

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,)	
)	
Plaintiff/Appellee,)	
)	
v.)	Case No. 09-8018
)	(D.Ct. No.07-CR-32-B)
NATHANIEL SOLON,)	
)	
Defendant/Appellant.)	

MOTION TO SUPPLEMENT RECORD ON APPEAL AND
FOR 30 DAY EXTENSION TO FILE OPENING BRIEF

Appellant Nathaniel Solon, by and through undersigned counsel, hereby respectfully requests an Order allowing him to supplement the record in the above-captioned case. After reviewing the Record on Appeal currently submitted in this case, Mr. Solon believes several additional documents from the district court are relevant and necessary for an adequate presentation of the issues on appeal. Those documents are as follows:

- Docket No. 63: Ex Parte Document, Defendant’s Motion for Approval to Retain Additional Expert Witness;
- Docket No. 64: Ex Parte Document, Order Granting Defendant’s Motion;

- Docket No. 69: Ex Parte Document, Defendant's Motion for Interim Payment of Expert Services;
- Docket No. 70: Ex Parte/Non-Public Document, Order Amending Ex Parte Order;
- Docket No. 72: Ex Parte Document, Defendant's Response to 70 (Order) to Ex Parte Document.

Undersigned counsel has taken this case as a "cold" appeal and was not present at trial. It was necessary for her to review the full Record on Appeal to assess Mr. Solon's possible appellate issues. After careful review of the Record on Appeal, she now realizes that these additional documents are relevant to the issues Mr. Solon will be raising in his direct appeal.

Undersigned counsel also requests an additional 30 days to file the opening brief in this case, currently due on May 11, 2009. Undersigned counsel has an opening brief due in *United States v. Cordova*, No. 09-8020, on May 26, 2009, has an oral argument in *United States v. Doles*, 08-8065, on May 7, 2009, and is also in the process of negotiating a settlement in a civil case, *Western Bean, LLC v. Reichert et al.*, Civil No. 2005-167-DC, Eighth Judicial District, Wyoming. She therefore requests until June 11, 2009 to file the opening brief in this appeal.

Undersigned counsel is authorized to say that Assistant U.S. Attorney James Anderson, who is assigned to this case for the government, does not oppose this Motion.

Mr. Solon is currently incarcerated at the Washington County Justice Center in Akron, Colorado.

WHEREFORE, Appellant Solon respectfully requests an Order allowing him to supplement the record on appeal for purposes of fully reviewing all records pertinent to this appeal and for an extension of time to file his opening brief.

RESPECTFULLY SUBMITTED this 24th day of April, 2009.

_____/s/_____
Megan L. Hayes
Attorney for Nathaniel Solon
910 Kearney Street
Laramie, WY 82070
307/760-6258

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2009, a true and correct copy of the foregoing MOTION TO SUPPLEMENT RECORD ON APPEAL AND FOR 30 DAY EXTENSION TO FILE OPENING BRIEF was sent via email to the following:

James Anderson.
U.S. Attorney's Office
2120 Capitol Avenue, Room 4002
Cheyenne, WY 82001
james.anderson@usdoj.gov

And sent via U.S. mail, postage prepaid, to the following:

Clerk, Federal District Court for the
District of Wyoming
2120 Capitol Avenue, Room 2131
Cheyenne, WY 82001

_____/s/_____
Megan L. Hayes

CERTIFICATION OF DIGITAL SUBMISSION

I hereby certify that on this 24th day of April, 2009, the foregoing **Motion to Supplement Record on Appeal and for 30 Day Extension to File Opening Brief** was digitally submitted to the Tenth Circuit Court of Appeals via the Court's CM/ECF system, that there were no required privacy redactions to be made, that it is an exact copy

of the written document filed with the clerk, and the digital submission has been scanned for viruses with Norton Anti-Virus scanning software and are currently free of viruses.

_s/ _Megan L. Hayes _____