

CO-PS8
(12/14-D/CO)

United States District Court for the District of Colorado

U.S.A. vs. CHANDLER SIMBECK

Dkt. No. 1:21-CR-00165-RM-2

Petition for Warrant on Defendant On Pretrial Release

Comes now, Heather Becker, United States Probation Officer, presenting an official report upon the conduct and attitude of defendant Chandler Simbeck, who was placed under pretrial release supervision by the Honorable Lisa Pupo Lenihan, sitting in the Court at Pittsburgh, Pennsylvania, on September 26, 2021, as noted in the Rule 5(C)(3) documents (Document 23). On November 18, 2021, the defendant made an initial appearance in the District of Colorado, and his conditions were continued by the Honorable S. Kato Crews. The probation officer alleges the defendant has violated the following terms and conditions of pretrial release as set forth herein.

Respectfully presenting petition for action of the Court and for cause as follows:

1. Failure to Report/Submit to Supervision as Directed

On November 18, 2021, the defendant was advised that he would need to report by phone daily to the probation officer, as he was unsure where he would be living.

On November 22, 2021, the defendant met with the probation officer again, and was scheduled for a follow up appointment for November 23, 2021, at 10:00 AM. The defendant failed to report in as directed. The defendant was contacted later that day and he indicated he had overslept. The defendant was again reminded that he was required to report by phone daily to the probation officer and in person as directed.

On November 24, 2021, at approximately 9:22 AM, I attempted a contact at the defendant's last known address provided. There was no answer, the defendant was contacted by phone, and he advised he was at work. The defendant was again reminded to check in daily by phone.

On November 30, 2021, I attempted a contact at the defendant's last known address provided. There was no answer, and a business card was left for the defendant to contact me by phone by 5:00 PM, as all previous contact attempts had failed and his whereabouts were unknown. Additionally, a phone call was attempted; however, the defendant's phone rang and there was no voicemail set up. A text message was sent to the defendant advising him to call me as previously directed.

On December 1, 2021, I attempted a phone call to the defendant; however, the defendant's phone rang and there was no voicemail set up. A text message was sent to the defendant advising him to call me no later than 1:00 PM.

On December 2, 2021, I attempted a phone call to the defendant; however, the defendant's phone rang and there was no voicemail set up. A text message was sent to the defendant advising him to call me no later than 1:00 PM.

On December 4, 2021, I attempted a contact at the defendant's last known address provided. There was no answer, and a business card was left for the defendant to contact me by phone by 5:00 PM, as all previous contact attempts had failed and his whereabouts were unknown. Additionally, a phone call was attempted; however, the defendant's phone went straight to voicemail, and there was no voicemail set up. A text message was sent to the defendant advising him to call me as previously directed.

The defendant has failed to check in by phone as directed and has not contacted the probation officer since November 24, 2021. Several attempts were made to contact the defendant; however, these attempts have been unsuccessful. His current whereabouts are unknown.

2. Failure to Remain at the Washington City Mission Until Approved to Leave by Pretrial Services and Remain at Housing Approved by Pretrial Services

On October 13, 2021, notification was received from the supervising district in the Western District of Pennsylvania that the defendant had alleged violations. According to the supervising officer, the defendant was to report to the Washington City Mission (a homeless shelter offering substance abuse and mental health treatment) as ordered. The defendant contacted the officer on September 27, 2021, to report that he could not stay at Washington City Mission. The defendant reported that staff at Washington City Mission had him report to the hospital on September 25, 2021. He returned the next day and was told he could not stay at Washington City Mission. The defendant did admit that he tested positive for illegal substances when Washington City Mission tested him. The defendant also admitted at this time that he recently used heroin on September 26, 2021. The defendant reported he had been staying with a friend named David near his old apartment.

The supervising officer spoke to staff at Washington City Mission on September 28, 2021. Staff reported that the defendant showed up approximately five hours late for his intake on September 25, 2021. Staff reported they were going to allow emergency shelter for the defendant, but he left and did not return to the facility.

