

1 THOMAS P. O'BRIEN  
 United States Attorney  
 2 ROBB C. ADKINS  
 Assistant United States Attorney  
 3 Chief, Santa Ana Branch  
 LAWRENCE E. KOLE (Cal. Bar No. 141582)  
 4 Assistant United States Attorney  
 411 West Fourth Street, Suite 8000  
 5 Santa Ana, California 92701  
 Telephone: (714) 338-3594  
 6 Facsimile: (714) 338-3708

7 Attorneys for Plaintiff  
 United States of America  
 8

9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA  
 11 SOUTHERN DIVISION

12 UNITED STATES OF AMERICA,	)	Case No. SA CR 08-180-DOC
	)	
13 Plaintiff,	)	STIPULATION RE CONTINUANCE OF
	)	TRIAL DATE TO APRIL 28, 2009 AT
14 v.	)	8:30 A.M. AND EXCLUDABLE TIME
	)	
15 MOSES ONCIU, BEATA GIZELLA	)	Proposed New Trial Date:
16 PRIORE, and IRENE PEMKOVA,	)	April 28, 2009
	)	Proposed New Time: 8:30 a.m.
17 Defendants.	)	Place: Courtroom of the
	)	Honorable David O. Carter
	)	

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19 Plaintiff United States of America, by and through its  
 20 counsel of record, the United States Attorney for the Central  
 21 District of California, and defendants, Moses Onciu, by and  
 22 through his counsel of record, Gerald Werksman, Beata Gizella  
 23 Priore, by and through her counsel of record, Sean Kennedy,  
 24 Federal Public Defender, by Amy Karlin, Deputy Federal Public  
 25 Defender, and Irene Pemkova, by and through her counsel of  
 26 record, Diane Bass, stipulate as follows.

27 1. Defendants Onciu and Priore first appeared before a  
 28 judicial officer in the court in which this charge is pending on

1 August 4, 2008. The Indictment in this case was filed on July 2,  
2 2008. The Speedy Trial Act of 1974, 18 U.S.C. § 3161 et seq.,  
3 originally required that the trial as to defendants Onciu and  
4 Priore commence on or before October 13, 2008. Defendant Pemkova  
5 first appeared before a judicial officer in the court in which  
6 this charge is pending on August 18, 2008. The Speedy Trial Act  
7 of 1974, 18 U.S.C. § 3161 et seq., originally required that the  
8 trial as to defendant Pemkova commence on or before October 27,  
9 2008.

10 2. On August 4, 2008, defendants Onciu and Priore were  
11 arraigned on the Indictment and the Court set a trial date of  
12 September 30, 2008. On August 18, 2008, defendant Pemkova was  
13 arraigned on the Indictment and the Court set the same trial date  
14 of September 30, 2008.

15 3. Defendants are released on bond pending trial. The  
16 parties estimate that the government's case-in-chief in the trial  
17 of this matter will last approximately 6 days.

18 4. By this stipulation, the parties jointly move to  
19 continue the trial date from September 30, 2008 to April 28, 2009  
20 at 8:30 a.m.

21 5. The parties request the continuance based upon the  
22 following facts, which the parties believe demonstrate good cause  
23 to support the appropriate findings under the Speedy Trial Act:

24 a) Pursuant to defendants' requests, on September 2  
25 and 3, 2008, the government produced to defendants over 400 pages  
26 of discovery including search warrants and a written affidavit,  
27 voluminous email messages and attachments, memoranda of  
28 interviews, investigative reports, criminal history printouts, IP

1 address printouts, and other documentation. The government also  
2 informed defendants that it is preparing audio recordings for  
3 production.

4           b) Counsel for defendants represent that additional  
5 time is necessary to confer with defendants, conduct and complete  
6 an independent investigation of the case, conduct and complete  
7 additional legal research including for potential pre-trial  
8 motions, review the discovery and potential evidence in the case,  
9 to obtain additional discovery that is going to be produced by  
10 the government and that defendants may seek from the government,  
11 to review that additional discovery after it is produced, and  
12 prepare for trial in the event that a pretrial resolution does  
13 not occur. Defense counsel represent that failure to grant the  
14 continuance would deny them reasonable time necessary for  
15 effective preparation, taking into account the exercise of due  
16 diligence.

17           c) Defendants' counsel have discussed this  
18 stipulation with defendants and defendants consent to the  
19 requested continuance. The government does not object to the  
20 continuance.

21           6. For purposes of computing the date under the Speedy  
22 Trial Act by which defendants' trial must commence, the parties  
23 agree that the time period of September 30, 2008 to April 28,  
24 2009, inclusive, should be excluded pursuant to 18 U.S.C.  
25 §§ 3161(h)(8)(A), (h)(8)(B)(i), and (B)(iv) because the delay  
26 results from a continuance granted by the Court at defendants'  
27 request, without government objection, on the basis of the  
28 Court's finding that: (i) the ends of justice served by the

1 continuance outweigh the best interest of the public and  
2 defendant in a speedy trial; (ii) failure to grant the  
3 continuance would be likely to make a continuation of the  
4 proceeding impossible, or result in a miscarriage of justice,  
5 that it is unreasonable to expect preparation for pre-trial  
6 proceedings or for the trial itself within the time limits  
7 established by the Speedy Trial Act; and (iii) failure to grant  
8 the continuance would deny defense counsel the reasonable time  
9 necessary for effective preparation, taking into account the  
10 exercise of due diligence.

11 7. Nothing in this stipulation shall preclude a finding  
12 that other provisions of the Speedy Trial Act dictate that  
13 additional time periods be excluded from the period within which  
14 trial must commence. Moreover, the same provisions and/or other  
15 provisions of the Speedy Trial Act may in the future authorize  
16 the exclusion of additional time periods from the period within  
17 which trial must commence.

