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FILED

DATE: 1/21/13 TIME: 7:40 am/pm

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)	CRIMINAL CASE NO.2011-1506
MICRONESIA,)	
)	
Plaintiff,)	
)	FIRST AMENDED
v.)	MOTION TO TRAVEL AND
)	FOR TEMPORARY RELEASE OF
KANSON THOMAS, also known as))	DEFENDANT'S FSM PASSPORT
CALSON THOMAS,)	
)	
Defendant.)	
_____)	

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's FSM passport is presently in the custody of the FSM Supreme Court. This motion is made upon the interest of justice, good cause, the supporting documents, 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. Copy of doctor's letter is attached herein as Exhibit A.

The defendant and his wife intend to travel to Guam on January 31, 2013 and return to Chuuk State on April 12, 2013. His wife's anticipated due date is in March and may need doctor's appointment after giving birth before being able to travel back to Chuuk in April. Copy of defendant's travel itinerary and round trip ticket is attached herein as Exhibit B and C.

In Defendant's FSM passport, his name is indicated as Calson Thomas and in his criminal file his name is indicated as Kanson Thomas. However, the two names are one in the same person and his true and correct name is Calson Thomas. Defendant's FSM passport is presently in the custody of the FSM Supreme Court. It is anticipated that he will depart Chuuk on January 31, 2013 and return on April 12, 2013.

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 for medical purposes.

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, 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 FSM Supreme Court ombudsman, 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 prays that the Court grants this motion to allow the defendant to travel to Guam for his wife's medical treatment.

Respectfully submitted,

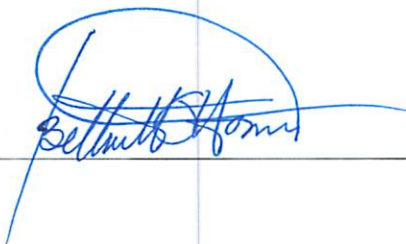

Bethwell O'Sonis
FSM Public Defender
P.O. Box 754
Chuuk, FM 96942
Tel: 330-5995

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



UNITED  **TKT**

PASSENGER RECEIPT 10F1

THIS TICKET SHALL EXPIRE ONE YEAR FROM DATE OF ISSUE

21 JAN 13

FM

D7DF18CL /TRUK

THOMAS/CALSON

THOMAS/CALSON

C

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GUAM IS SW PAC

UA 172 V 12APR VFEOZUWA

TRUK CAROLINE ISL

-REFUNDABLE/CXL FEE/CHG FEE

NXE505

/EX 01623518133344

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ROE1.00XT6.36GU66.00YQ7.00XY XF4.50GUM4.5

USD 467.00

AY 2.50

XT 83.86

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THOMAS/CALSON

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31JAN

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GUAM IS SW P - TRUK CAROLIN UNITED AIRLINES INC
COACH CLASS AIRPORT CHECK-IN

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THANK YOU FOR CHOOSING UNITED

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CHUUK STATE GOVERNMENT

DEPARTMENT OF HEALTH SERVICES

State of Chuuk

Federated States of Micronesia 96942

P.O Box 400
Phone. (691) 330-2216/2217
FAX. (691) 330-2320

Mr. Julio Marar - Director
Mr. Resty Sotaro - Deputy Director
Karita Marcus - Hospital Administrator

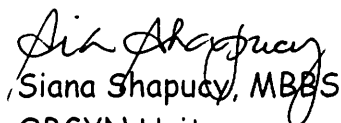
January 16, 2013

To Whom It May Concern:

I have been attending to Mrs. Naomi Fritz Thomas during her present pregnancy, and I strongly advised her to go abroad for further medical care and management because of her bad obstetric history. She had surgical operation (caesarian section) for all her three previous deliveries. The risk of uterine rupture is very high, and therefore she is better off to go abroad for further care and management. Because of this great risk, it is inevitable that her husband goes along with her.

I thank you very much for your understanding, and for allowing Mr. Calson Thomas to accompany his wife who will be travelling abroad for further medical care and management.

Respectfully yours,


Siana Shapucy, MBBS

OBGYN Unit

Chuuk State Hospital

Weno, Chuuk FSM 96942