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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,) STIPULATION RE EXCLUDABLE TIME
) ORDER
 15 v.)
)
 16 MOSES ONCIU, BEATA GIZELLA)
 PRIORE, and IRENE PEMKOVA,)
 17 Defendants.)
)
 18)
)
 19)

20 Plaintiff United States of America, by and through its
 21 counsel of record, the United States Attorney for the Central
 22 District of California, and defendants, Moses Onciu, by and
 23 through his counsel of record, Gerald Werksman, Beata Gizella
 24 Priore, by and through her counsel of record, Joel Levine, and
 25 Irene Pemkova, by and through her counsel of record, Diane Bass,
 26 stipulate as follows.

27 1. Defendants Onciu and Priore first appeared before a
 28 judicial officer in the court in which this charge is pending on

1 August 4, 2008. The Indictment in this case was filed on July 2,
2 2008. The Speedy Trial Act of 1974, 18 U.S.C. § 3161 et seq.,
3 originally required that the trial as to defendants Onciu and
4 Priore commence on or before October 13, 2008. Defendant Pemkova
5 first appeared before a judicial officer in the court in which
6 this charge is pending on August 18, 2008. The Speedy Trial Act
7 of 1974, 18 U.S.C. § 3161 et seq., originally required that the
8 trial as to defendant Pemkova commence on or before October 27,
9 2008.

10 2. On August 4, 2008, defendants Onciu and Priore were
11 arraigned on the Indictment and the Court set a trial date of
12 September 30, 2008. On August 18, 2008, defendant Pemkova was
13 arraigned on the Indictment and the Court set the same trial date
14 of September 30, 2008.

15 3. Defendants are released on bond pending trial. The
16 parties estimate that the government's case-in-chief in the trial
17 of this matter will last approximately 6 days.

18 4. The Court has previously continued the trial date in
19 this case from September 30, 2008 to March 26, 2013 upon the
20 parties' stipulations, and found the interim period, as well as
21 the period to April 2, 2013, to be excluded in computing the time
22 within which the trial must commence, pursuant to the Speedy
23 Trial Act.

24 5. By this stipulation, the parties jointly move for the
25 court to enter the contemporaneously filed excludable time order.
26 On March 12, 2013, the court held a status conference in this
27 case. Defendants Onciu and Pemkova appeared in person with their
28 counsel of record; defendant Priore was excused from appearance

1 pursuant to a waiver of appearance filed by her counsel of
2 record, who appeared in person. Upon the request of defendants
3 Priore and Pemkova, through counsel, the Court continued the
4 trial date from March 26, 2013 to October 15, 2013 at 8:30 a.m.
5 This Order supplements that findings and orders made by the court
6 at that conference.

7 6. The continuance was based upon the following facts,
8 which the parties believe demonstrate good cause to support the
9 appropriate findings under the Speedy Trial Act:

10 a) Pursuant to defendants' requests, the government
11 produced to defendants discovery including search warrants and a
12 written affidavit, voluminous email messages and attachments,
13 memoranda of interviews, investigative reports, digital files
14 that include correspondence and investment documents, financial
15 records, internet connection records, expert witness disclosures,
16 and other documentation. In addition, the government produced to
17 defendants audio recordings of telephone conversations and an in-
18 person meeting, along with transcriptions of these conversations.

19 b) A close member of defendant Priore's counsel's
20 family, for whom counsel is the primary support, is seriously ill
21 and, as a result, he is in need of additional time to prepare for
22 trial.

23 c) Defendant Pemkova was injured in a car accident in
24 October 2012 and is currently undergoing treatment to recover
25 from her injuries; as a result, is in need of addition time to
26 prepare for trial.