18 IT IS SO STIPULATED.

19 Dated: September 10, 2008.

20 THOMAS P. O'BRIEN  
United States Attorney

21 ROBB C. ADKINS  
22 Assistant United States Attorney  
Chief, Santa Ana Branch


23 \_\_\_\_\_  
24 /s/  
LAWRENCE E. KOLE  
Assistant United States Attorney

25 Attorneys for Plaintiff United  
26 States of America

27 I am Moses Onciu's attorney. I have carefully discussed  
28 this stipulation and the continuance of the trial date with my

1 client. I have fully informed my client of his Speedy Trial  
 2 rights. To my knowledge, my client understands those rights. I  
 3 believe that my client's decision to give up the right to be  
 4 brought to trial earlier than April 28, 2009 is an informed and  
 5 voluntary one.

6 Dated: September \_\_, 2008.

7   
 8 \_\_\_\_\_  
 9 GERALD WERKSMAN  
 Attorney for Defendant  
 Moses Onciu

10 I am Beata Gizella Priore's attorney. I have carefully  
 11 discussed this stipulation and the continuance of the trial date  
 12 with my client. I have fully informed my client of her Speedy  
 13 Trial rights. To my knowledge, my client understands those  
 14 rights. I believe that my client's decision to give up the right  
 15 to be brought to trial earlier than April 28, 2009 is an informed  
 16 and voluntary one.

17 Dated: September \_\_, 2008.

18 SEAN K. KENNEDY  
 Federal Public Defender

19 \_\_\_\_\_  
 20 AMY KARLIN  
 Deputy Federal Public Defender  
 21 Attorney for Defendant  
 22 Beata Gizella Priore

23 I am Irene Pemkova's attorney. I have carefully discussed  
 24 this stipulation and the continuance of the trial date with my  
 25 client. I have fully informed my client of her Speedy Trial  
 26 rights. To my knowledge, my client understands those rights. I  
 27 believe that my client's decision to give up the right to be  
 28

1 client. I have fully informed my client of his Speedy Trial  
2 rights. To my knowledge, my client understands those rights. I  
3 believe that my client's decision to give up the right to be  
4 brought to trial earlier than April 28, 2009 is an informed and  
5 voluntary one.

6 Dated: September \_\_, 2008.

7  
8 GERALD WERKSMAN

9 Attorney for Defendant  
Moses Onciu

10 I am Beata Gizella Priore's attorney. I have carefully  
11 discussed this stipulation and the continuance of the trial date  
12 with my client. I have fully informed my client of her Speedy  
13 Trial rights. To my knowledge, my client understands those  
14 rights. I believe that my client's decision to give up the right  
15 to be brought to trial earlier than April 28, 2009 is an informed  
16 and voluntary one.

17 Dated: September 10, 2008.

18 SEAN K. KENNEDY  
Federal Public Defender

19  
20 /s/  
AMY KARLIN  
Deputy Federal Public Defender  
\*pursuant to 9/8/08 email  
authorization

21  
22 Attorney for Defendant  
Beata Gizella Priore

23  
24 I am Irene Pemkova's attorney. I have carefully discussed  
25 this stipulation and the continuance of the trial date with my  
26 client. I have fully informed my client of her Speedy Trial  
27 rights. To my knowledge, my client understands those rights. I  
28 believe that my client's decision to give up the right to be



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9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA  
 11 SOUTHERN DIVISION

12	UNITED STATES OF AMERICA,	)	Case No. SA CR 08-180-DOC
13	Plaintiff,	)	[PROPOSED] ORDER CONTINUING
14	v.	)	TRIAL TO APRIL 28, 2009 AT 8:30
15	MOSES ONCIU, BEATA GIZELLA	)	A.M. AND REGARDING EXCLUDABLE
16	PRIORE, and IRENE PEMKOVA,	)	TIME PERIOD UNDER SPEEDY TRIAL
17	Defendants.	)	ACT

18 The Court has read and considered the Stipulation re  
 19 Excludable Time Period under Speedy Trial Act filed by the  
 20 parties in this matter on September 10, 2008. The Court hereby  
 21 finds that the Stipulation, which this Court incorporates by  
 22 reference into this Order, demonstrates facts that provide good  
 23 cause for a finding of excludable time pursuant to the Speedy  
 24 Trial Act, 18 U.S.C. § 3161.

25 The Court further finds that: (1) the ends of justice served  
 26 by the continuance outweigh the best interest of the public and  
 27 defendant in a speedy trial; (2) failure to grant the continuance  
 28 would be likely to make a continuation of the proceeding



1 impossible, or result in a miscarriage of justice; and (3)  
2 failure to grant the continuance would deny defense counsel the  
3 reasonable time necessary for effective preparation, taking into  
4 account the exercise of due diligence.

5 THEREFORE, FOR GOOD CAUSE SHOWN, IT IS ORDERED THAT:

6 1. The trial in this matter is continued from September  
7 30, 2008 to April 28, 2009 at 8:30 a.m.

8 2. The time period of September 30, 2008 to April 28,  
9 2009, inclusive, is excluded in computing the time within which  
10 the trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(8)(A),  
11 (h)(8)(B)(I), and (B)(iv).

12 3. Nothing in this Order shall preclude a finding that  
13 other provisions of the Speedy Trial Act dictate that additional  
14 time periods are excluded from the period within which trial must  
15 commence. Moreover, the same provisions and/or other provisions  
16 of the Speedy Trial Act may in the future authorize the exclusion  
17 of additional time periods from the period within which trial  
18 must commence.

19 Dated: \_\_\_\_\_.

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\_\_\_\_\_  
Honorable David O. Carter  
United States District Judge

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