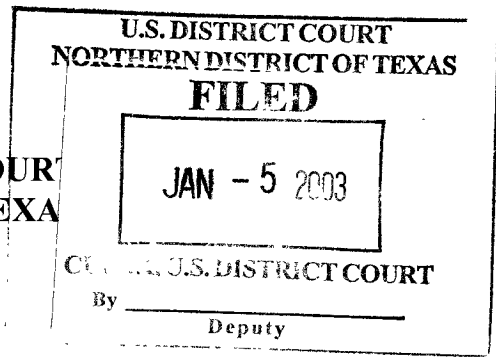


CTJ
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH, DIVISION



UNITED STATES OF AMERICA §
v. §
RICHARD MICHAEL SIMKANIN (01) §

Criminal No.: 4:03-CR-188-A

DEFENDANT SIMKANIN'S MOTION TO AMEND WITNESS LIST

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant, Richard Michael Simkanin, in the above numbered and entitled cause and files this Motion for Leave to file Motion to Amend Witness list and for cause would show as follows:

1. By inadvertence, the name of John Stadtmiller, who testified at the bond hearing and rebutted the "threat" statement was omitted from the witness list. Also, Melvin Hassell was inadvertently omitted who provided an affidavit attached to the motion for bond, also rebutting the "threat" statement allegedly made by Simkanin.

2. Without these two witnesses, Counsel believes that he will not render effective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668 (1984).

3. Therefore, the Defendant moves this Honorable Court to amend the Witness List to include these two names whose testimony is setforth in the bond hearing and in the affidavit attached to the motion to modify the conditions of release.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that this Motion
to Amend the Witness List be granted.

Respectfully submitted,

ARCH C. McCOLL, III
State Bar Card No.13431800
McColl & McCulloch
2000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
(214) 979-0999

By:  _____

CERTIFICATE OF CONFERENCE

I, ARCH C. McCOLL, III, do hereby certify that on the 24th day of December 2003, I was (able) ~~(unable)~~ to communicate with Mr. David Jarvis, the Asst. U.S. Attorney for the Northern District of Texas, Fort Worth Division, Fort Worth, Texas, who (agreed) (disagreed) (had no objection) (took no position) ~~(was unavailable)~~ regarding the Motion to Amend the Witness List.



ARCH C. McCOLL, III

CERTIFICATE OF SERVICE

I, ARCH C. McCOLL, III do hereby certify that on the 24th day of December 2003, a true and correct copy of Defendant's Motion to Amend the Witness List has been ~~(facsimile-transmitted)~~ (hand-delivered) (mailed by U.S. Mail) (overnighted) to Mr. David Jarvis, Asst. U.S. Attorney for the Northern District of Texas, Fort Worth Division, Fort Worth, Texas, at the latest address listed in the Texas "Blue Book" Legal Directory, or in the Martindale-Hubbell Attorney Directory, which address was verified with a telephone call from my office, and also sent by U.S. Mail to all other counsel for the additional parties, if any, as shown in the attachment or below.



ARCH C. McCOLL, III

FIAT

This matter is hereby set down for a hearing in this, the _____ Court for the _____ day of _____, 20____, at _____ m. o'clock.

Signed this _____ day of _____, 20____.

JUDGE PRESIDING

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA

v.

RICHARD M. SIMKANIN

§
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§

CASE NO.: 4:03-CR-188-A

ORDER

This Court having considered the attached Motion to Amend the Witness List is of the opinion that the same should be (granted) (denied).

Signed this ___ day _____, 20__.

JOHN McBRYDE
United States District Judge