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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 10-00384 LEK
)	
Plaintiff,)	FIFTH STIPULATION AND ORDER
)	CONTINUING TRIAL DATE AND
vs.)	EXCLUDING TIME UNDER THE SPEEDY
)	TRIAL ACT
ROGER CUSICK CHRISTIE, (01))	
SHERRYANNE L. CHRISTIE, (02))	
formerly known as)	
"Sherryanne L. St. Cyr",)	
SUSANNE LENORE FRIEND, (03))	
TIMOTHY M. MANN, (04))	
RICHARD BRUCE TURPEN, (05))	
WESLEY MARK SUDBURY, (06))	
DONALD JAMES GIBSON, (07))	
ROLAND GREGORY IGNACIO, (08))	
PERRY EMILIO POLICICCHIO, (09))	OLD TRIAL DATE: 07/23/2013
JOHN DEBAPTIST BOUEY, (10))	
MICHAEL B. SHAPIRO, (11))	NEW TRIAL DATE: 10/08/2013
also known as "Dewey",)	
AARON GEORGE ZEEMAN, (12))	
VICTORIA C. FIORE, (13))	
JESSICA R. WALSH, also (14))	
known as "Jessica Hackman",)	
)	
Defendants.)	
_____)	

**FIFTH STIPULATION AND ORDER CONTINUING TRIAL DATE
AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT**

A. The following defendants have already entered pleas of guilty to various charges in the Indictment returned June 24, 2010 and are currently pending sentencing:

<u>Defendant#:</u>	<u>Name:</u>
03	Susanne Lenore Friend
04	Timothy M. Mann
07	Donald James Gibson
12	Michael B. Shapiro
13	Victoria C. Fiore
14	Jessica R. Walsh

Consequently, Friend, Mann, Gibson, Shapiro, Fiore, and Walsh are only alleged as unindicted co-conspirators in the First Superseding Indictment returned on January 17, 2013.

B. The following defendants have heretofore entered pleas of not guilty and are scheduled for jury trial in this case, which is currently scheduled for July 23, 2013 before U.S. District Judge Leslie E. Kobayashi:

<u>Defendant#:</u>	<u>Name:</u>
01	Roger Cusick Christie ("R. Christie")
02	Sherryanne L. Christie ("S. Christie")
05	Richard Bruce Turpen
06	Wesley Mark Sudbury
08	Roland Gregory Ignacio
09	Perry Emilio Policicchio
10	John DeBaptist Bouey, III
12	Aaron George Zeeman

Defendant Sudbury is presently a fugitive whose whereabouts are unknown. Sudbury's appointed defense counsel of record is Michael J. Park, Esq.

C. The United States of America and defendants R. Christie, S. Christie, Turpen, Ignacio, Policicchio, Bouey, and Zeeman, through their respective attorneys, hereby agree and stipulate to continue the trial in this case and to exclude the time period from July 23, 2013 up to and including the new trial date, October 8, 2013, from computation under the Speedy Trial Act. The reasons for the continuance are as follows:

(1) Thomas M. Otake, Esq., and Lynn E. Panagakos, Esq., defense counsel of record for R. Christie and S. Christie, respectively, have already filed their joint motion in limine to rely upon the Religious Freedom Restoration Act, 42 U.S.C. 2000bb-1 (hereinafter referred-to as "RFRA motion"), to which the prosecution has filed its opposition memorandum. The hearing on defendants' RFRA motion is currently scheduled for June 13-14, 2013 before U.S. District Judge Leslie E. Kobayashi. After having an opportunity to review the prosecution's opposition memorandum-- which in the main consists of extensive proffers of the prosecution's case-in-chief evidence to be presented at trial-- defense counsel will need additional time to prepare and file their reply memorandum. Among other things, they will be forwarding that opposition memorandum and the proffers contained therein to their expert witness to be reviewed and responded-to. Defense counsel have requested a new filing date for their reply memorandum of July 8, 2013.

(2) Accommodating defense counsels' aforesaid request, which all parties view as reasonable under the circumstances, will require a readjustment of both the RFRA motion hearing date and the trial date. In addition, defense counsel and counsel for the prosecution believe that it would be in the interest of their respective clients to have additional time afforded between the RFRA motion hearing date and the trial date, so as to be able to reasonably prepare for trial in the light of the Court's ruling on the RFRA motion. After consulting with the respective schedules for the Court and counsel:

(a) The next available date to hear the RFRA motion (taking into account that two full days may be necessary for the anticipated evidentiary hearing thereon) would be July 29-30, 2013; and

(b) The next available trial date would be October 8, 2013.