27 d) Counsel for defendants represent that additional
28 time is necessary to confer with defendants, conduct and complete

1 independent investigation of the case, conduct and complete
2 additional legal research including for potential pre-trial
3 motions, review the discovery and potential evidence in the case,
4 including that produced by the government, to obtain additional
5 discovery that defendants may seek from the government, to review
6 that additional discovery after it is produced, and prepare for
7 trial. Defense counsel represent that failure to grant the
8 continuance would deny them reasonable time necessary for
9 effective preparation, taking into account the exercise of due
10 diligence.

11 e) Defendants' counsel have discussed this
12 stipulation with defendants and defendants consent to the
13 requested continuance. In addition, the Court inquired of
14 defendants Onciu and Pemkova in open court regarding their Speedy
15 Trial Act rights. Defendants stated that they understand their
16 rights under the Speedy Trial Act and that they knowingly and
17 voluntarily waive those rights and agree to the trial schedule
18 included in the proposed order. Defendants further believe that
19 failure to grant the continuance will unreasonably deny them
20 continuity of counsel and adequate representation. The
21 government does not object to the continuance.

22 7. For purposes of computing the date under the Speedy
23 Trial Act by which defendants' trial must commence, the parties
24 agree that the time period of March 26, 2013 to October 15, 2013,
25 inclusive, should be excluded pursuant to 18 U.S.C.

26 §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv) because the delay
27 results from a continuance granted by the court at defendants'
28 request, without government objection, on the basis of the

1 court's finding that: (i) the ends of justice served by the
2 continuance outweigh the best interest of the public and
3 defendants in a speedy trial; (ii) failure to grant the
4 continuance would be likely to make a continuation of the
5 proceeding impossible, or result in a miscarriage of justice;
6 and (iii) failure to grant the continuance would unreasonably
7 deny defendants continuity of counsel and would deny defense
8 counsel the reasonable time necessary for effective preparation,
9 taking into account the exercise of due diligence.

10 8. The parties further agree that the time period of March
11 26, 2013 to October 15, 2013, inclusive, should be excluded
12 pursuant to 18 U.S.C. § 3161(h)(6), because it is a reasonable
13 period of delay resulting from defendants' joinder for trial with
14 each other, the time for trial of defendants has not run, and no
15 motion for severance has been granted.

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

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1 Trial rights. To my knowledge, my client understands those
2 rights. I believe that my client's decision to give up the right
3 to be brought to trial earlier than October 15, 2013 is an
4 informed and voluntary one.

5 Dated: March 12, 2013.

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_____/s/*
JOEL LEVINE
*pursuant to 3/12/13
email authorization

10

Attorney for Defendant
Beata Gizella Priore

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12 I am Irene Pemkova's attorney. I have carefully discussed
13 this stipulation and the continuance of the trial date with my
14 client. I have fully informed my client of her Speedy Trial
15 rights. To my knowledge, my client understands those rights. I
16 believe that my client's decision to give up the right to be
17 brought to trial earlier than October 15, 2013 is an informed and
18 voluntary one.

19 Dated: March 12, 2013.

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_____/s/*
DIANE BASS
*pursuant to 3/12/13
email authorization

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Attorney for Defendant
Irene Pemkova

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 2 DENNISE D. WILLETT
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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,)	[PROPOSED] ORDER CONTINUING
)	TRIAL DATE TO OCTOBER 15, 2013
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.)	

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 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 March 14, 2013. The Court hereby finds
 22 that the Stipulation, which this Court incorporates by reference
 23 into this Order, demonstrates facts that provide good cause for a
 24 finding of excludable time pursuant to the Speedy Trial Act, 18
 25 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 defendants in a speedy trial; (2) failure to grant the

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

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

12 1. The trial in this matter is continued from March 26,
13 2013 to October 15, 2013 at 8:30 a.m.

14 2. The time period of March 26, 2013 to October 15, 2013,
15 inclusive, is excluded in computing the time within which the
16 trial must commence, pursuant to 18 U.S.C. §§ 3161(h)(6),
17 (h)(7)(A), (h)(7)(B)(i), and (B)(iv).

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

25 Dated: _____.

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