

FILED

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DATE: 1/21/13 TIME: 2:40 pm

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

By _____
CLERK, FSM SUPREME COURT
CHUUK
TRIAL DIVISION

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

CRIMINAL CASE NO. 2011-1506

MOTION TO AMEND
DEFENDANT'S MOTION TO
TRAVEL

COMES NOW, defendant, Kanson Thomas, in the above entitled and numbered cause, by and through his undersigned counsel, hereby supplements the attached address information while in Guam. This motion submitted with the following memorandum of points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

This motion is submitted pursuant to Rule 47 of this Court's Rules of Criminal Procedure. The defendant respectfully asks the Honorable to grant this motion to amend inadvertent error made by the counsel for the defendant.

In defendant's first motion to travel he indicated that he would leave on January 17, 2013. Defendant has changed his anticipated travel to Guam on January 17, 2013 to January 31, 2013 and return to Chuuk on April 12, 2013.

In defendant's prayer in his motion to travel, counsel inadvertently made an error by indicating that the defendant will travel to Hawaii for his medical treatment. The true and correct place is Guam and not Hawaii. The defendant will accompany his wife to Guam for her medical treatment and not the defendant. Defendant does not need any medical treatment but to be with

his wife's side during her cesarean operation in order to provide support and consent to any medical procedure that may need a spouse's permission.

The defendant's name in his FSM passport reflects the name, Calson Thomas, and in his criminal proceedings he is known as Kanson Thomas which is the name provided by the prosecution. That these two names, Kanson Thomas and Calson Thomas are one in the same person and his true and correct name spelling is Calson Thomas which is indicated in his FSM passport.

In defendant's motion it was also indicated that defendant be allowed to apply for an FSM passport. It has just come to my attention that defendant did have an FSM passport but he believed it was lost or damaged. After diligent efforts to locate it, defendant found his passport and has surrendered it to the FSM Supreme Court. This amended motion now requests to also have his passport be released temporarily for the purpose of his trip.

Defendant respectfully asks this Court that if this motion is granted that the attached motion to amend be deemed filed as of the filing of this motion.

CONCLUSION

WHEREFORE, defendant respectfully prays that the Court grants defendant's motion to allow the defendant to travel to Guam for his wife's medical treatment.

Respectfully submitted,



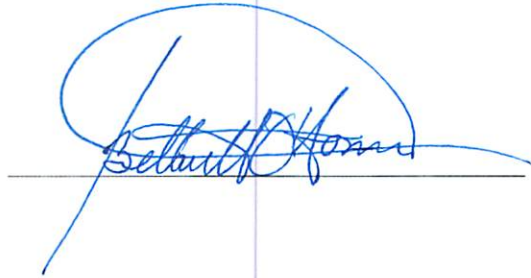
Bethwell O'Sonis
FSM Public Defender
P.O. Box 754
Chuuk, FM 96942
Tel: 330-5995

CERTIFICATE OF SERVICE

This is to certify that, on this 21st 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



A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to read "Jayson Robert".