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FILED

DATE: 4/15/13 TIME: 1:25 am DM

By: [Signature]
CLERK, FSM SUPREME COURT
CHUUK
TRIAL DIVISION

IN THE
SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA
TRIAL DIVISION-CHUUK STATE

FEDERATED STATES OF MICRONESIA,
Plaintiff,
v.
KANSON THOMAS,
Defendant.

CRIMINAL CASE NO.2011-1506

MOTION TO TRAVEL AND
TO ALLOW TO APPLY FOR
FSM PASSPORT

COMES NOW, defendant, Kanson Thomas, in the above entitled and numbered cause, by and through his undersigned counsel, moves this Honorable Court to grant this motion requesting permission of the court to allow the defendant to travel to Guam for the purpose of obtaining medical treatment for his wife. The defendant does not have a FSM passport but intends to apply for one. This motion is made upon the interest of justice, good cause, the supporting documents, affidavit and the points and authorities herewith attached and are made in part of this motion.

MEMORANDUM OF POINTS AND AUTHORITIES

This motion is made pursuant to Rule 47.

“ Motions. An application to the court for an order shall be by motion. A motion other than one made during a trial or hearing shall be in writing unless the court permits it to be made orally.”

Defendant’s wife who is to give birth needs to go to Guam to have a cesarean operation due previous complications while giving birth. The defendant and his wife intend to travel to Guam on January 17, 2013 and return to Chuuk State in the first week of April. His wife’s due

date is in the March and may doctor's appointment after giving birth and may be able to travel back to Chuuk in the first week of April. Copy of defendant's travel itinerary is attached herein as Exhibit A.

Defendant does not have an FSM passport but will apply for one if the court will permit it. It is anticipated that he will depart Chuuk as soon as it is permitted by the court.

Defendant respectfully moves this Honorable Court to grant the herein motion requesting permission of the court to allow the defendant to travel to Guam. Defendant further seeks the clemency of the court to allow him to travel to accompany his wife.

Defense counsel has informed the prosecution, Mr. Jayson Robert, and does not object to this herein request.

If this motion is granted, parties recommend the following:

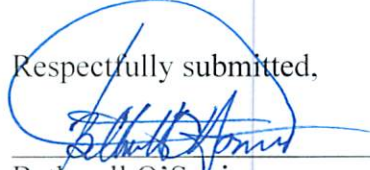
1. In any case the defendant may not be able to return to Chuuk at an earlier time, he shall notify the Chuuk State Attorney General's office and submit to both the Chuuk State Attorney General and Chuuk State Supreme Court relevant documents to justify the cause and seek permission from the Chuuk State Attorney General's Office for such extension.
2. Prior to defendant's departure from Chuuk State, he shall provide to the Chuuk State Supreme Court his address in Guam, name of hospital, his contact number where he will be staying and where he could be easily contacted.
3. Upon the defendant's return to Chuuk State, he shall at the earliest time possible, notify the Chuuk State probation officer, and likewise surrender his FSM passport to the court.
4. That if the defendant violates any of the imposed travel conditions or other imposed probationary conditions, the government may also revoke probation and will reinstate this

criminal case and reinstitute new charges and commence prosecution immediately thereafter.

CONCLUSION

WHEREFORE, defendant respectfully pray that the Court grants this motion to allow the defendant to travel to Hawaii for his medical treatment.

Respectfully submitted,


Bethwell O'Sonis
FSM Public Defender
P.O. Box 754
Chuuk, FM 96942
Tel: 330-5995


CERTIFICATE OF SERVICE

This is to certify that, on this 15th day of January, 2013, the undersigned, caused to serve a true and correct copy of the foregoing motion, upon the plaintiff's counsel in the manner indicated below.

Hand delivery:

Jayson Robert
Attorney General Office-Chuuk State, Nantaku, Weno
P.O. Box 1050
Chuuk, FM 96942
Tel: 330-2572

Received by: _____


Bethwell O'Sonis

UNITED 

***ITINERARY PA
*NOT VALID FOR TRAVEL*10F1**

FROM - TO

AIRLINE

FLT DATE TIMES

**TRUK CAROLIN - QUAM IS SW P
COACH CLASS**

**UNITED AIRLINES, INC
AIRPORT CHECK-IN**

**154 17JAN DEP 201P
ARV 335P**

THOMAS/CALSON

** ITINERARY **

**FOR UNITED
RESERVATIONS/INFORMATION
AQBHA A BUNOENBEBER**

THANK YOU FOR CHOOSING UNITED

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HERE**

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