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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) Case Number 2:08-M-6513
)
 DALE KELLOGG, a/k/a "JOHN DOE",)
)
 Defendant.)

**DEFENDANT'S WAIVER OF RIGHT TO BE PRESENT AT SENTENCING AND
MOTION FOR SENTENCING TO OCCUR IN THE DEFENDANT'S ABSENCE**

The Defendant, Dale Kellogg, after having been informed of his right to be present at sentencing does hereby knowingly and voluntarily waive, pursuant to Rule 43 (b) (2), his right to be present at sentencing. The Defendant represents further to the Court that he was not forced or threatened to waive this right and is doing so without any promises or improper inducement.

Accordingly the Defendant moves the Court to issue a Judgement and Sentence in his absence.

Finally the Defendant also respectfully requests that the Judgement and Sentence also includes advisements under U.S. District Court Rule 58.2 informing the Defendant of his right to appeal to the District Court within ten days after entry of the judgement.

Dated this _____ day of December, 2009

Dale Kellogg

James Whiting
Attorney for the Defendant
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Certificate of Service

I served a copy of the foregoing motion upon the Assistant U.S. Attorney Jason M. Conder, P.O. Box 449, Lander, WY, 82520 by hand or fax or by depositing the same, postage prepaid, in the United States Mail on the ____ day of December, 2009.

James Whiting