

FLORENCE T. NAKAKUNI #2486
United States Attorney
District of Hawaii

MICHAEL K. KAWAHARA #1460
Assistant U.S. Attorney
PJKK Federal Building
300 Ala Moana Blvd., Room 6-100
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-2958
mike.kawahara@usdoj.gov

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-01-14
)	
Plaintiff,)	ORDER GRANTING DEFENDANT
)	JOHN DEBAPTIST BOUEY, III'S
vs.)	MOTION TO CONTINUE TRIAL
)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
ROGER CUSICK CHRISTIE, (01))	
SHERRYANNE L. ST. CYR, (02))	
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))	
JOHN DEBAPTIST BOUEY III, (10))	
MICHAEL B. SHAPIRO, (11))	
also known as "Dewey",)	
AARON GEORGE ZEEMAN, (12))	
VICTORIA C. FIORE, (13))	
JESSICA R. WALSH, also (14))	
known as "Jessica Hackman,)	
)	
Defendants.)	
)	

ORDER GRANTING DEFENDANT JOHN DEBAPTIST BOUEY, III'S MOTION TO CONTINUE TRIAL AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

Defendant John DeBaptist Bouey, III's motion to continue trial (filed August 16, 2012) came on for hearing before this Court, the Honorable Kevin S. C. Chang, U.S. Magistrate Judge presiding, came on for hearing on August 23, 2012.

In said motion, appointed counsel for defendant Bouey (Cynthia A. Kagiwada, Esq.) had requested a thirty day trial continuance for the reasons set forth in the motion's supporting papers (namely, Ms. Kagiwada's leave of absence from August 29, 2012 - January 24, 2012). As represented by Ms. Kagiwada, if this short trial continuance was not granted, she would have to seek appointment of new counsel for Bouey and that would delay the trial date for a longer period of time. No written or oral objections to said motion were made by any of the other parties. Lynn E. Panagakos, Esq., and Thomas M. Otake, Esq. (appointed counsel for co-defendants Roger Cusick Christie and Sherryanne L. St. Cyr, respectively (husband and wife)) also appeared at the hearing, and both advised the Court of their clients' lack of objections to the instant motion.

Government counsel recommended a new trial date of February 26, 2013 (the current trial date being January 23, 2013). However, Ms. Panagakos advised of a potential trial conflict and requested an additional postponement until March 12, 2013, to which none of the other parties objected.

Good cause appearing therefor, it is hereby ordered and

adjudged as follows:

1. Trial herein for all remaining defendants who have not already entered pleas of guilty is hereby continued until 9:00 a.m. on March 12, 2013 before U.S. District Judge Leslie E. Kobayashi;

2. The final pretrial conference is scheduled for February 11, 2013 at 10:00 a.m. before Magistrate Judge Kevin S.C. Chang;


3. By agreement between the parties, defendants' pretrial motions shall be filed by December 3, 2012, with the government's responsive memoranda to be filed by January 14, 2013;

4. Pursuant to the Speedy Trial Act of 1974, as amended, 18 U.S.C. 3161 et. seq., the ends of justice served by granting this trial continuance outweigh the best interests of the defendants and the public in a speedy trial, and the failure to grant such a continuance would be likely to result in a miscarriage of justice. This case has already been designated as complex litigation due to the number of defendants and the nature of the prosecution. Furthermore, the failure to grant the continuance would unreasonably deny defendant Bouey continuity of counsel, as well as the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Consequently, in accordance with the Speedy Trial Act, the time

period January 23, 2013 up through and including March 12, 2013 is hereby excluded from time computation. This time exclusion applies to all defendants.

DATED: Honolulu, Hawaii, August 24, 2012.




Kevin S.C. Chang
United States Magistrate Judge

USA v. Christie, et. al., USDC(Hawaii)

Cr. No. 10-00384 LEK-01-14

ORDER GRANTING DEFENDANT JOHN DEBAPTIST BOUEY, III'S MOTION TO CONTINUE TRIAL AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT.