

Trincher, Vadim

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66238 - MFW
Docket No.: 1:13CR00268 (JMF)



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

Judicial Response

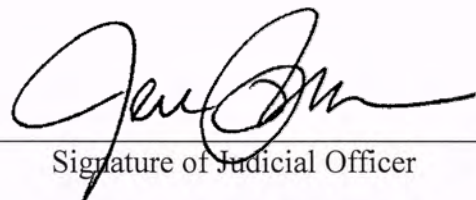
THE COURT ORDERS:

The Issuance of a Warrant

The Issuance of a Summons

Submit a Request for Modifying the Condition or Terms of Supervision

Other



Signature of Judicial Officer

October 18, 2018

Date

AO 83 (Rev. 06/09) Summons in a Criminal Case

**UNITED STATES DISTRICT COURT
for the
Southern District of New York**

UNITED STATES OF AMERICA)
)
vs.) Case No. 1:13CR00268 (JMF)
)
Vadim Trincher)
)

SUMMONS IN A CRIMINAL CASE


YOU ARE SUMMONED to appear before the United States district court at the time, date, and place set forth below to answer to one or more offenses or violations based on the following documents filed with the court.

Supervised Release Violation Petition

Thurgood Marshal Courthouse Place: 40 Foley Square New York, NY 10007	Courtroom No.: 1105
	Date and Time: October 25, 2018 at 4:00 p.m.

This Offense is briefly described as follows: Failure to pay fine at the rate imposed; Failure to follow the instructions of the Probation Office; Failure to work regularly at a lawful occupation; Failure to provide access to requested financial information.

Date: October 18, 2018



Issuing officer's signature

Honorable Jesse Matthew Furman U.S. District Judge
Printed name and title

I declare under penalty of perjury that I have:

Executed and returned this summons Returned this summons unexecuted

Date: _____

Server's signature



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION DEPARTMENT

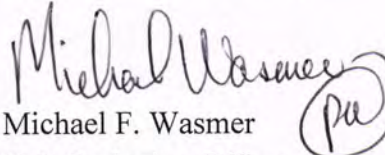

TO: Honorable Jesse Matthew Furman
U.S. District Judge

FROM: Michael F. Wasmer
U.S. Probation Officer

RE: Vadim Trincher
Docket No. 1:13CR00268 (JMF)


Enclosed is a matter from the U.S. Probation Department requesting consideration and/or review by Your Honor. **This matter is confidential and should be sealed and not docketed.** Also, please forward a copy of your response to our office at 500 Pearl Street, 6th floor, so that we may take appropriate action.

Respectfully submitted,


Michael F. Wasmer
U.S. Probation Officer
Phone: 212-805-

Approved By:



Paul Wodeshick
Supervisory U.S. Probation Officer
Phone: 212-805-

DATE: October 17, 2018



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REQUEST FOR SUMMONS

UNITED STATES OF AMERICA) VIOLATION REPORT
)
vs.) Docket No.: 1:13CR00268 (JMF)
)
Vadim Trincher) Date of Sentence: April 30, 2014
)

Prepared For: Honorable Jesse Matthew Furman
U.S. District Judge

Prepared By: Michael F. Wasmer
U.S. Probation Officer
212-805-5160

Assistant U.S. Attorney
Joshua Naftalis
1 Saint Andrews Plaza
New York, NY 10007
(212) [REDACTED]
[REDACTED]

Defense Counsel
Martin Weinberg
20 Park Plaza, Suite 1000
Boston, MA 02116
(617) 227-[REDACTED]
[REDACTED]

Offense: Conspiracy to Participate in a Racketeering Enterprise (18 USC 1962(d)), a Class C Felony

Original Sentence: 60 Months' Custody; 36 Months' Supervised Release

Special Conditions: Search; Alcohol Treatment; Financial Disclosure; Credit Restrictions; \$75,000 Fine;

Custody Status: At liberty in the community.

Attachments: Summons

Type of Supervision: Supervised Release

Date Supervision Commenced: July 17, 2017

Date Supervision Expires: July 16, 2020

Trincher, Vadim
Date: October 17, 2018

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SUPERVISION ADJUSTMENT

Reference is made to the above-captioned individual who was sentenced by Your Honor as indicated above.

