

1 ANDRÉ BIROTTE JR.  
 United States Attorney  
 2 DENNISE D. WILLETT  
 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) 338-3564  
 Email: larry.kole@usdoj.gov

7 Attorneys for Plaintiff  
 8 United States of America

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,	)	NOTICE OF LODGING OF PROPOSED
	)	ORDER CONTINUING TRIAL DATE AND
14 v.	)	REGARDING EXCLUDABLE TIME
	)	PERIOD UNDER SPEEDY TRIAL ACT
15 MOSES ONCIU, BEATA GIZELLA	)	
16 PRIORE, and IRENE PEMKOVA,	)	
	)	
17 Defendants.	)	

18 PLEASE TAKE NOTICE THAT the United States is lodging  
 19 herewith a Proposed Order Continuing Trial Date and Regarding  
 20 Excludable Time Period under Speedy Trial Act in this matter.

21 Dated: February 7, 2012.

22 ANDRÉ BIROTTE JR.  
 United States Attorney

23 DENNISE D. WILLETT  
 24 Assistant United States Attorney  
 Chief, Santa Ana Branch

25 \_\_\_\_\_/s/  
 26 LAWRENCE E. KOLE  
 Assistant United States Attorney

27 Attorneys for Plaintiff United  
 28 States of America

1 ANDRÉ BIROTTE JR.  
 United States Attorney  
 2 DENNISE D. WILLETT  
 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) 338-3564  
 Email: larry.kole@usdoj.gov

7 Attorneys for Plaintiff  
 8 United States of America

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

12  
 13 UNITED STATES OF AMERICA, ) Case No. SA CR 08-180-DOC  
 )  
 14 Plaintiff, ) [PROPOSED] ORDER CONTINUING  
 ) TRIAL DATE TO DECEMBER 4, 2012  
 15 v. ) AT 8:30 A.M. AND REGARDING  
 ) EXCLUDABLE TIME PERIOD UNDER  
 16 MOSES ONCIU, BEATA GIZELLA ) SPEEDY TRIAL ACT  
 PRIORE, and IRENE PEMKOVA, )  
 )  
 17 Defendants. )

---

18  
 19 The Court has read and considered the Stipulation re  
 20 Excludable Time Period under Speedy Trial Act filed by the  
 21 parties in this matter on January 25, 2012 and conducted status  
 22 conferences on January 30 and February 6, 2012. At the February  
 23 6 status conference, defendants Moses Onciu, Beata Priore, and  
 24 Irene Pemkova each appeared in person and stated on the record  
 25 that each of them consented to the continuance requested in the  
 26 Stipulation and gave up the right to be brought to trial earlier  
 27 than December 4, 2012. The Court hereby finds that the  
 28 Stipulation, which this Court incorporates by reference into this

1 Order, along with the statements made at the status conferences,  
2 demonstrate facts that provide good cause for a finding of  
3 excludable time pursuant to the Speedy Trial Act, 18 U.S.C.  
4 § 3161.

5 The Court further finds that: (1) the ends of justice served  
6 by the continuance outweigh the best interest of the public and  
7 defendant in a speedy trial; (2) failure to grant the continuance  
8 would be likely to make a continuation of the proceeding  
9 impossible, or result in a miscarriage of justice; (3) failure to  
10 grant the continuance would unreasonably deny defendants  
11 continuity of counsel and would deny defense counsel the  
12 reasonable time necessary for effective preparation, taking into  
13 account the exercise of due diligence, (4) this continuance  
14 results from the unavailability of an essential witness, and (5)  
15 this continuance is a reasonable period of delay resulting from  
16 defendants' joinder with each other for trial, the time for trial  
17 of defendants has not run, and no motion for severance has been  
18 granted.

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

20 1. The trial in this matter is continued from February 21,  
21 2012 to December 4, 2012 at 8:30 a.m.

22 2. The time period of February 21, 2012 to December 4,  
23 2012, inclusive, is excluded in computing the time within which  
24 the trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(3)(A),  
25 (h)(6), (h)(7)(A), (h)(7)(B)(I), and (B)(iv).

26 3. Nothing in this Order shall preclude a finding that  
27 other provisions of the Speedy Trial Act dictate that additional  
28 time periods are excluded from the period within which trial must

1 commence. Moreover, the same provisions and/or other provisions  
2 of the Speedy Trial Act may in the future authorize the exclusion  
3 of additional time periods from the period within which trial  
4 must commence.

5 Dated: \_\_\_\_\_.

6

7

8

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

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28