

1 JOEL LEVINE, State Bar No. 52565  
 2 JOEL LEVINE, A PROFESSIONAL CORPORATION  
 3 695 Town Center Drive  
 4 Suite 875  
 5 Costa Mesa, California 92626  
 Telephone: 714 662 4462  
 Facsimile: 949 481 1014  
 Email: jlesquire@cox.net

6 Attorney for Defendant  
 BEATA PRIORE

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 9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA

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13	UNITED STATES OF AMERICA	) CASE NO. SA-CR-08-180-DOC UNOPPOSED EX PARTE APPLICATION TO WAIVE PRESENCE AT STATUS CONFERENCE OR FOR ORDER FOR TRAVEL EXPENSES; MEMO OF POINTS & AUTHORITIES; DECLARATION OF JOEL LEVINE
14	Plaintiff,	
15	vs.	
16	BEATA PRIORE	
17	Defendant.	

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19 Defendant Beata Priore, by and through her attorney of record, Joel Levine,  
 20 hereby applies ex parte for an order to waiver her presence at the status conference  
 21 of July 9, 2009 at 1:30 p.m., or in the alternative directing the United States  
 22 Marshal to arrange for noncustodial transportation for her or furnish the fare for  
 23 such transportation from her home in Glen Head, New York to Santa Ana,  
 24 California in order to appear before this Court on July 9, 2009 at 1:30 p.m. along  
 25 with her co-defendants. This application, which is unopposed, is brought pursuant  
 26 to 18 U.S.C, Section 4285 and is based on the attached Memorandum of Points and  
 27 Authorities, the attached Declaration of Joel Levine and the files and records of  
 28 this case.

1           The Government has been consulted, and expresses no opposition to this ex  
2 parte submission, nor to the relief sought herein.

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Dated: June 23, 2009

Respectfully submitted,

JOEL LEVINE, Esq.  
A Professional Corporation

By s/ \_\_\_\_\_  
JOEL LEVINE, Esq.  
Attorneys for Defendant  
BEATA PRIORE

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**MEMORANDUM OF POINTS & AUTHORITIES**

Section 4285 of Title 18, United States Code, provides in relevant part as follows:

“Any court of the United States... in which criminal proceedings are pending, may, when the interests of justice would be served thereby and the United States Judge...is satisfied after appropriate inquiry, that the defendant is financially unable to provide the necessary transportation to appear before the required court on his own, direct the United States Marshal to arrange for the that person’s means of noncustodial transportation or furnish the fare for such transportation to the place where his appearance is required....”

Defendant Priore submits that the attached Declaration of Joel Levine and her financial affidavit filed at her initial appearance in this case, establish that she is financially unable to provide the necessary transportation to appear before this Court on her own, and that the interests of justice would be served by directing the United States Marshal to arrange for her noncustodial transportation or furnish the fare for such transportation from her home in Glen Head, New York to Santa Ana, California to appear before this Court for the status conference set for July 9, 2009 at 1:30 p.m. In the alternative, the Declaration further establishes that Defendant Priore will waive her presence at that hearing upon submission of a Speedy Trial Act Waiver, should the Court agree upon such a procedure.

Dated: June 23, 2009

/s/ \_\_\_\_\_  
JOEL LEVINE

**DECLARATION OF JOEL LEVINE**

Joel Levine hereby declares and says as follows:

1. I am a member of the Bar of this Court. On February 13, 2009, this Court appointed me, pursuant to the Criminal Justice Act to represent Defendant Beata Priore, who is an indigent person, and has had appointed counsel since the inception of this case in 2008.

2. Defendant Priore has been in dire financial condition for some time. Recently, she almost lost her home due to these financial problems. She has virtually no income at this time. In anticipation of the August 4, 2009 trial date, she borrowed funds to purchase a discounted airline ticket, hotel room and rental car so as to be able to travel to California and participate in the trial of this case. When I advised her that the Court had recently scheduled a status conference for July 9, 2009 at 1:30 p.m. occasioned by a request by counsel for co-defendant Pimkova to withdraw from the case, Defendant Priore advised me of the following:

A. She has no ability to raise additional funds to travel from her home in Glen Head, New York to California for the status conference.

B. She will be penalized by the airlines if she postpones her purchased ticket and reservation, but agrees to do so if the Court grants Defendant Pimkova a new lawyer and a reasonable continuance of the trial date.

C. Defendant Priore will both waive her presence at the status conference and sign a written waiver of time under the Speedy Trial Act of a reasonable duration to enable a new counsel for Defendant Pimkova to prepare for trial. (In that regard, I can relate that the discovery materials in this case are not extensive, and the trial of this case will be of short duration with very few prosecution witnesses).

3. I have spoken on several occasions with Assistant United States Attorney Lawrence Kole, who has expressed no opposition to this application being

1 submitted ex parte nor to the alternative relief suggested herein. Two different  
2 proposed orders are submitted with this application to give the Court alternative  
3 remedies for this compelling situation.

4 I declare under penalty of perjury that the foregoing is true and correct.

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Dated: June 23, 2009

/s/ \_\_\_\_\_  
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13	UNITED STATES OF AMERICA	} CASE NO. SA-CR-08-180-DOC } PROPOSED ORDER WAIVING } PRESENCE AT STATUS } CONFERENCE
14	Plaintiff,	
15	vs.	
16	BEATA PRIORE	
17	Defendant.	

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19 For good cause, it is hereby Ordered that Defendant Beata Priore's presence  
 20 at the Status Conference of July 9, 2009 is waived, upon her execution and  
 21 submission of a Speedy Trial Act Waiver.

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25 Dated: \_\_\_\_\_

25 UNITED STATES DISTRICT JUDGE