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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA : NO. 3:02-CR-00213 (CFD)
VS. :
PHILLIP STEWART : MARCH 20, 2008

MOTION TO POSTPONE SENTENCING

The defendant, PHILLIP STEWART, by and through undersigned counsel, Jon L. Schoenhorn, pursuant to District of Conn. Rule of Civil Procedure 9(b) (applicable herein pursuant to District of Conn. Rule of Crim. Procedure 1(c)), hereby moves this Court to postpone for 14 days, the sentencing in the above-captioned matter presently scheduled for April 15, 2008. In support hereof, the undersigned states as follows:

1. The judgment previously entered by this Court in the above-captioned matter was vacated and the case remanded for re-sentencing by the Second Circuit Court of Appeals on or about December 12, 2007, in accordance with the Supreme Court's decisions in *Kimbrough v. United States*, 128 S.Ct. 558 (2007) and *Gall v. United States*, 128 S.Ct. 586 (2007).

2. Thereafter the district court clerk scheduled the matter for re-sentencing before this Court on April 15, 2008.

3. At the time, the undersigned did not recall that he and his family were scheduled to depart on April 11, 2008 to spend a week enjoying the culture, cuisine and history in the land of his wife's ancestors, the Republic of Ireland. The week of April 14 through April 18, 2008 also coincides with school vacation.

Through information and belief, the Court may, in fact, understand more about the value of visiting the "old sod" than the undersigned who, through no fault of his known, Gaelic ancestry. Irish eyes will definitely not be smiling at the undersigned's home if the "callin'", but noone is there to answer.

Displeasure will likely be expressed by members of the undersigned's family, possibly in the form of Irish wailing, should he be required to remain behind, since the undersigned's

GRANTED. Counsel will be advised of the new sentencing date. So ordered.

Handwritten signature/initials

Christopher F. Dromey
United States District Judge
3/27/08

spouse will not venture to operate a motor vehicle on the left side of a carriageway.

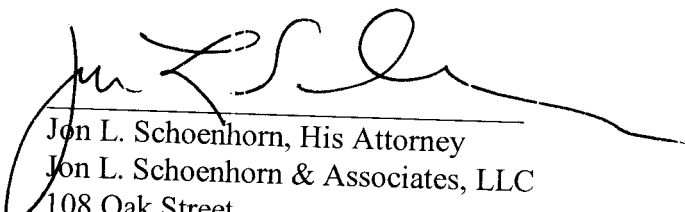
6. The Assistant United States Attorney in this matter, Michael Gustafson, has been contacted and does not object to this request.

WHEREFORE, the defendant moves that the sentencing of Mr. Stewart be postponed for 14 days.

Dated at Hartford, CT this 20th day of March, 2008.

THE DEFENDANT – PHILIP STEWART

By:

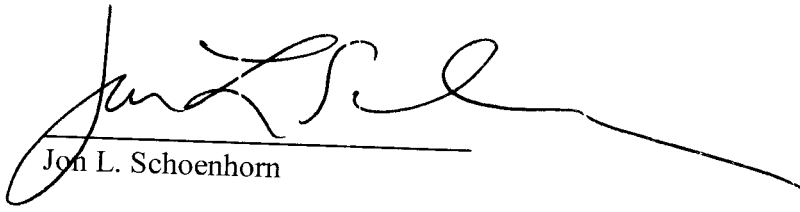


Jon L. Schoenhorn, His Attorney
Jon L. Schoenhorn & Associates, LLC
108 Oak Street
Hartford, CT 06106
PH: (860) 278-3500
Fax: (860) 278-6393
Fed No. Ct 00119

CERTIFICATION

This is to certify that a copy of the foregoing was mailed postage prepaid this 20th day of March, 2008 to:

Michael Gustafson, Esq.
Assistant United States Attorneys
141 Church Street
New Haven, CT 06510



Jon L. Schoenhorn