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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
14	Plaintiff,	)	
15	vs.	)	UNOPPOSED EX PARTE
16	BEATA PRIORE	)	APPLICATION FOR ORDER FOR
17	Defendant.	)	TRAVEL EXPENSES; MEMO
		)	OF POINTS & AUTHORITIES;
		)	DECLARATION OF JOEL LEVINE

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

Respectfully submitted,

JOEL LEVINE, Esq.  
A Professional Corporation

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

1 **MEMORANDUM OF POINTS & AUTHORITIES**

2 The Court, in an Order dated June 29, 2009, denied the request of Defendant  
3 Priore to waive her presence at the Status Conference set for July 9, 2009 at 1:30  
4 p.m., which hearing was occasioned by a conflict between Co-Defendant Pimkova  
5 and Pimpkova’s counsel. In that Order, the Court stated that failure of Defendant  
6 Priore to appear could result in revocation of bond. As more fully set forth below  
7 and in the attached Declaration, without some financial assistance from the Court,  
8 as prayed for herein, Defendant Priore cannot travel here for the July 9<sup>th</sup> hearing  
9 due to extreme financial hardship. With the help of the Court, she can comply and  
10 will do so.

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

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

21 Defendant Priore submits that the attached Declaration of Joel Levine and  
22 her financial affidavit filed at her initial appearance in this case, establish that she  
23 is financially unable to provide the necessary transportation to appear before this  
24 Court on her own, and that the interests of justice would be served by directing the  
25 United States Marshal to arrange for her noncustodial transportation or furnish the  
26 fare for such transportation from her home in Glen Head, New York to Santa Ana,  
27 California to appear before this Court for the status conference set for July 9, 2009  
28 at 1:30 p.m.

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**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. If the Court grants a request for her travel expenses to be paid from government funds, she will attend as ordered.

3. I have spoken on several occasions with Assistant United States Attorney Lawrence Kole, who has expressed no opposition to this application being submitted ex parte nor to the relief suggested herein. A proposed order are submitted with this application.

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

1 Dated: June 23, 2009

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

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9 Attorney for Defendant  
10 BEATA PRIORE

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA ) CASE NO. SA-CR-08-180-DOC  
14 Plaintiff, )  
15 vs. ) PROPOSED ORDER FOR  
16 BEATA PRIORE ) TRANSPORTATION FUNDS  
17 Defendant. )

18  
19 For good cause, it is hereby Ordered that the United States Marshal arrange  
20 for Beata Priore to have noncustodial transportation and lodging from Glen Head,  
21 New York to Santa Ana, California, or to furnish fare and lodging for such  
22 transportation and lodging, to enable her to attend the Status Conference in this  
23 matter set for July 9, 2009 at 1:30 p.m.

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26 Dated: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE