

FLORENCE T. NAKAKUNI #2286
United States Attorney
District of Hawaii

MICHAEL K. KAWAHARA #1460
Assistant U.S. Attorney
Room 6-100, PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-2958
E-Mail: 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
)	
Plaintiff,)	STIPULATION AND ORDER CONTINUING
)	TRIAL DATE AND EXCLUDING
vs.)	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: 03/19/2013
JOHN DEBAPTIST BOUEY, (10))	
MICHAEL B. SHAPIRO, (11))	NEW TRIAL DATE: 07/23/2013
also known as "Dewey",)	
AARON GEORGE ZEEMAN, (12))	
VICTORIA C. FIORE, (13))	
JESSICA R. WALSH, also (14))	
known as "Jessica Hackman",)	
)	
Defendants.)	
)	

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

**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 March 19, 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 March 19, 2013 up to and including the new trial date, July 23, 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, in the instant case, are also defense counsel of record in the separate, multi-defendant criminal case of USA v. Winward, et. al., USDC(Hawaii). The jury trial in the Winward case has been continued until April 10, 2013 before Chief U.S. District Judge Mollway. Given the expected trial duration in the instant case (approximately three-four weeks), this scheduling will make it impossible for said attorneys to properly and effectively prepare for trial in both the instant and Winward cases at the same time.

(2) Both Mr. Otake and Ms. Panagakos also believe that one of the primary trial defenses to be relied-upon by R. Christie and S. Christie will be the Religious Freedom Restoration Act ("RFRA"), 42 U.S.C. 2000bb-1, for which they intend to file a motion in limine in advance of trial. Any pretrial hearings in connection therewith are anticipated to be

several days in length because they could be evidentiary in nature, i.e., they would entail the examination/cross-examination of relevant witnesses and submission of exhibits, in addition to counsels' written and oral argument thereon. Furthermore, the undersigned parties are also desirous of affording the Court sufficient time to consider its ruling; moreover, it is also in the interest of the parties to permit the opportunity of having the Court's ruling announced well in advance of the trial date, such that they may effectively prepare for trial. Consequently, the undersigned parties believe that a continuance in the trial date until July 23, 2013 will achieve all of the foregoing goals.

(3) In addition, William Domingo, Esq., has advised that his client, Aaron George Zeeman, is currently attempting to secure retained counsel and this trial continuance would potentially give him this opportunity.

(4) Finally, the First Superseding Indictment has alleged new criminal charges against R. Christie and S. Christie (Counts 13 - 18), as well as extending the period of charged conspiracy in Count 1 against all defendants from March 10, 2010 up through July 8, 2010. The defendants need additional time to consider these new allegations against them.

B. The parties further agree that the ends of justice served by the 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.

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

deny the defendant reasonable time to obtain counsel

unreasonably deny defendants R. Christie and S. Christie continuity of counsel

unreasonably deny the government continuity of counsel

X deny counsel for the defendants 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)_____.

C. The parties further agree that the period of time from March 19, 2013 up to and including July 23, 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.

D. This Court has already scheduled a hearing at 10:00 a.m. on February 15, 2013 before U.S. District Judge Leslie E. Kobayashi with respect to: (1) defendant R. Christie's Motion to Dismiss Indictment, (2) defendant Bouey's Motion to Suppress Evidence, and (3) defendant S. Christie's Motion to Dismiss Indictment for Unconstitutional Vagueness. The undersigned parties agree that this hearing should remain on the calendar. The parties do not believe that any further pretrial motions will be necessary to be filed.

E. In addition, with respect to defendant R. Christie and S. Christie's proposed RFRA trial defense (as discussed earlier in this stipulation), the parties agree that such a motion in limine with respect thereto shall be filed by March 15, 2013, with the Government's responsive memorandum to be filed by April 12, 2013.

DATED: Honolulu, Hawaii, _____.

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 July 23, 2013 before U.S. District Judge Leslie E. Kobayashi;

(2) the final pretrial conference is rescheduled for June 24, 2013 at 10:00 a.m. before Magistrate Judge Kevin S.C. Chang;

(3) the hearing on February 15, 2013 at 10:00 a.m. before U.S. District Judge Leslie E. Kobayashi, involving the defendants' motion identified in the aforesaid stipulation, shall proceed as scheduled.

(4) Defendants Roger Cusick Christie and Sherryanne L. Christie shall file their motion in limine with respect to Religious Freedom Restoration Act ("RFRA"), 42 U.S.C. 2000bb-1, by March 15, 2013, with the Government's responsive memorandum thereto to be filed by April 12, 2013.

IT IS FURTHER ORDERED that the period of time from March 19, 2013 up to and including July 23, 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). Said time exclusion shall apply to all defendants.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, February 5, 2013.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge