

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	}	
Plaintiff,	}	
	}	
vs.	}	Case No. <u>07-20027-01-CM</u>
	}	
SAMUEL KUONEN,	}	
Defendant.	}	

MOTION TO CONTINUE SELF SURRENDER DATE

COMES NOW the Defendant, by and through his attorney, David J. Phillips, and moves this Court to continue his August 28, 2007 self surrender date. In support of this motion, defense counsel states the following:

1. On July 11, 2007 this Court sentenced Mr. Kuonen to serve a five month term of imprisonment, to be followed by five months of home detention.

2. This Court also ordered that Mr. Kuonen be permitted to self surrender to an institution to be determined by the Bureau of Prisons. Mr. Kuonen has been told to surrender no later than 1:00 p.m. on August 28, 2007 at FPC Montgomery.

3. Mr. Kuonen has acted as an audio technician for various events in the past. He has been asked to again serve as an audio technician for a science fiction convention in Atlanta, Georgia from August 29, 2007 to September 3, 2007. The convention is the largest of its kind in the United States, and is expected to attract approximately 30,000 people. Those who run the convention have indicated they will need Mr. Kuonen to act as one of the three audio technicians for the event, and he would be very difficult to replace at this late date.

4. On August 23, 2007, defense counsel discussed this matter with Tyler G. Newby, the trial

attorney with the computer crime and intellectual property section of the United States Department of Justice Criminal Division, and Scott Rask who were in charge of prosecuting Mr. Kuonen. Mr. Newby and Mr. Rask said they had no objection to continuing the August 28, 2007 surrender date, to enable Mr. Kuonen to work at the convention. They had no objection to a September 5, 2007 surrender date, at no later than 3:00 p.m., Eastern time at FPC Montgomery.

WHEREFORE, it is respectfully requested that Mr. Kuonen's self surrender date at FPC Montgomery be continued from August 28, 2007 to September 5, 2007 at no later than 3:00 p.m. Eastern time.

Respectfully submitted,

s/ David J. Phillips
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CERTIFICATE OF SERVICE

I certify that on August 23, 2007, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following:

Scott Rask
Scott.Rask@usdoj.gov

s/ David J. Phillips

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