

Prob12D
D/NV Form
Rev. Mar. 2007

United States District Court
for
the District of Nevada

REQUEST FOR HEARING
TO MODIFY CONDITIONS OR TERMS OF SUPERVISION

Name of Offender: FREDERICK RIZZOLO

Case Number: 2:06-cr-186-PMP-PAL

Name of Sentencing Judicial Officer: Honorable Philip M. Pro

Date of Original Sentence: January 23, 2007

Original Offense: Conspiracy to Defraud the United States

Original Sentence: 12 months 1 day custody and 3 years supervised release

Date Supervision Commenced: April 4, 2008

PETITIONING THE COURT

The offender not having waived a hearing, the probation officer requests that a summons be issued and a hearing held to modify the conditions of supervision as follows:

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- If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.**

CAUSE

On December 17, 2009, the offender was asked to sign a Payment Schedule for U.S. District Court Clerk in which he was requested to make monthly payments towards his restitution and fine. Mr. Rizzolo declined, stating that he would not sign the document at the advice of his attorney.

Rizzolo contends that he and the Power Company, Inc. entered into a plea agreement with the Government to make restitution to Kirk Henry upon the sale of the Crazy Horse Too. Furthermore, Rizzolo lamented that the Government forfeited the Crazy Horse Too for restitution purposes and through neglect caused the property's value to be substantially diminished. Rizzolo objected to making any payments until the Crazy Horse Too is sold per his plea agreement.

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RE: FREDERICK RIZZOLO

The Judgement and Conviction clearly orders the offender to pay \$11,723,340 in restitution, jointly and severally, with the Power Company and a \$250,000 fine. However, the Plea Agreement Section I.1 states, "As part of the global pleas being taken in this case, The Power Company, Inc. is pleading guilty to a violation of Title, 18, United States Code, Section 1962(d) and agreeing to make restitution to Kirk and Amy Henry in the aggregate amount of Ten Million Dollars upon the sale of the Crazy Horse Too. Defendant Rizzolo, as principle owner of The Power Company, Inc. meet its obligation to make restitution to Kirk and Amy Henry in aggregate amount of Ten Million Dollars upon the sale of The Crazy Horse Too...."

In order to avoid ambiguity, it is requested that Rizzolo's conditions of supervised release be modified as requested above. It is therefore requested that the Court issue a summons for the offender and that a hearing date be calendared.

I declare under penalty of perjury that the information contained herein is true and correct.

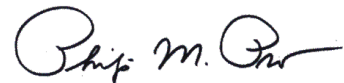
Executed on February 17, 2010.


ERIC CHRISTIANSEN
United States Probation Officer

APPROVED:/s/ mps

THE COURT ORDERS:

- No action
- The issuance of a summons
- Other


Signature of Judicial Officer

February 18, 2010
Date

IT IS ORDERED a hearing is set on Monday, March 22, 2010, at 2:00 p.m. in Courtroom 7C.