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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 United States of America,
10 Plaintiff,
11 v.
12 James R. Parker,
13 Defendant.

Case No. CR10-00757-001-PHX-ROS
MOTION FOR EXTENSION OF TIME
TO FILE PRETRIAL MOTIONS AND
TO CONTINUE TRIAL
(First Request)

14
15 Defendant, James R. Parker, by and through his counsel, Thomas M. Hoidal,
16 respectfully requests that the Court extend the time for filing pretrial motions for a
17 period of at least sixty (60) days. The defendant also requests, pursuant to 18 U.S.C.
18 § 3161(h)(7)(A), that the Court continue the trial for a period of at least ninety (90)
19 days. This motion is based on the attached memorandum and the files and records in
20 this case, and argument to be presented at a status conference pursuant to defendant's
21 Motion to Designate Complex Case.

22 It is expected that excludable delay under Title 18 U.S.C. § 3161(h)(1)(F) may
23 occur as a result of this motion or from an order based thereon.

24 RESPECTFULLY SUBMITTED this 13th day of July, 2010.

25 Law Office of Thomas M. Hoidal, P.L.C.

26
27 s/ Thomas M. Hoidal
28 THOMAS M. HOIDAL
Attorney for Defendant Parker

MEMORANDUM

1
2 James R. Parker and his wife, Jacqueline L. Parker, have been charged in an
3 indictment with various tax offenses. James R. Parker is charged with tax evasion in
4 violation of 26 U.S.C. § 7201 and 18 U.S.C. § 2 (Counts 1-4), and false statement in
5 violation of 26 U.S.C. § 7206(1) and 18 U.S.C. § 2 (Counts 5-8). Jacqueline L. Parker
6 is charged with two counts of false statement (Counts 7-8). The defendants appeared
7 for arraignment on June 23, 2010 and undersigned counsel entered a limited appearance
8 for James R. Parker. Trial has been scheduled for August 3, 2010.

9 On June 24, 2010, undersigned sent letters to the prosecutor requesting discovery
10 pursuant to Rule 16, Fed. R. Crim. P., and Brady v. Maryland, 373 U.S. 82 (1983). The
11 government replied in a letter dated July 8, 2010 with the “first wave of production”.
12 The government provided two compact disks containing approximately 4000 pages of
13 documents and indicated that additional material would be provided “in the coming
14 weeks.” The parties have requested that the court designate this case complex based on
15 the voluminous discovery and novel issues so that deadlines can be set for completion
16 of discovery and a realistic pretrial motions deadline be set.

17 In addition, the defendant requests a continuance of the trial in this case for a
18 period of at least ninety (90) days. Even if the continuance requested would extend
19 beyond the maximum date under the Speedy Trial Act, the ends of justice served by
20 granting such a motion outweigh the best interest of the government and the defendant
21 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). This is because the failure to grant a
22 continuance would deny counsel for the defendant the reasonable time necessary for
23 effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
24 § 3161(h)(7)(B)(iv). Investigation of the allegations and pretrial preparation will take at
25 least an additional ninety (90) days in view of the extent of the disclosure and the novel
26 issues of fact and law in this case. The parties have requested the case be designated
27 complex so that a realistic trial date can be set.

1 Defense counsel has contacted Assistant U.S. Attorney Peter Sexton and Dana
2 Carpenter, counsel for co-defendant Jacqueline Parker, regarding this motion. Each has
3 advised they do not object to the extension of time and continuance requested.

4 **CONCLUSION**

5 For the reasons stated, the defendant respectfully requests that the Court enter an
6 order extending the pretrial motions deadline for a period of approximately sixty (60)
7 days and continuing the trial for a period of at least ninety (90) days.

8 RESPECTFULLY SUBMITTED this 13th day of July, 2010.

9
10 Law Office of Thomas M. Hoidal, P.L.C.

11 s/ Thomas M. Hoidal
12 THOMAS M. HOIDAL
13 Attorney for Defendant Parker

14
15 I hereby certify that on July 13, 2010, I electronically transmitted the attached
16 document to the Clerk's Office using the ECF System for filing and transmittal to the
17 following ECF registrants:

18 Peter Sexton Peter.Sexton@usdoj.gov

19 Copy mailed this same date, to:

20 James R. Parker

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23 s/ Thomas M. Hoidal
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,
Plaintiff,
v.
James R. Parker,
Defendant.

No. CR10-00757-001-PHX-ROS

ORDER

Upon motion of the defendant, the Court being advised, opposing counsel having no objection, and good cause appearing,

IT IS HEREBY ORDERED granting Defendant's Motion for Extension of Time to File Pretrial Motions and to Continue Trial.

IT IS FURTHER ORDERED that the trial shall be continued from August 3, 2010 to _____, 2010 at _____. This Court specifically finds that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS FURTHER ORDERED extending the current deadline for filing pretrial motions to _____.

IT IS FURTHER ORDERED that excludable delay under Title 18 U.S.C. § 3161(h) _____ will commence on _____ for a total of _____ days.