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

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MOSES ONCIU, BEATA GIZELLA  
16 PRIORE, and IRENE PEMKOVA,

17 Defendants.

) Case No. SA CR 08-180-DOC

) ORDER CONTINUING TRIAL DATE TO  
) DECEMBER 4, 2012 AT 8:30 A.M. AND  
) REGARDING EXCLUDABLE TIME  
) PERIOD UNDER SPEEDY TRIAL ACT

18  
19 The Court has read and considered the Stipulation re Excludable Time Period  
20 under Speedy Trial Act filed by the parties in this matter on January 25, 2012 and  
21 conducted status conferences on January 30 and February 6, 2012. At the February 6  
22 status conference, defendants Moses Onciu, Beata Priore, and Irene Pemkova each  
23 appeared in person and stated on the record that each of them consented to the  
24 continuance requested in the Stipulation and gave up the right to be brought to trial  
25 earlier than December 4, 2012. The Court hereby finds that the Stipulation, which this  
26 Court incorporates by reference into this Order, along with the statements made at the  
27 status conferences, demonstrate facts that provide good cause for a finding of  
28 excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

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

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

12 1. The trial in this matter is continued from February 21, 2012 to December  
13 4, 2012 at 8:30 a.m.

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

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

22  
23 Dated: February 10, 2012

24  
25 *David O. Carter*

26 \_\_\_\_\_  
27 Honorable David O. Carter  
28 United States District Judge