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

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX.  
FORT WORTH DIVISION  
FEB 13 AM 9:37  
CLERK OF COURT

UNITED STATES OF AMERICA

§  
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§  
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§

v.

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

RICHARD MICHAEL SIMKANIN (01)

DEFENDANT SIMKANIN'S MOTION  
FOR SEALED TRANSCRIPT

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 Sealed Transcript and for cause would show as follows:

1. **Evaluation of appeal** - It is impossible to provide effective assistance of counsel on appeal required under the Sixth and Fifth Amendments without the entire transcript. Part of the transcript, Volumes 1 and 5, are under seal. This motion requests that counsel be given the sealed parts of the transcripts so that he can review same and confer with appellate counsel regarding the merits of an appeal.

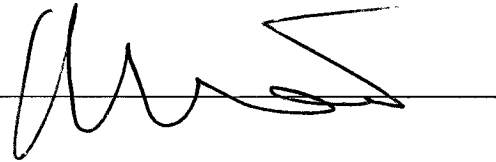
2. **Government objection** - The Government does not object to this motion.

WHEREFORE PREMISES CONSIDERED, the Defendant respectfully prays that this motion be, in all things, granted.

Respectfully submitted,

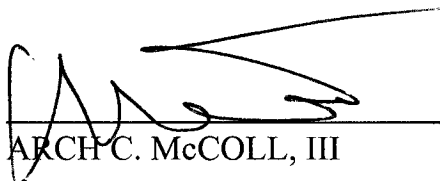
ARCH C. McCOLL, III  
State Bar Card No.13431800  
McColl & McCulloch  
2000 Thanksgiving Tower  
1601 Elm Street  
Dallas, Texas 75201-4761  
(214) 979-0999

By:

A handwritten signature in black ink, appearing to read 'Arch C. McColl, III', written over a horizontal line.

**CERTIFICATE OF CONFERENCE**

I, ARCH C. McCOLL, III, do hereby certify that on the 11 day of February, 2004, I was able to communicate with Mr. David Jarvis, Assistant U.S. Attorney for the Northern District of Texas, Fort Worth Division, Fort Worth, Texas who had no objection regarding Defendant's Motion for Sealed Transcript.

  
\_\_\_\_\_  
ARCH C. McCOLL, III

**CERTIFICATE OF SERVICE**

I, ARCH C. McCOLL, III do hereby certify that on the 12th day of February 2004, a true and correct copy of the above instrument has been facsimile-transmitted to the Assistant 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