The defendant never called his supervising officer to discuss him leaving Washington City Mission, as required. The supervising officer attempted to reach the defendant on several occasions during the week to set up treatment and an approved living situation. The supervising officer finally spoke to the defendant on September 30, 2021. The defendant was instructed to enter inpatient treatment with Greenbriar Treatment, and he should expect their call for an initial intake. The defendant reported he was getting some money together and might want to do treatment in Colorado. He was again instructed to get set up with treatment at Greenbriar.

On October 1, 2021, the supervising officer spoke to Greenbriar Treatment to see if the defendant had called. Greenbriar staff reported the defendant had not called and that they attempted to call him, but he would not answer. The supervising officer attempted to reach the defendant on October 1, 2021, but the defendant would not answer. The defendant called the supervising officer back on October 5, 2021, and reported he set up treatment at Cove Forge for October 8, 2021. The defendant admitted to using heroin again on October 5, 2021.

On October 12, 2021, the supervising officer confirmed that the defendant had entered Cove Forge and signed a release of information.

On October 28, 2021, the supervising officer received a treatment report from Cove Forge indicating that the defendant had not completed any portion of the treatment plan and that his attendance in group was inconsistent. They also indicated that in specific sessions he was resistive to treatment and “napped” through sessions. He indicated to staff he did not believe that drugs were a problem for him. Cove Forge further indicated that the defendant was on track for an unsuccessful discharge. The defendant also requested that staff no longer communicate with the supervising officer regarding his aftercare plans.

On November 9, 2021, the defendant provided a potential living arrangement for approval to the supervising officer. Based on the information, the living arrangement was denied as the individual did not want the defendant living in his home but agreed to assist financially with a hotel for a couple days. It appears that the defendant does not have a proper living arrangement in the Western District of Pennsylvania and subsequently relocated to Colorado following his initial appearance in the district.

On November 18, 2021, the defendant was given an opportunity to consider a voluntary waiver to enter into a halfway house; however, he declined. He advised that he did not have a particular location that he knew he would be able to stay in Colorado and would reach out to several family members and friends to see if he had the ability to stay with them. The defendant was advised to check in daily with his whereabouts, and to report to the office on November 22, 2021, to advise if he had secured a residence.

On November 22, 2021, the defendant indicated he believed he could stay on the couch in the residence of a childhood friend and another male party. The defendant was again offered the opportunity to sign a voluntary waiver for a halfway house; however, he again declined. He was directed to furnish names and birthdates of all adults living in the residence, to help determine if this would be a suitable residence for him to reside at while on pretrial release. The defendant was reminded that Pretrial Services was to approve housing based on the conditions of his release.

On November 24, November 30, and December 4, 2021, home visits were attempted at this residence, however, were unsuccessful. No one answered the door, nor was any response received from cards left on the door. As of this writing, I have been unable to verify that the defendant was staying at the location provided, despite attempts to visit the defendant on different days and times, including weekends. His whereabouts are currently unknown.

3. Use or Possession of a Controlled Substance

On September 25, 2021, the defendant submitted a positive urinalysis test (UA), at the Washington City Mission, for morphine, cocaine, tramadol, benzodiazepines, amphetamines, methamphetamine, fentanyl, codeine and alcohol. The defendant subsequently admitted to drug use.

The defendant admitted to the supervising officer in Western District of Pennsylvania that he had smoked heroin on September 26, September 29, and October 5, 2021.

On November 18, 2021, the defendant submitted an instant UA at the probation office, which returned positive for methamphetamine/amphetamines and benzodiazepine. The defendant adamantly denied use, indicating he had a prescription for several mental health medications. The defendant indicated that he had also found an old bottle of his prescribed Adderall in his belongings, that he had taken shortly before leaving the Western District of Pennsylvania. As a result, the test was sent for confirmation and confirmed positive for d-methamphetamine.

RESPECTFULLY REQUESTING THAT THE COURT WILL ORDER the issuance of a warrant for violation(s) of pretrial release, and subsequent to the arrest of the defendant, that the Court consider revocation of bond.

ORDER OF THE COURT

I declare under the penalty of perjury
that the foregoing is true and correct.

s/Heather Becker

United States Probation Officer

Date: December 7, 2021

s/Laura Ansart

Supervising Probation Officer

Date: December 7, 2021

Considered and ordered filed under seal and
made a part of the record in the above case.



S. Kato Crews

Magistrate Judge

Date:12/07/2021