

1 **Philip A. Seplow, Esq.**  
 2 **Attorney #004859**  
 3 **2000 North 7<sup>th</sup> Street**  
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 5 **(602) 254-8817**

5 **Attorney for Defendant**

6 IN THE UNITED STATES DISTRICT COURT  
 7 DISTRICT OF ARIZONA

|    |                           |   |                              |
|----|---------------------------|---|------------------------------|
| 8  | United States of America, | ) | Case No. CR 05-165-PHX-JAT   |
|    |                           | ) |                              |
| 9  | Plaintiff,                | ) |                              |
|    |                           | ) |                              |
| 10 | vs.                       | ) | MOTION TO ALLOW DEFENDANT TO |
|    |                           | ) | VISIT HIS DYING AUNT AT THE  |
| 11 | Jason Darwin Holmes, Sr., | ) | SAN CARLOS HOSPITAL          |
|    |                           | ) |                              |
| 12 | Defendant.                | ) |                              |
|    |                           | ) |                              |

13  
 14 COMES NOW the Defendant, by and through undersigned  
 15 counsel, and requests that the Court grant him a furlough (or to  
 16 be escorted by Marshals) to the San Carlos Hospital so that he can  
 17 visit his "Auntie," Elizabeth Houser. Elizabeth Houser is dying  
 18 of lung cancer. Mr. Holmes has hoped that Elizabeth Houser could  
 19 travel to CCA and pay a visit to him but now that is impossible.  
 20 Also, because Defendant's brother, Aldridge Holmes, is sitting "in  
 21 watch" of his aunt, Elizabeth Houser, he cannot even come to visit  
 22 Jason at this time.

23 The Defendant requests that the Court enter its Order  
 24 allowing the Defendant to either be furloughed so that he can go  
 25 to the San Carlos Reservation to visit his aunt who may be facing  
 26 her last days on this earth, or alternatively, ordering the  
 27 Marshals to make arrangements to transport and escort Defendant to  
 28 the San Carlos Hospital so that he can see his aunt before she

1 passes.

2 The United States government objects to this request.

3 Excludable delay under 18 U.S.C. 3161(h) is not expected  
4 to occur as a result of this Motion or from an Order based  
5 thereon.

6 DATED THIS 22<sup>nd</sup> day of February, 2007.

7 PHILIP A. SEPLow, ESQ.

8

9 By: s/Philip A. Seplow  
10 Philip A. Seplow, Esq.  
11 Attorney for Defendant

11

12 CERTIFICATE OF SERVICE

13 X I hereby certify that on February 22, 2007, I electronically  
14 transmitted the attached document to the Clerk's Office using the  
15 CM/ECF System for filing and transmittal of a Notice of Electronic  
16 Filing to the following CM/ECF registrants:

17 Ann Birmingham Scheel  
18 Assistant United States Attorney

17

18 X I hereby certify that on February 22, 2007, I served the  
19 attached document by First Class Mail on the following, who are not  
20 registered participants of the CM/ECF System:

21 NONE

20

21 S/ Philip A. Seplow

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