

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:07 CR 122

UNITED STATES OF AMERICA)	
)	
vs.)	
)	
JOHN D. HARRISON,)	MOTION TO EXTEND TIME TO
)	FILE OBJECTIONS TO PROPOSED
)	PRESENTENCE REPORT
Defendant)	

NOW COMES the Defendant, John D. Harrison, by and through his undersigned counsel, and respectfully moves this Court to be given until the 25th day of August, 2008 to file his objections to the proposed Presentence Report and, in support of his Motion, says:

1. That the Objections to Presentence Report were originally due on June 27, 2008.
2. That the Court allowed an additional thirty days so that the undersigned could consult with Assistant United States Attorney Richard Edwards prior to the filing of said Objections to Presentence Report.
3. That the undersigned met with Mr. Edwards on the afternoon of July 16, 2008 and is currently preparing a final draft of Defendant's Objections.
4. That the Defendant had surgery on his back on July 14, 2008.
5. That, on July 18, 2008, the undersigned was informed by Defendant's wife that his recovery was not as forecasted and he had been transferred from Memorial Mission Hospital in Asheville, North Carolina to Thoms Rehabilitation Hospital.
5. Defendant was allowed a second extension to file his Objections until August 11, 2008 after said transfer.

6. That the Defendant was transferred from Thoms Rehabilitation Hospital (now Care Partners Rehabilitation Hospital) back to Memorial Mission Hospital on the 27th day of July, 2008 for emergency surgery which occurred on the 28th day of July.

7. That the undersigned has not had conversations with Defendant's physician concerning Defendant's prognosis for recovery and/or the prognosis for removal from pain killing medicine.

8. That, on August 4, 2008, Defendant's wife informed the undersigned that the Defendant is expected to remain at Memorial Mission Hospital for an additional six weeks and may need additional surgery.

9. That Defendant continues to take strong pain killers.

10. That the undersigned has not had an opportunity to review and consult with Defendant concerning the final draft of the Objections and has no information as to when Defendant will be available for said review. That said Objections are due on August 11, 2008.

11. That the undersigned spoke with Assistant United States Attorney Richard Edwards on the morning of the 4th day of August 2008 and he has no objections to an extension to file Objections until August 25, 2008.

This, the 4th day of August, 2008.

S/William D. McDowall, Jr.

William D. McDowall, Jr.

Attorney for Defendant

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Certificate of Service

This is to certify that the undersigned has this date served the foregoing pleading upon all parties to this cause by:

The undersigned certifies that on July 18, 2008, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system and electronically mailed by the Clerk to:

Charles R. Brewer crboffice@aol.com

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and mailed via U.S. Postal Service to

Albert M. Neal, Jr., P.O. Box 1455, Candler, NC 28715

This, the 4th day of August, 2008.

S/William D. McDowall, Jr.
William D. McDowall, Jr.