Trincher and his wife continue to live at their residence located [REDACTED] [REDACTED] [REDACTED] [REDACTED]. He has been attending substance abuse treatment at St. Mark's and there has been no indication of drug usage. Trincher has been unemployed during the course of supervision. According to filings by his attorney, Trincher has been seeking treatment overseas on several occasions for psoriatic arthritis; said travel was approved by the Court.

Trincher has been remitting the Court-mandated fine payments at the rate of \$100 per month. He has presently paid \$2,100, the last payment being received effective September 12th. Based upon the fact that Trincher had an outstanding financial obligation to the Court, he was directed to complete a DOJ financial statement on August 14th, for subsequent assessment. Trincher subsequently failed to complete and submit the statement as directed.

On October 1st, a case conference was held with Trincher; Supervisory U.S. Probation Officer Wodeshick and U.S. Probation Officer Wasmer were in attendance. At that time, Trincher offered no viable explanation as to why he had failed to submit the DOJ financial statement. He was reminded that financial disclosure is required in lieu of outstanding financial obligations. Trincher was also reminded that the judgment had specified that the fine was to have been paid in full within 30 days of entry. He was given another DOJ financial statement, and directed to complete and return same within 2 weeks (October 15th) so that his financial status could be assessed. Trincher failed to comply with this directive.

During the case conference, Trincher stated that he was unable to work due to health issues. He admitted that he had not applied for disability. Trincher was given a two week deadline to submit medical documentation confirming his health status. Failing that, he would be referred to the Probation Department's vocational training programs. Trincher also failed to comply with this directive.

As such, the Probation Department has no recourse but to seek Court intervention.

VIOLATION CIRCUMSTANCES

1. ON OR BEFORE OCTOBER 15, 2018, THE DEFENDANT FAILED TO PAY THE COURT-ORDERED FINE AT THE RATE IMPOSED . SPECIAL CONDITION, GRADE C VIOLATION.
2. ON OR ABOUT OCTOBER 15, 2018, THE DEFENDANT FAILED TO FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICE, IN THAT, THE DEFENDANT FAILED TO SUBMIT PREVIOUSLY REQUESTED MEDICAL AND FINANCIAL DOCUMENTS. STANDARD CONDITION #3, GRADE C VIOLATION.

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3. ON OR ABOUT OCTOBER 15, 2018, THE DEFENDANT FAILED TO WORK REGULARLY AT A LAWFUL OCCUPATION, IN THAT, THE DEFENDANT WAS NOT EXCUSED FOR AN ACCEPTABLE REASON . STANDARD CONDITION #5, GRADE C VIOLATION.
4. ON OR ABOUT OCTOBER 15, 2018, THE DEFENDANT FAILURE TO PROVIDE THE PROBATION OFFICER WITH ACCESS TO REQUESTED FINANCIAL INFORMATION . SPECIAL CONDITION, GRADE C VIOLATION.

COURT STATUS IN OTHER JURISDICTIONS

Not applicable.

SENTENCING OPTIONS

CRIMINAL HISTORY CATEGORY: I

Chapter Seven of the Sentencing Guidelines sets forth policy statements regarding sentencing considerations in violation of supervised release matters. Case law requires the Court to consider these issues but, since they are policy statements, they are not binding.

According to Section 7B1.4, the possible ranges of imprisonment applicable upon a violation of supervised release are as follows:

Specification(s)	Grade of Violation	Statutory Imprisonment	Statutory Supervised Release	Guideline Provisions	Recommended Sentence
1,2,3,4	Grade C	2 years	3 years	3 to 9 months	3 months

STATUTORY PROVISIONS

As the supervisee was originally convicted of a Class C Felony, he may be required by statute {18 USC 3583 (e)(3)} to serve a period of incarceration of not more than two years. Since the offense yielding supervision occurred on April 11, 2013, after the Protect Act of April 30, 2003, the aggregate rule is negated.

Pursuant to 18 USC 3583(h), if a term of supervised release is revoked and a term of imprisonment is imposed, supervised release not to exceed three years can be reimposed as authorized under the original offense, 18 USC 3583(b)(2), less any term of imprisonment that was imposed upon revocation of supervised release.

