

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>DANIEL DOVE,</b>	)	<b>Case No. 2:07cr00015</b>
	)	
<b>Defendant.</b>	)	
	)	

**CONSENT MOTION FOR CONTINUANCE OF TRIAL AND  
MOTIONS DEADLINE**

COME NOW Daniel J. Dove (“Defendant”) and the United States of America (“Government”), and request that the Court continue the trial of this matter to the week of April 28, 2008, or preferably to any date following May 12, 2008 during the month of May, and that in accordance therewith the Court extend all prior conferences and deadlines in this matter.

Both parties hereby agree and respectfully ask the Court to approve the above-stated continuance and extensions. The parties do not seek these extensions for purposes of delay. Discovery from the Government to the Defendant is still pending, and it is at this time uncertain when such discovery will be completed. In addition, due to amount and complexity of the electronic discovery materials predominant in this case, it will take the Defendant and experts retained by Defendant an indeterminate amount of time, at this time, to review, analyze, process, and evaluate the discovery provided once it is complete. Moreover, there are some uncertainties regarding the quality and nature of the discovery provided hitherto, and these issues will also still need to be resolved: Given the ongoing discovery process and the complex nature of the materials involved, full resolution of all discovery issues between the Defendant and the Government will take an uncertain amount of time. Until such issues are resolved, it will be

difficult if not impossible for the Defendant to assess all possible defenses, all possible motions and available procedures, and all possible evidence and witnesses that would assist in his defense. Defendant submits, however, that the time as sought in this Motion will be sufficient to resolve and complete all discovery issues.

With regards to the Government, the lead attorney in this matter is unavailable from the last week of February to the beginning of the week of March 3, 2008. Counsel for Defendant is unavailable during the remainder of that week of March. Lead Counsel for the Government will be unavailable from approximately March 10 to April 18, 2008 for the reason that his wife is expecting their first child and is projected to deliver the child during that period in Washington, D.C., where they reside, and such delivery will likely significantly affect his ability to adequately prepare for trial, as is in the public's interest. Lead Counsel for the Government submits, however, that another Counsel for the Government would be available for any pre-trial conferences scheduled during that time. With regards to the trial of this matter, Lead Counsel for the Government will be available any day during the week of April 28, 2008, and any day in May following May 12, 2008. Counsel for Defendant is currently available during any of those timeframes. Counsel for Defendant submits that both parties would prefer to have the trial of this matter held on Tuesday, Wednesday, and/or Thursday given the distance of travel involved for all Counsel in this matter. At this point, both parties anticipate that the two day estimate for length of trial as previously scheduled remains realistic.

Finally, Defendant has waived his right to a speedy trial, and stipulates that in fact a significant extension of time is necessary to serve the ends of justice pursuant to 18 U.S.C. § 3161(h)(8)(A). Defendant submits that, given the circumstances, his interest does not contravene the public interest in the continuance of this matter.

In order to allow the Court adequate time to rule on any motions before the parties begin pretrial and trial preparation, the parties further request that the deadlines currently extant in this matter be moved according to the date of trial set by the Court.

A proposed order is attached as Exhibit "A."

Respectfully submitted, this 6<sup>th</sup> day of January, 2008.

s/Michael B. Gunlicks  
Michael B. Gunlicks  
Virginia Bar No. 39375  
GUNLICKS LAW, L.C.  
604 N. Boulevard  
Richmond, Virginia 23220  
Telephone: (804) 355-9700  
Facsimile: (804) 355-4933  
  
Attorney for Defendant

s/Tyler G. Newby  
Tyler G. Newby, Esq.  
Computer Crime & Intellectual Property  
Section, Criminal Division  
U.S. DEPARTMENT OF JUSTICE  
Suite 600  
1301 New York Avenue, N.W.  
Washington, DC 20530  
Telephone: (202) 305-9337  
Facsimile: (202) 514-6113

Jay Prabhu, Esq.  
U.S. Attorney's Office  
Eastern District of Virginia  
2100 Jamieson Ave.  
Alexandria, VA 22314  
Telephone: (703) 299-3700  
Facsimile: (703) 299-3981

Attorneys for the United States of America

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6<sup>th</sup>, 2008, I caused to be electronically filed the above and foregoing **CONSENT MOTION FOR CONTINUANCE OF TRIAL AND MOTIONS DEADLINE** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

Tyler G. Newby, Esq.  
Computer Crime & Intellectual Property  
Section, Criminal Division  
US Department of Justice  
Suite 600  
1301 New York Avenue, N.W.  
Washington, DC 20530

Steven R. Ramseyer, Esq.  
US Attorney's Office  
180 W. Main Street  
Abingdon, VA 24210

Jay Prabhu, Esq.  
U.S. Attorney's Office  
Eastern District of Virginia  
2100 Jamieson Ave.  
Alexandria, VA 22314

s/ Michael B. Gunlicks  
Attorney for Defendant