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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

9	UNITED STATES OF AMERICA,	)	
		)	Case No. 10-CR-00757-ROS-PHX
10	Plaintiff,	)	
		)	<b>MOTION TO CONTINUE</b>
11	v.	)	<b>TRIAL</b>
		)	
12	JAMES PARKER, et. al,	)	
		)	
13	Defendant.	)	
14		)	

The Defendant, James Parker, through his recently associated attorney, Michael D. Kimerer, requests that the present trial date of November 1, 2011 be continued until May of 2012.

The reason for this request is that Michael Minns, the lead counsel representing James Parker has recently been in a major trial in the United States District Court, during which he suffered health problems that necessitated a recess for several days. Following the conclusion of that trial, Mr. Minns has needed additional time to address his health concerns which will restrict his preparation time and impact his ability to physically be able to proceed given the present trial schedule.

To ensure that Mr. Parker is effectively represented, Mr. Minns' and the defendant have retained Michael D. Kimerer to act as co-counsel with Mr. Minns so he can be "the laboring

1 oar” should Mr. Minns current health problems interfere with his representation of Mr. Parker.  
2 It is anticipated that given additional time, Mr. Minns health problems will be resolved and not  
3 an issue.

4 However, in order to be prepared for trial given the possible likelihood he may have the  
5 primary responsibility of conducting the defense, defense counsel, Michael Kimerer is  
6 requesting that the trial be continued for approximately five months in order for him to properly  
7 familiarize himself with the case, review the voluminous discovery, interview witnesses, file  
8 motions, deal with the necessary experts, and do all those things that are necessary to prepare  
9 for trial and be effective in representing Mr. Parker.  
10

11 Also charged in this case is Jacqueline R. Parker, the wife of defendant James Parker.  
12 The plan is that her trial will follow after her husband’s trial. Her trial is presently scheduled  
13 for November 29, 2011. Joy Bertrand, counsel for Jacqueline R. Parker, agrees that if James  
14 Parker’s trial is continued, her client’s trial can be continued to a date shortly thereafter.  
15

16 Defense counsel has contacted ASUA Peter Sexton regarding this request for a  
17 continuance. Mr. Sexton had been made aware of Mr. Minns’ his health problems, and has no  
18 objection to a continuance being granted.  
19

20 Defense counsel avows that this Motion is made in good faith and with good cause.  
21 Excludable delay under 18 U.S.C. 3161(h) will not occur as a result of this Motion and Order  
22 based thereon.  
23

24 RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of August, 2011.

25 KIMERER & DERRIC, P.C.

26  
27 /s/ Michael D. Kimerer  
28 MICHAEL D. KIMERER

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CERTIFICATE OF SERVICE

I hereby certify that on this 19<sup>th</sup> day of August, 2011, I electronically transmitted the attached Motion to Continue Trial to the Clerk of the Court using the ECF System for filing and transmittal of the Motion to Continue Trial to the following ECF registrants:

- Peter Sexton: [Peter.Sexton@usdoj.gov](mailto:Peter.Sexton@usdoj.gov)
- Walter Perkel: [walter.perkel@usdoj.gov](mailto:walter.perkel@usdoj.gov)
- John William McBee: [mcbec@cox.net](mailto:mcbec@cox.net)
- Michael Louis Minns: [mike@minnslaw.com](mailto:mike@minnslaw.com)
- Rain Levy Minns: [rain@minnslaw.com](mailto:rain@minnslaw.com)
- Ashley Blair Arnett: [Ashley@minnslaw.com](mailto:Ashley@minnslaw.com)

By: /s/ Jin-Hee Pak