

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA

V.

DANIEL DOVE,

Defendant.

Case No. 2:07cr00015

**JOINT MOTION FOR CONTINUANCE OF TRIAL AND
PRE-TRIAL HEARING**

COME NOW Daniel J. Dove (“Defendant”) and the United States of America, and request that the Court continue the trial of this matter to June 24 and June 25, 2008. The parties have consulted with the Clerk’s office and confirmed the Court’s availability for trial on those dates.

Both parties hereby agree and respectfully ask the Court to approve the above-stated continuance. The parties do not seek this continuance for purposes of delay. With regards to the Government, a work-related conflict has arisen in the schedule of one government witness during the dates currently scheduled for trial. In addition, the lead attorney in this matter is unavailable during the last two weeks of May, due to trials in other matters in the Eastern District of Virginia, and is unavailable during the first week of June due to a law enforcement conference. One government witness will also be unavailable during the first week of June.

Moreover, Defendant currently has pending a contested motion for leave to serve a subpoena duces tecum, pursuant to Federal Rule of Criminal Procedure 17(c) on the Motion Picture Association of America (MPAA) regarding, among other things, statements about the Defendant contained in a referral letter from MPAA to federal law enforcement authorities. That

motion is currently set for argument on April 14, 2008. In addition to the time necessary to review, evaluate and investigate any additional discovery materials that the Defendant might still receive, due to the amount and complexity of the electronic discovery materials predominant in this case, Defendant and experts retained by Defendant need additional time to review, analyze, process, and evaluate electronic discovery materials. Furthermore, counsel for defendant is unavailable for two weeks at the end of May and early June due to long-planned international travel.

At this point, both parties anticipate that the two day estimate for length of trial as previously scheduled remains realistic.

Finally, Defendant has waived his right to a speedy trial, and stipulates that in fact a significant extension of time is necessary to serve the ends of justice pursuant to 18 U.S.C. § 3161(h)(8)(A). Defendant submits that, given the circumstances, his interest does not contravene the public interest in the continuance of this matter.

With respect to the pre-trial hearing, the parties request that the current pre-trial hearing, set for April 14, 2008, be vacated, and rescheduled for a date, preferably during the week of June 9, 2008. The parties agree that Defendant may file pre-trial motions only with respect to information produced or made available to Defendant after the original pre-trial motions cut-off date of April 1, 2008.

Finally, with regards to the scheduled hearing on the Defendant's contested motion for leave to serve a subpoena duces tecum pursuant to Federal Rule of Criminal Procedure 17(c) on the MPAA, both parties agree to a telephonic hearing by conference call at the appointed date and time of April 14, 2008 at 1:30 p.m., and would move that the Court conduct the hearing by

conference call, in the event that the Court should grant the present Joint Motion for Continuance without a hearing.

A proposed order is attached as Exhibit "A."

Respectfully submitted, this 10th day of April, 2008.

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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2008, I caused to be electronically filed the above and foregoing **SECOND JOINT MOTION FOR CONTINUANCE OF TRIAL AND PRE-TRIAL HEARING** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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s/ Tyler G. Newby
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