RECOMMENDATION

At this time, we would respectfully request that the Court issue a summons, so the supervisee can be brought before the Court to answer to the above specifications.

If the Court were to revoke the supervisee's current term of supervised release and re-impose a term of supervised release, we would respectfully request that the previously imposed Special Conditions remain in effect. While a custodial sentence within the guideline range appears

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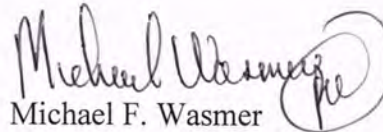
appropriate, it is also recommended that a special condition of mandated vocational training, under the guidance of the Probation Department, be imposed. This recommendation is based upon the fact that Trincher has failed to provide any medical documentation indicating that he is physically unable to serve in the work force.

Should the Court grant our request to initiate violation action, this memorandum will be disclosed to the supervisee, defense counsel and prosecutor, unless Your Honor directs otherwise.

JUSTIFICATION


Trincher has failed to comply with the basic conditions of supervision. He has shown his disregard for the judicial process. Trincher has failed to reveal any aspect of his personal finances, although he is obligated to do so with an unsatisfied obligation. As such, Court intervention in this matter is requested.

Respectfully submitted,



Michael F. Wasmer
U.S. Probation Officer

Approved By:



Paul Wodeshick
Supervisory U.S. Probation Officer



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION DEPARTMENT

Petition for Summons
with Attached Request for
Court Action Direction Detailing Probable Cause

Supervisee: Vadim Trincher

Docket Number: 1:13CR00268 (JMF)

Sentencing Judge: Honorable Jesse Matthew Furman, U.S. District Judge

Date of Original Sentence: April 30, 2014

Original Offense: Conspiracy to Participate in a Racketeering Enterprise (18 USC 1962(d))

Original Sentence: 60 Months' Custody; 36 Months' Supervised Release

Special Conditions: \$75,000 Fine; Search; Alcohol Treatment; Financial Disclosure; Credit Restrictions

Type of Supervision: Supervised Release Date Supervision Commenced: July 17, 2017

PETITIONING THE COURT TO ISSUE A SUMMONS

The supervisee has not complied with the following condition(s) of supervision:

Nature of Noncompliance

1. ON OR BEFORE OCTOBER 15, 2018, THE DEFENDANT FAILED TO PAY THE COURT-ORDERED FINE AT THE RATE IMPOSED. SPECIAL CONDITION, GRADE C VIOLATION.
2. ON OR ABOUT OCTOBER 15, 2018, THE DEFENDANT FAILED TO FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICE, IN THAT, THE DEFENDANT FAILED TO SUBMIT PREVIOUSLY REQUESTED MEDICAL AND FINANCIAL DOCUMENTS. STANDARD CONDITION #3, GRADE C VIOLATION.
3. ON OR ABOUT OCTOBER 15, 2018, THE DEFENDANT FAILED TO WORK REGULARLY AT A LAWFUL OCCUPATION, IN THAT, THE DEFENDANT WAS NOT EXCUSED FOR AN ACCEPTABLE REASON. STANDARD CONDITION #5, GRADE C VIOLATION.
4. ON OR ABOUT OCTOBER 15, 2018, THE DEFENDANT FAILURE TO PROVIDE THE PROBATION OFFICER WITH ACCESS TO REQUESTED FINANCIAL INFORMATION . SPECIAL CONDITION, GRADE C VIOLATION.

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U.S. Probation Officer Recommendation:

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The term of supervision should be:

Revoked

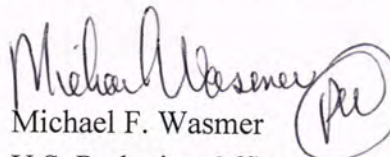
Extended for year(s), for a total term of years.

The conditions of supervision should be modified as follows:

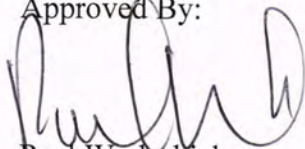
I declare under penalty of perjury that the foregoing is true and correct. (Supporting documentation is attached)

Respectfully submitted,

Michael Fitzpatrick
Chief U.S. Probation Officer


Michael F. Wasmer
U.S. Probation Officer

Approved By:



Paul Wodeshick

Supervisory U.S. Probation Officer