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**MOTION FOR LEAVE TO FILE POST-ARGUMENT NOTICE TO CORRECT
MISSTATEMENT AT ARGUMENT**

Defendant-Appellee Kenneth A. Roberts moves the Court for leave to file a post-argument notice to correct a misstatement of fact made at oral argument. Although the Court's Rule IX, Section 9, expresses a general bar against post-argument filings, except for supplemental authority, the rule specifically notes that parties may not file such documents "[u]nless ordered by the Supreme Court." Thus, Roberts asks the Court to order Roberts to submit such a filing.

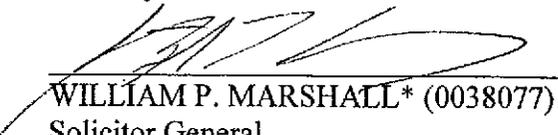
Roberts seeks such a filing for a compelling reason: Counsel for Roberts made a misstatement of fact during oral argument on May 24, 2007. Roberts, and specifically his arguing counsel, suggest that correction should be allowed for two related reasons: (1) because counsel has an obligation, as an officer of the Court, to correct his own errors, as a matter of principle, and (2) the Court should decide cases only upon accurate information, not upon inaccurate information. A correction thus serves the interests of integrity and of justice.

If the Court grants this motion, Roberts will limit the supplemental filing to identifying the misstatement and providing the true facts. Roberts will not add any argument regarding the significance of the misstatement or any other argumentative point.

Consequently, Roberts asks the Court to order Roberts to file a statement to correct the misstatement, and to disallow any other filings until the Court reviews the corrective statement.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Leave to File Post-Argument Notice to Correct Misstatement at Argument was served by U.S. mail this 20th day of June, 2007, upon the following counsel:

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