

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS E. TUMINSKAS, II,

Defendant.

ORDER

02-CR-0044-C-01

On October 25, 2005, I ordered defendant Thomas E. Tuminskas, II, returned to custody because of his refusal to take his medication and his destruction of property at his parents' residence. Now the director of FMC-Rochester has determined that defendant has recovered from his mental disease to such an extent that his release under a prescribed regimen of psychiatric care or treatment no longer creates a substantial risk of bodily injury to another person or serious damage to the property of another.

Assistant United States Attorney Rita Rumbelow has advised the court that the government does not object to defendant's release and will not be filing a motion for a hearing pursuant to 18 U.S.C. § 4247(d). Defendant's counsel has advised the court that defendant does not oppose release.

I find from my review of the director's certificate and attached assessment of risk that defendant's conditional release under a prescribed regimen of medical, psychiatric or psychological care and treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another.

ORDER

IT IS ORDERED that defendant Thomas E. Tuminskas, II is released from custody pursuant to 18 U.S.C. § 4243(f), subject to the following conditions:

1. He reside at 743 McKinley Avenue, Beloit, Wisconsin 53511; (608) 362-4784, with his parents, Thomas and Albertine "Tina" Tuminskas. He is not to make any change in his residence without the advance approval of the mental health providers and the supervising U.S. probation officer.
2. Within 24 hours of his conditional release, he is to appear for an initial appointment at the Beloit Counseling Center, 822 Broad Street, Beloit, Wisconsin; telephone (608) 363-6300. He is to comply with psychiatric treatment as directed by the treatment team, with such treatment to include oral and injectable medications and the continuance of anti-psychotic drug treatment.
3. While the patient is in outpatient counseling, he may be admitted as an

inpatient to any facility designated by the Wisconsin Department of Mental Health and Mental Retardation should his treating clinicians deem it necessary. If no Wisconsin facility will assume his care, defendant will be returned to FMC Rochester.

4. He is to have weekly contact with the person who is primarily responsible for his care at the Beloit Counseling Center, 822 Broad Street, Beloit, Wisconsin.
5. He is to abstain from all use of alcohol and other drugs not prescribed by the treating physician. His treating physician shall not discontinue the administration of anti-psychotic drugs to defendant without providing advance written notice to the probation officer.
6. He is to submit to urine analysis and other drug testing for the detection of use of controlled substances and undergo regular urine and serum blood level screening if ordered by the treating physician to ensure abstinence from substances and the maintenance of therapeutic level of medication.
7. He is to participate in outpatient substance abuse counseling as directed by the U.S. probation officer.
8. He is to have daily contact with his mother and father, Tina and Thomas Tuminskas, until such time as the U.S. probation officer believes modifications of this requirement is justified. If at any time Tina and Thomas

Tuminskas have information that might relate to defendant's safety or the safety of the community, they are to report it to the probation office within 24 hours of receiving it.

9. He shall not possess any firearms, destructive device or dangerous weapons.
10. He shall not commit another federal, state or local crime.
11. He is to report any contact with any law enforcement officer to the probation office within 24 hours of the contact.
12. He is to be supervised by the United States Probation Office for a specified period imposed by the court to ensure his compliance. Mr. Tuminskas will comply with the standard conditions of the United States Probation Office, Western District of Wisconsin, including waiving his right to confidentiality regarding his mental health treatment in order to allow the exchange of information with the supervising probation officer.
13. The medical provider may at any time recommend modifications or elimination of the regimen of medical, psychiatric or psychological care or treatment, upon certification to this court that to do so would not create a substantial risk of bodily injury to another person or serious damage to the property of another. Any party requesting modification or termination of the conditions of release shall submit adequate documentation supporting the

request through the Supervisory U.S. Probation Officer, to the Civil Division
of the United States Attorney's Office for the Western District of Wisconsin,
for a determination whether a motion for release should be filed.

Entered this 12th day of June, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge