

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

**UNITED STATES OF AMERICA**

v.

**RICHARD HATCH**

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**CR No. 05-98T  
Honorable William E. Smith**

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

Petitioner Richard Hatch (here also "Petitioner" or "Hatch") respectfully requests this Honorable Court grant him leave to accept employment requiring him to be out of the country for at most approximately 7 weeks. Due to the confidential nature of network television schedule programming, Petitioner also requests the Court seal this Motion (including its attached exhibits), from public view except for service of process on the Government's counsel.

*Employment Opportunity*

Earlier this year Petitioner brought a similar motion before this Court in anticipation of employment opportunities requiring travel. At that time the Government objected on the ground Petitioner had not provided any details concerning an income opportunity. Hatch conceded at the time that specific details were unknown, and the instant offer had yet to be made. However, this request is based on a specific job opportunity now extended to Hatch by Survivor Entertainment Group, Inc. ("SEG"), producer of the *Survivor* television series, as more particularly described in the offer letter attached hereto as Exhibit "A." Due to the sensitivity surrounding the network's timing of when to reveal the identities of participants in

this special 10-year anniversary show since Hatch won the first series, it is only now that Hatch has been extended the offer. Given that the show is scheduled for principal filming to commence August 1, 2009, in Samoa, Petitioner respectfully requests that this Motion please be calendared for determination on an expedited basis.

*Granting Leave Enables Employment*

Petitioner is presently serving the final approximately 90 days of his sentence under home confinement. Unless leave is permitted or this Court orders exoneration or other correction to his sentence per the pending §2255 Motion, the current timing would prevent his participation in this job opportunity. (*See*, courtesy copy of Petitioner's recently filed Reply Brief attached hereto as Exhibit "B.") Though the Second Chance Act now requires the Bureau of Prisons to develop sentence reduction reward programs for excellent conduct, Petitioner has not been able to benefit from any such sentence reduction because though his conduct has been exemplary, the current programs are only designed for, and hence reward, inmates with drug or alcohol addiction problems, neither of which is applicable to Hatch. Consequently, until such expanded programs are developed, only this Court can equitably recognize Hatch's eligibility for sentence reduction. And as further explained in Petitioner's §2255 Reply brief attached hereto as Exhibit "B," Hatch is currently serving what may be the longest sentence ever imposed for similar charges. For this reason, Petitioner respectfully requests this Court take into consideration in ruling on the instant Motion this inequity in Hatch's circumstance vis-à-vis the absence of any available sentence reduction programs.

*Granting Leave Facilitates Payment of Taxes Due (Once Determined)*

Petitioner makes this request because especially in this depressed economy, finding a job can be difficult. Petitioner needs to work and this employment opportunity will enable him to pay any 2000 and 2001 taxes determined to be due.

*New Facts*

Petitioner is and always has been fully cooperative with the IRS and is especially eager to pay any 2000 and 2001 taxes determined to be owed so this matter can be concluded. But due to certain foreign and domestic tax issues not yet resolved by the IRS, a determination of an amount due has not been made, keeping the matter pending for nearly 7 years now.

However, new facts learned just this past month, in June of 2009, are that the IRS has now begun to study these outstanding issues which gives Hatch hope this matter will be resolved soon and he'll be able to pay any taxes found due. (See, Letter from Hatch to the IRS, attached hereto as Exhibit "C.")

*Full Cooperation*

If permitted to participate in this opportunity, funds earned by Hatch could be applied first to any U.S. Treasury tax obligation (once determined). Hatch would have no objection to the Court ordering an assignment of monies paid to Hatch by SEG, Inc., for the benefit of the U.S. Treasury. And Hatch would of course comply with any other check-in restriction(s) as this Court may require to confirm his presence in Samoa pursuant to this job offer. The producers of the show SEG and CBS are also prepared to cooperate with any requirement(s) this Court may impose, for example, having an SEG or CBS representative on location verifying Hatch's status on such schedule as the Court may specify.

*No Flight Risk*

In prior proceedings, the Government has expressed concern Hatch may be a flight risk. That concern has repeatedly been shown to be unwarranted as Hatch has twice voluntarily returned from being out of the country to face multiple charges brought against him. Moreover, Hatch served most of his prison sentence (approximately 3 years) in an unfenced facility before being transferred to a halfway house from which he was allowed to travel unmonitored up to 100 miles for periods of up to 12 hours. All prison and halfway house time was completed with clear conduct and without incident, and Hatch remains fully compliant while serving his remaining time (approximately 3 more months) under electronic monitoring.

*Conclusion*

For the reasons here stated, Petitioner respectfully requests this Court please grant him leave for the specified term, including corresponding access to his passport. Petitioner further requests, due to the confidential nature of this particular 10-year anniversary show, that this Motion and all its exhibits be ordered under seal.

Respectfully submitted,



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