

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

13 UNITED STATES OF AMERICA,	) Case No. SA CR 08-180-DOC
	)
14 Plaintiff,	) ORDER CONTINUING
	) TRIAL DATE TO APRIL 2, 2013 AT
15 v.	) 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 November 15, 2012. The Court hereby  
 22 finds that the Stipulation, which this Court incorporates by  
 23 reference into this Order, demonstrates facts that provide good  
 24 cause for a finding of excludable time pursuant to the Speedy  
 25 Trial Act, 18 U.S.C. § 3161.

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

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

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

13       1.     The trial in this matter is continued from November 27,  
14 2012 to April 2, 2013 at 8:30 a.m.

15       2.     The time period of November 27, 2012 to April 2, 2013,  
16 inclusive, is excluded in computing the time within which the  
17 trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(3)(A),  
18 (h)(6), (h)(7)(A), (h)(7)(B)(I), and (B)(iv).

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

24 / / /

25 / / /

26 / / /

27 / / /

28 / / /

1 of additional time periods from the period within which trial  
2 must commence.

3 Dated: November 15, 2012

4

5

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

6

7

8

9

cc: PSA

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28