

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:07CR195
	)	
Plaintiff,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	
	)	UNITED STATES OF AMERICA'S
SCOTT D. HARVANEK,	)	MOTION TO CONTINUE SENTENCING
	)	HEARING FOR 60 DAYS
Defendant.	)	

Now comes the United States of America, by its counsel, Gregory A. White, United States Attorney, and Robert W. Kern, Assistant U.S. Attorney, and respectfully moves the Court to continue the Sentencing Hearing presently scheduled for 11:00 a.m., on Monday, July 23, 2007, for a period of 60 days.

Defendant's plea agreement contemplates the defendant's cooperation and assistance in connection with one or more criminal investigations currently pending in judicial districts outside of the Northern District of Ohio. Since pleading guilty to the charges in this case on April 30, 2007, the defendant has been cooperating with government counsel from the Computer Crimes and Intellectual Property Section within the Criminal Division of the Department of Justice, and has been assisting law enforcement officials assigned to various related criminal investigations.

Undersigned counsel has been informed that the defendant's cooperation and assistance is expected to continue beyond the date of the sentencing hearing on July 23, 2007. While no binding commitment has been made by the government regarding the filing of a motion for a downward departure, pursuant to Section 5K1.1 of the Sentencing Guidelines, in this case, the defendant's cooperation and assistance in the related matters could result in the filing of a 5K1.1 motion, and accordingly the government respectfully requests that the Court continue the sentencing date for a period of 60 days to permit the defendant's cooperation to continue, and to provide sufficient time for government counsel to evaluate whether a 5K1.1 motion will be filed in this case.

Accordingly, the United States respectfully requests that the Sentencing Hearing presently scheduled for Monday, July 23, 2007, be continued for a period of 60 days.

Respectfully submitted,

GREGORY A. WHITE  
United States Attorney

By: /s/ Robert W. Kern  
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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2007, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Robert W. Kern

Robert W. Kern

Assistant U.S. Attorney