

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA : NO. 3:02-CR-00213 (CFD)
VS. :
PHILLIP STEWART : APRIL 28, 2008

SECOND 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 thirty (30) days, the sentencing in the above-captioned matter presently scheduled for April 29, 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. On April 2, 2008, at the undersigned's request, the court rescheduled sentencing to April 29, 2008.

3. The undersigned has been notified that he is to commence jury selection in New Britain Superior Court on April 29, 2008 in a criminal matter with the Hon. Frank D'Addabo, Superior Court Judge, and therefore has a conflict with the scheduled sentencing in this case. That matter is expected to continue into the week of May 12, 2008.

6. Assistant United States Attorney Michael Gustafson's office was contacted but he was unavailable and therefore, at this time, the undersigned is unable to report on the Government's position on this request.

WHEREFORE, the defendant moves that the sentencing of Mr. Stewart be postponed for 30 days.

Granted. So ordered.


/s/ Christopher F. Doney, USDJ

4/28/08

Dated at Hartford, CT this 28th day of April, 2008.

THE DEFENDANT – PHILIP STEWART

By:

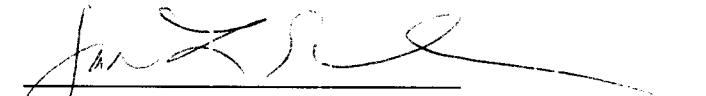


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CERTIFICATION

This is to certify that a copy of the foregoing was mailed postage prepaid this 28th day of April, 2008 to:

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



Jon L. Schoenhorn