



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

UNITED STATES OF AMERICA           §  
  
VS.                                   § NO. 4:03-CR-188-A  
  
RICHARD MICHAEL SIMKANIN           §

SCHEDULING ORDER FOR SENTENCING

The court ORDERS that:

1. The probation officer conduct a presentence investigation and prepare a presentence report as to **RICHARD MICHAEL SIMKANIN** (hereinafter "defendant").
2. Should counsel for the defendant desire to be present for the initial interview between defendant and the probation officer, counsel arrange to do so within three (3) government working days from the date this order is signed.
3. Counsel for United States of America, within five government working days of the defendant's conviction, deliver to the probation officer:
  - a. a written report setting out with specificity all information possessed by the office of the United States Attorney for the Northern District of Texas that is relevant to (i) the sentencing of the defendant or (ii) acceptability of the plea agreement, if any, including, but not limited to:
    - (1) all criminal history of the defendant;
    - (2) all criminal conduct of the defendant (whether or not charged) occurring at any time;
    - (3) all statements made by defendant (including transcripts that already have been made of recorded statements) and all other notes, memos, or other writings pertaining to any statement made by defendant; and
    - (4) all investigative reports pertaining to the offense of conviction and to relevant conduct;
  - b. if the defendant was convicted after trial, a written summary of any evidence presented at trial not cumulative of the information provided pursuant to 3.a.,

above, and which is relevant to the sentencing of the defendant, including, but not limited to, evidence that the defendant obstructed justice and evidence of relevant conduct; and

c. in any case in which restitution can be ordered under 18 U.S.C. § 3663 or 18 U.S.C. § 3663A as a result of the defendant's criminal conduct, a written report giving the full names of all identified victims of defendant's criminal conduct for which restitution can be ordered, the amount of loss subject to restitution for each identified victim, each identified victim's complete address, and, to the extent known to the United States, each identified victim's telephone number.

provided, however, that all information provided to the probation officer pursuant to this paragraph is confidential and for the exclusive use of that office and this court.

4. The probation officer deliver the presentence report to the court, and provide copies to the defendant and counsel for the parties, by 4:30 p.m. on March 8, 2004. Counsel for the parties and the defendant, if not incarcerated, pick up their copies of the presentence report at the U.S. Probation office between noon and 2:00 p.m. on March 8, 2004. If any of those persons fails to timely pick up the presentence report, the probation officer mail a copy thereof to that person. If defendant is incarcerated, the probation officer mail, by 4:30 p.m. on March 8, 2004, a copy of the presentence report to defendant enclosed in an envelope marked "Legal Mail -- to be Opened Only in Presence of Defendant."

5. Written objections to the presentence report, or written notice of no objections, be delivered to the court, the probation officer, and counsel for the parties by 4:30 p.m. on March 22, 2004.

6. Each party deliver to the court, the probation officer, and counsel for the parties a written response to the opposing party's objections to the presentence report by 4:30 p.m. on March 29, 2004.

7. If a request for departure is to be made, it be made by written motion filed by 4:30 p.m. on March 29, 2004.

8. If written objections to the presentence report have been timely delivered, the probation officer deliver an addendum to the presentence report to the court, and provide copies

thereof to defendant and counsel for the parties, by 4:30 p.m. on April 5, 2004.

9. Written objections to the addendum be delivered to the court, the probation officer, and counsel for the parties by 4:30 p.m. on April 12, 2004.

10. Each party deliver to the court, the probation officer, and counsel for the parties by 4:30 p.m. on April 19, 2004, (i) a written response to the opposing party's objections to the addendum, (ii) any other item the party wishes the court to consider in connection with sentencing, such as a sentencing memorandum or character letters.

11. The sentencing hearing is set for 9:00 a.m. on April 30, 2004.

12. The parties be prepared at the sentencing hearing to present evidence, arguments, and legal authorities related to any factual or legal issues that are raised by the presentence report, any addendum thereto, or any objection to either.

13. All motions and responses to motions any party wishes the court to consider in connection with any sentencing matter be filed with the Clerk.

SIGNED January 7, 2004.

  
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JOHN McBRYDE  
United States District Judge