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5 *Attorneys for Defendant Michael Merrell*

FILED
DISTRICT COURT OF GUAM
NOV 27 2006
MARY L.M. MORAN
CLERK OF COURT

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE TERRITORY OF GUAM**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 MICHAEL MERRELL,

13 Defendant.

Criminal Case No.06-00052

**MOTION FOR LEAVE TO FILE
FACSIMILE WAIVER OF APPEARANCE
AT INITIAL APPEARANCE AND
ARRAIGNMENT**

14
15
16 Pursuant to G.R. 5.1(a) of the Local Rules of Practice for the District Court of Guam,
17 Defendant Michael Merrell respectfully moves the Court for leave to file herein a facsimile copy
18 of the Waiver of Appearance at Initial Appearance and Arraignment, which is attached hereto.
19 The defendant is presently in Oklahoma and has executed the waiver in that state. The signed
20 original has been sent to defense counsel via mail and will be filed with this Court immediately
21 upon receipt.
22

23 **RESPECTFULLY SUBMITTED** this 27th day of November, 2006.

24 **LUJAN AGUIGUI & PEREZ LLP**

25
26
27 By:


28 **DELIA LUJAN, ESQ.**

Attorneys for Defendant Michael Merrell

ORIGINAL

2:09  11/24/06

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9 UNITED STATES OF AMERICA,
 10
 Plaintiff,
 11
 vs.
 12
 13 MICHAEL MERRELL,
 14
 Defendant.

Criminal Case No.06-00052

WAIVER OF APPEARANCE AT INITIAL APPEARANCE AND ARRAIGNMENT

15
 16
 17 Upon being fully advised by my counsel of my right to be present at the initial appearance
 18 and arraignment, I, Michael Merrell, being the Defendant in the above-styled action, do hereby
 19 waive my right to be present at the initial appearance and arraignment in this matter, as I am
 20 presently in the mainland United States and my counsel will appear on my behalf at such
 21 hearings. I further state that I have received a copy of the information charging me with Driving
 22 Under the Influence of Alcohol, and, as to this charge, I plead not guilty.

23
 24 DATE: 11/24/06


 25 **MICHAEL MERRELL**
Defendant

26 **LUJAN AGUIGUI & PEREZ LLP**

27 DATE: _____

By: _____

28 **DELIA LUJAN, ESQ.**
Attorneys for Defendant Michael Merrell

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