

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

MICHAEL K. KAWAHARA #1460
Assistant U.S. Attorney
PJKK Federal Bldg.
300 Ala Moana Blvd. Rm # 6-100
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 DAE
)	
Plaintiff,)	ORDER CONTINUING TRIAL DATE
)	AND EXCLUDING TIME UNDER THE
vs.)	SPEEDY TRIAL ACT
)	
ROGER CUSICK CHRISTIE,	(01))	OLD TRIAL DATE: 04/26/11
SHERRYANNE L. ST. CYR,	(02))	
SUSANNE LENORE FRIEND,	(03))	NEW TRIAL DATE: 07/06/11
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 CONTINUING TRIAL DATE AND
EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

On February 17, 2011, defendant Roger Cusick Christie filed his motion to continue trial date, stating as the reason therefor that he required additional time to review the voluminous discovery and to prepare for trial. As he further stated in his motion:

In addition, this case will require a series of pretrial motions in order to litigate, among other things, the applicability of a religious defense. These motions will require a briefing schedule, the use of experts, and multi-day hearings. Finally, additional time is needed so that the fourteen co-defendants can have time to meet and confer in order to prepare for trial.

As further represented in his motion, Christie's counsel had secured the concurrence of the prosecution and twelve co-defendants. The only defendants who did not concur were Aaron George Zeeman and Wesley Mark Sudbury (the latter of whom is currently a fugitive and has consequently not been in contact with his appointed counsel).

At the hearing on February 24, 2011 before U.S. Magistrate Judge Kevin S.C. Chang, the following appearances were made: defendant Christie was present, in addition to his counsel of record, and Michael Kawahara, Assistant U.S. Attorney, representing the Government; in addition, the remaining defendants' appearances were waived, and they were represented either by their counsel of record, or co-counsel making a special appearances on their behalf. All indicated their lack of objection, except for Zeeman. Christie indicated his

understanding that even if his motion was granted, he would remain in pretrial detention.

In addition, Government counsel also advised during the hearing that he was the primary care giver for his spouse, who had been diagnosed with a life-threatening disease and their participation in a clinical study on the mainland was anticipated in April 2011, which would also conflict with the instant trial date. This case had already been designated complex litigation and consequently, it would be difficult under the circumstances for replacement government counsel to take over the case at this time with the current trial date.

Counsel also advised the Court that after checking their schedules, the first available trial date would be July 6, 2011.

After considering the matters presented and good cause appearing therefor, it is hereby ordered that Christie's trial continuance motion is granted.

The Court also finds that based upon the foregoing, the ends of justice served by such an action outweigh the best interest of the public and the defendants in a speedy trial, and that the failure to grant said continuance would unreasonably deny counsel for the defendant Christie the reasonable time necessary for effective preparation, taking into account the

exercise of due diligence, and in addition, to preserve continuity of counsel for the Government.

BASED UPON THE FOREGOING, IT IS ALSO HEREBY ORDERED:

(1) the jury selection and trial are set for July 6, 2011, at 9:00a.m. before U.S. District Judge David A. Ezra;

(2) the final pretrial conference is set for June 6, 2011 at 10:00 a.m. before Magistrate Judge Kevin S.C. Chang;

(3) Defendant's Motions are due on May 25, 2011;

(4) Government's responses are due on June 8, 2011.

IT IS FURTHER ORDERED that the period of time from April 26, 2011 up to and including July 6, 2011, 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 exclusion of time shall apply to all defendants.

DATED March 29, 2011, at Honolulu, Hawaii.




Kevin S.C. Chang
United States Magistrate Judge

USA v. Roger Cusick Christie, et. al.

Cr. No. 10-00384 DAE

"Order Continuing Trial Dates and Excluding Time Under the Speedy Trial Act"