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FILED
DATE: 1/24/13 TIME: 1:05 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.)
)
MEKENSY MICKY, also known as)
MICKENCY MICKY,)
)
Defendant.)
_____)

CRIMINAL CASE NO. 2012-1507

MOTION TO TRAVEL AND
FOR TEMPORARY RELEASE OF
DEFENDANT'S FSM PASSPORT

COMES NOW, defendant, Mekensy Micky, also known as, Mickency Micky, in the above entitled and numbered cause, by and through his undersigned counsel, FSM Public Defender and the plaintiff Chuuk State Attorney General's Office, moves this Honorable Court to grant this motion requesting permission of the court to allow the defendant to travel to Hawaii for the purpose of obtaining medical treatment for his son. 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.”

FILED

DATE: _____ TIME: _____

CLERK'S OFFICE
CLERK
TRIAL DIVISION

OFFICE OF THE CLERK
COURT OF APPEALS

RECEIVED

APPROVED

RECEIVED

THE COURT HAS REVIEWED THE RECORD AND THE BRIEF AND IS OF THE OPINION THAT THE DECISION OF THE TRIAL COURT IS AFFIRMED.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at the City of New York, this _____ day of _____, 19____.

The defendant intends to travel to Hawaii on May 27, 2013 and return to Chuuk State on June 16, 2013. His travel intention is for the purpose of obtaining medical treatment for his son who is ill.

In Defendant's FSM passport, his name is indicated as Mickency Micky and in his criminal file his name is indicated as Mekensy Micky. However, the two names are one in the same person and his true and correct name is Mickency Micky. Defendant's FSM passport is presently in the custody of the FSM Supreme Court. It is anticipated that he will depart Chuuk on May 27, 2013 and return on June 16, 2013. Copy of defendant's travel itinerary is attached herein as Exhibit A.

Defense counsel has contacted the prosecution, Mr. Charleston L. Bravo, Acting Attorney General, and has no objection to this herein motion.

Defendant and Plaintiff respectfully moves this Honorable Court to grant the herein motion requesting permission of the court to allow the defendant to travel to Hawaii. Defendant further seeks the clemency of the court to allow him to travel to be with his son for medical purposes.

If this motion is granted, parties recommend the following:

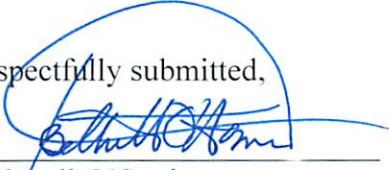
1. In any case the defendant may not be able to return to Chuuk at an earlier time, he shall notify the Chuuk State Attorney General's office and submit to both the Chuuk State Attorney General and FSM Supreme Court relevant documents to justify the cause and seek permission from the Chuuk State Attorney General's Office for such extension.
2. Prior to defendant's departure from Chuuk State, he shall provide to the FSM Supreme Court his address in Hawaii, 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, parties respectfully pray that the Court grants this motion to allow the defendant to travel to Hawaii for his son's medical treatment.

Respectfully submitted,



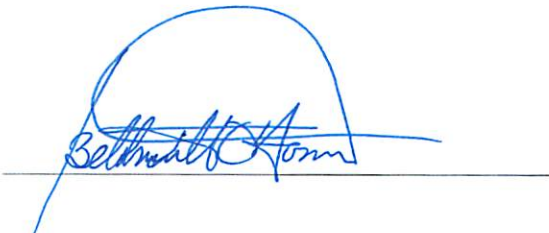
Bethwell O'Sonis
FSM Public Defender
P.O. Box 754
Chuuk, FM 96942
Tel: 330-5995

CERTIFICATE OF SERVICE

I, the undersigned, on this 24th day of May, 2013, hereby certify that I caused the service of the foregoing motion, upon the plaintiff's counsel in the manner indicated below.

By post mail delivery to:

Assistant Attorney General
FSM Department of Justice
P.O. Box 1050
Chuuk, FM, 96942





ITINERARY PAGE
*NOT VALID FOR TRAVEL*1OF1

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TRUK CAROLIN - HONOLULU HNL COACH CLASS AIRPORT CHECK-IN	UNITED AIRLINES INC	172	27MAY	DEP 1049A ARV 250A
HONOLULU HNL - GUAM IS SW P COACH CLASS AIRPORT CHECK-IN	UNITED AIRLINES INC	201	02JUN	DEP 220P ARV 600P
GUAM IS SW P - TRUK CAROLIN COACH CLASS AIRPORT CHECK-IN	UNITED AIRLINES INC	136	16JUN	DEP 745P ARV 935P

MICKY/MICKENCY

 ** ITINERARY **

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