(4) All undersigned counsel have also consulted with their respective client-defendants and have secured their clients' consent to the instant stipulation.

B. The parties further agree that the ends of justice served by this continuance outweigh the best interests of the defendants and the public in a speedy trial, and:

1. The failure to grant such a continuance would be likely

to make a continuation of such proceeding
impossible

to result in a miscarriage of justice.

2. The case is so

unusual

complex

due to:

the number of defendants

the nature of the prosecution

the existence of novel questions of fact or law

(specifically, those dealing with RFRA, as described earlier in this stipulation) that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. This is particularly so in the light of the extensive materials which defense counsel and their expert must evaluate and consider.

3. In addition, the failure to grant the
continuance would:

deny the defendant reasonable time to obtain
counsel

unreasonably deny defendant continuity of
counsel

unreasonably deny the government continuity of
counsel

___deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence

___deny counsel for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

4. (Other factors considered)_____.

D. The parties further agree that the period of time from July 23, 2013 up to and including October 8, 2013, constitutes a period of delay which shall be excluded in computing the time within which the trial in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B), and that this time exclusion shall apply to all defendants.

DATED: Honolulu, Hawaii, June 20, 2013.

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

/s/ Michael K. Kawahara
By _____
MICHAEL K. KAWAHARA
Assistant U.S. Attorney

/s/ Thomas M. Otake

THOMAS M. OTAKE
Attorney for defendant
ROGER CUSICK CHRISTIE (01)

/s/ Lynn E. Panagakos

LYNN E. PANAGAKOS
Attorney for Defendant
SHERRYANNE L. CHRISTIE (02)

/s/ Barry D. Edwards

BARRY D. EDWARDS
Attorney for Defendant
RICHARD BRUCE TURPEN (05)

/s/ Louis Michael Ching

LOUIS MICHAEL CHING
Attorney for Defendant
ROLAND GREGORY IGNACIO (08)

/s/ Donald L. Wilkerson

DONALD L. WILKERSON
Attorney for Defendant
PERRY EMILIO POLICICCHIO (09)

/s/ Cynthia A. Kagiwada

CYNTHIA A. KAGIWADA
LARS PETERSON
Attorneys for Defendant
JOHN DEBAPTIST BOUEY, III (10)

/s/ William M. Domingo

WILLIAM M. DOMINGO
Attorney for Defendant
AARON GEORGE ZEEMAN (12)

LACK OF OBJECTION TO STIPULATION/ORDER BY DEFENDANT SUDBURY

I have had the opportunity to read the foregoing stipulation and attached proposed order. In view of defendant Sudbury's current status, I take no position with respect to the stated grounds for the trial continuance referenced therein and consequently neither oppose nor concur with said stipulation and proposed order.

/s/ Michael J. Park

MICHAEL J. PARK
Attorney for Defendant
WESLEY MARK SUDBURY (06)

ORDER CONTINUING TRIAL AND EXCLUDING SPEEDY TRIAL ACT TIME

The above Stipulation Continuing Trial Date And Excluding Time Under the Speedy Trial Act is hereby approved, and the agreements set forth in paragraphs A, B, and C of the Stipulation are adopted as findings by the court. For the reasons stated, IT IS HEREBY ORDERED:

(1) The jury selection and trial is continued until 9:00 a.m. on October 8, 2013 before U.S. District Judge Leslie E. Kobayashi;

(2) The final pretrial conference is rescheduled for September 9, 2013 at 10:00 a.m. before Magistrate Judge Kevin S.C. Chang;

(3) R. Christie and S. Christie's reply memorandum in support of their RFRA motion shall be filed by July 8, 2013;

(4) The hearing on defendants R. Christie and S. Christie's RFRA motion shall be heard on July 29, 2013 commencing at 10:30 a.m. and July 30, 2013 commencing at 10:00 a.m., before U.S. District Judge Leslie E. Kobayashi;

(5) Any further pretrial motions shall be filed by August 12, 2013, with the prosecution's response to be filed by August 26, 2013;

IT IS FURTHER ORDERED that the period of time from July 23, 2013 up to and including October 8, 2013, constitutes a period of delay which shall be excluded in computing the time

within which the trial in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B). This time exclusion shall apply to all defendants.

DATED June 20, 2013, at Honolulu, Hawaii.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge