

— **IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**UNITED STATES OF AMERICA** :  
 :  
 v. : **CR No. 05-98T (Judge Smith)**  
 :  
**RICHARD HATCH** :

**GOVERNMENT'S OBJECTION TO PETITIONER'S MOTION FOR EXPEDITED  
DETERMINATION OF REQUEST FOR LEAVE AND REQUEST TO SEAL**

The United States of America, by and through its undersigned Assistant United States Attorney, respectfully submits this Objection to Petitioner's Motion for Expedited Determination of Request for Leave and Request to Seal. As reason for this Objection, the government states as follows:

On January 26, 2006, the defendant was convicted of two counts of Filing False Income Tax Returns, in violation of 26 U.S.C. § 7201, and one count of Filing a False Tax Return for an S Corporation, in violation of 26 U.S.C. § 7206(1). On May 16, 2006, the district court (Torres, C.J.) sentenced him to a total of 51 months in prison, the high end of the guidelines range, and to 3 years supervised release. The Court imposed two special conditions of supervision: 1) that the defendant participate in and complete a program of mental health counseling as approved by the Probation Office, and 2) that the defendant "shall file amended income tax returns for the 2000 & 2001 calendar years, both individually and for Tri-Whale Enterprises, Inc., and pay all taxes due and owing for those years." Hatch appealed his conviction, and on February 1, 2008, the Court of Appeals affirmed his conviction. (514 F.3d 145). On October 6, 2008, the Supreme Court denied certiorari. (129 S.Ct. 103 (2008)).

On April 6, 2009, defendant filed a Motion for Return of His Passport and Request to Travel to Argentina. In that Motion he requested that upon his entering either a residential re-entry center or supervised release, that his passport be returned to him and that he be permitted to travel to Argentina. He argued that he should be permitted to travel to Argentina because of international income opportunities, and because he is married to an Argentine national. He also described himself as "a rational, non-smoking, drug-free and responsible citizen ...," who was not in need of supervision.

The government objected to that Motion, noting that Judge Torres found that Hatch was in need of supervision, including mental health counseling. The government also noted that part of Judge Torres' reasoning in this regard was based on the fact the Hatch perjured himself extensively during the trial. In addition, the government noted that despite the Court's sentence, which was imposed on May 16, 2006, the defendant had still not filed amended tax returns for 2000 or 2001, either individually or for Tri-Whale, nor paid any of the taxes he owes for these years. At the time of sentencing, the Court found that the defendant owed in excess of \$400,000 in back taxes, and that "those obligations are going to be considerable now [at the time of sentencing] when you take into account interests and penalties." (5/16/06: p. 77).

On April 13, 2009, this Court denied the defendant's Motion for Return of his Passport and Request to Travel.

The instant Motion is essentially the same as defendant's previous motion, except that he now requests permission to travel to Samoa for an employment opportunity, rather than to Argentina. For essentially the same reasons set forth in its previous objection, the government objects to the present Motion.

Defendant's substantial financial obligation to the United States remains, since he has failed to either file amended tax returns or pay any of his taxes. In addition, as he did at trial, he continues to inaccurately state that he "always has been fully cooperative with the IRS," and states that his failure to file accurate returns is "due to certain foreign and domestic tax issues not yet resolved by the IRS ..." Defendant continues to shift the blame for his offenses to others.

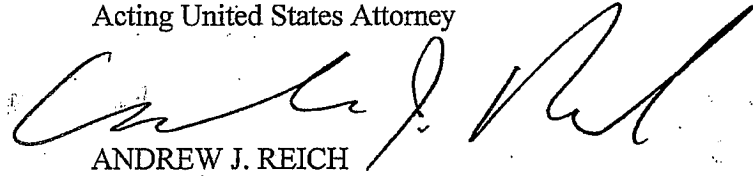
In the event the defendant does not file amended returns pursuant to the Court's directive, the government anticipates that it will seek revocation of the defendant's supervised release. It will be extremely difficult, if not impossible, for the government to take these actions if the defendant is living in outside the United States, or even permitted to travel internationally. Since the defendant has already expressed his desire to leave the United States and live with his spouse in Argentina, it is the government's view, that once outside the United States, the defendant will have a strong incentive not to return. By not returning he would be able to both live in Argentina with his spouse, and circumvent the substantial financial obligation he owes to the United States.

The government also objects to the defendant's request to seal his Motion. The public's interest and right in maintaining an open proceeding, clearly outweighs defendant's statement that this matter should be sealed "[d]ue to the confidential nature of network television schedule programming."

For all of these reasons, the government strongly urges this Court to deny defendant's  
Motion.

Respectfully submitted,  
UNITED STATES OF AMERICA

LUIS M. MATOS  
Acting United States Attorney

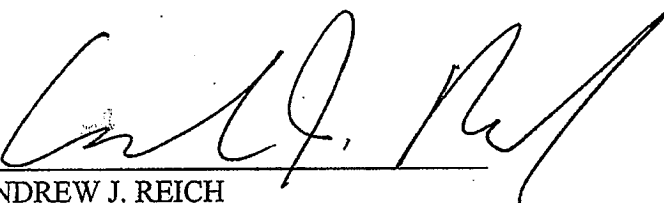
A handwritten signature in black ink, appearing to read "Andrew J. Reich", is written over the typed name and title of the signatory.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of July, 2009, I caused the within Government's Objection to be filed with the United States District Court for the District of Rhode Island and served by first class mail, postage prepaid, on:

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