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Attorney for Defendant
CARLYLE LEE COLE

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. CARLYLE LEE COLE, Defendant.	CR-1:11-CR-00026 LJO WAIVER OF APPEARANCE AND REQUEST FOR ORDER AUTHORIZING WAIVER OF APPEARANCE Date; October 7, 2011 Time: 8:30 a.m. Dept: LJO

TO THE HONORABLE LAWRENCE J. O'NEILL:

Defendant CARLYLE LEE COLE hereby waives his right to be present in person for the status hearing currently set for October 7, 2011 at 8:30 a.m. Defendant hereby requests the court to proceed in his absence and agrees that his interests will be deemed represented at said hearing by the presence of his attorney, KATHERINE HART. This request is based upon the fact that it takes defendant 5-1/2 hours each way to travel from West Los Angeles to Fresno, California, that the mileage each way is 240 miles, that defendant is living on a small income of social security and part-time retail sales work, and that defendant has been staying

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in regular communication with his lawyer. (See attached declaration of counsel.)

DATED: October 4, 2011 /s/Carlyle Cole
CARLYLE LEE COLE

DECLARATION OF ATTORNEY, KATHERINE HART

I, KATHERINE HART, do hereby declare under penalty of perjury as follows:

1. That I was appointed in January, 2011 to represent defendant CARLYLE LEE COLE;

2. That defendant COLE has been in regular communication with me, including personal meetings at my office, emails, cell phone calls, and landline calls;

3. I have seldom gone over two weeks without hearing from defendant COLE, who has regularly asked my advice about the progress of this case and inquired about discovery matters in his case;

4. That defendant COLE has been regularly residing in the Los Angeles area and is supervised by Pretrial Services Officer Aileen DeGonia in the Central District of Los Angeles; to my knowledge, he has been satisfactorily complying with conditions of Pretrial release and has always evidenced respect for the rulings of the court and the conditions of release;

5. That defendant COLE has requested of me on October 4, 2011 that due to the distance involved in round-trip travel from Los Angeles (approximately 480 miles from his home to Fresno, round trip), the cost of the trip, and the fact that he would lose a full day's pay from his part-time retail sales position at Brooks Brothers, and that his only other income is social security, he be permitted to have me as his counsel appear for him *in absentia*.

Executed in Fresno, California this 4th day of October, 2011.
KATHERINE HART

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. CARLYLE LEE COLE, Defendant.	CR-1:11-CR-00026 LJO ORDER AUTHORIZING WAIVER OF PERSONAL APPEARANCE

Good cause appearing, Defendant CARLYLE LEE COLE is hereby excused from appearing at the court hearing scheduled for October 7, 2011 at 8:30 a.m.

IT IS SO ORDERED.

Dated: October 4, 2011 **/s/ Lawrence J. O'Neill**
UNITED STATES DISTRICT JUDGE