

ORIGINAL

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FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
FEB 28 2008

Stephan Harris, Clerk
Cheyenne

In The District Court

For the District of Wyoming

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
NATHANIEL SOLON)
)
Defendant.)

Case No. 07-CR-32-B

STIPULATED MOTION REQUESTING THE COURT TO MODIFY ORDER
FILED JUNE 11, 2007

The parties, United States of America, through Assistant United States Attorney, James Anderson, and Defendant, through his attorney, Thomas Smith, hereby respectfully request and stipulate to the Court modifying in part its Order entered June 11, 2007.

As a part of the Court's previous ruling "Order Denying Defendant's Motion to Dismiss and Denying Defendant's 'Motion for Release of Mirror Image of Hard Drive or in the Alternative, Motion to Dismiss'" this Court ruled in part III on page 7 at paragraph 5 as follows:

Both parties shall have access to the entire computer system, provided that all examinations and inspections of the evidence deposited with the Clerk of Court shall be made in the presence of the opposing party and in the presence of the Court's information technology staff, Beth Conley or Zane Smith.

Further, in paragraph 2, the Court ordered that the United States not copy the hard drive without Defendant's counsel and experts present.

The parties state to the Court that scheduling is extremely difficult. Further, however, the Defendant's new expert has requested three full days with the computer evidence. It is respectfully asserted to the Court that getting all parties and the Court's information technology staff together for three full days is a near impossibility.

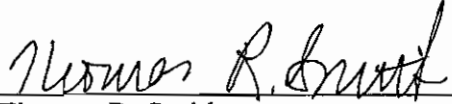
The parties respectfully believe that they can work together to get the computer evidence examined. Preliminary arrangements have been made, if the Court approves, for the Defendant's new expert to examine the computer evidence on or about the dates of March 12 through 15, 2008. That is, Defendant's expert can make arrangements to be at the ICAC offices in Cheyenne and Randy Huff has stated he is agreeable to cooperating with the Defendant's expert to make the necessary arrangements and have space available for her to work.

The United States has previously agreed to make another mirror image, or copy of the hard drive for Defense expert's evaluation. Previously, shortly before trial, this Court authorized an exception to its June 11, 2007 Order to allow the Government to attempt copy the hard drive overnight. Both parties request that the Court allow the release of the original hard drive, all copies of that hard drive previously made as well as all the components be release to the United States custody to be kept at the ICAC offices until this matter is concluded. Defense counsel further requests that the Government be allowed to make another copy for mirror image of the hard drive without defense counsel or Defendant's expert being present.

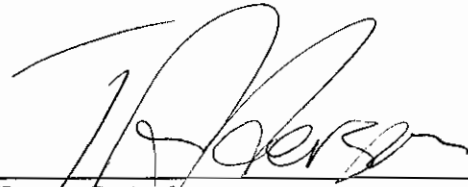
Parties respectfully assert that this procedure is necessary to allow the Defendant to reasonably examine the evidence and to get this done on a timely basis.

SO STIPULATED this 27th day of February, 2008.

STIPULATED AS TO FORM AND SUBSTANCE:



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