

## MINUTES

CASE NUMBER: CR NO. 10-00384LEK

CASE NAME: USA vs. (01) Roger Cusick Christie  
USA vs. (02) Sherryanne L. St. Cyr  
USA vs. (03) Susanne Lenore Friend  
USA vs. (04) Timothy M. Mann  
USA vs. (05) Richard Bruce Turpen  
USA vs. (06) Wesley Mark Sudbury  
USA vs. (07) Donald James Gibson  
USA vs. (08) Roland Gregory Ignacio  
USA vs. (09) Perry Emilio Policicchio  
USA vs. (10) John Debaptist Bouey, III  
USA vs. (11) Michael B. Shapiro  
USA vs. (12) Aaron George Zeeman  
USA vs. (13) Victoria C. Fiore  
USA vs. (14) Jessica R. Walsh

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

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JUDGE:	Leslie E. Kobayashi	REPORTER:
DATE:	05/24/2011	TIME:

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COURT ACTION: EO: The parties submitted their joint Stipulation and Order Continuing Trial Date and Excluding Time Under the Speedy Trial Act, lodged on May 18, 2011 ("Order"). The justification stated for the continuance and exclusion of time pursuant to the "ends of justice" is that "Defendant requests this continuance for the purpose of allowing defense counsel additional time to conduct a thorough investigation and interviews of witnesses, review discovery, and file appropriate motions if necessary, and to adequately and effectively prepare this case for trial." [Order at 1.] While the Court is not opposed to continuing the trial and making the necessary findings for the exclusion of time, this justification falls short. See, U.S. v. Hickey, 580 F.3d 922, 928 (9th Cir. 2009)("The 'ends of justice' exclusion of time under the Speedy Trial Act requires the court to 'set [] forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial.'")(citing 18 U.S.C. § 3161(h)(7)(A)).

Therefore, the Court hereby directs defense counsel for the defendant requesting the continuance to file a declaration or affidavit **by no later than Tuesday, May 31, 2011** attesting to (1) the specific reasons for needing additional time to conduct trial preparation (e.g., recent appointment as counsel, recent production of voluminous discovery, etc.), (2) specific examples of work that counsel intends to do in order to adequately and effectively prepare the case for trial (but the description need not be exhaustive nor will it be construed as limiting counsel's preparation in any manner), and (3) the reasons that an additional twelve weeks is an appropriate continuance period that outweighs the collective defendants' and the general public's right to a speedy trial.

The Court thereafter will incorporate the attestation by reference into its findings in granting the continuance and excluding time under the Speedy Trial Act, if such actions are justified and appropriate.

**IT IS SO ORDERED.**

Submitted by: Warren N. Nakamura, Courtroom Manager