

Joy Bertrand
PO Box 2734
Scottsdale, AZ 85252-2734
AZ State Bar No. 024181
Office – 480-656-3919
Cell – 414-687-4932
Fax – 480-361-4694
Email – joyous@mailbag.com
www.joybertrandlaw.com

Attorney for the Defendant

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

JACQUELINE PARKER,
Defendants.

No. 10-CR-757-PHX-ROS

**MOTION TO CONTINUE JULY 17,
2012 TRIAL**

NOW COMES the Defendant, Jacqueline L. Parker to move this Court to continue the July 17, 2012 trial in this matter for 45 days. As further grounds therefore, the Defendant submits the following:

On June 13, 2011, the Court granted Mrs. Parker’s motion to sever her trial from her husband’s. (ECF Doc. 88) At the time, the Court expected that Mrs. Parker’s trial would begin upon the completion of Mr. Parker’s trial. The Court set Mr. Parker’s trial for November 1, 2011. On August 29, 2011, the Court continued that trial date for Mr. Parker, setting a new trial date of May 29, 2012.

1 (ECF Doc. 103) Mrs. Parker then filed a motion to continue her November 28,
2 2011 trial, to begin after her husband's trial concluded. (ECF Doc. 104) On
3 September 6, 2011, the Court granted Mrs. Parker's motion and set her trial for
4 July 17, 2012. (ECF Doc. 105). While the Court has held a status conference for
5 Mr. Parker's trial setting (ECF Doc. 113) and has set a pretrial hearing for May 16,
6 2012 for Mr. Parker, the Court and the Parties in Mrs. Parker's case have not yet
7 had such hearings. Mrs. Parker's next hearing before this Court is a final pretrial
8 conference, set for July 13, 2012. (ECF Doc. 105)

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10 At the April 2, 2012 status conference for Mr. Parker (ECF Doc. 113), the
11 Government and Mr. Parker's lawyers tried to estimate the length of Mr. Parker's
12 trial. As Counsel understood the discussion, Mr. Parker's trial is expected to last
13 several weeks. That estimate is consistent with the more than 500 exhibits the
14 Government has listed for use in Mr. Parker's trial. The Court noted that during
15 some of those weeks, the Court may not have four trial days available for trial.
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18 Mr. Parker's trial length, therefore, is difficult determine at this time. It is
19 possible that it may continue past the July 17, 2012 trial setting in Mrs. Parker's
20 case. Therefore, Mrs. Parker's Counsel is at a significant disadvantage at this
21 time. For example, Counsel cannot accurately tell when she will start Mrs.
22 Parker's trial, how long she can expect to be in trial, and when she should tell
23 any witnesses to plan to be available for testimony.
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1 Moreover, other than settlement discussions that Mrs. Parker would not
2 describe as formal plea offers from the Government, the Government and Mrs.
3 Parker have had little communication about what Mrs. Parker's trial will be – the
4 witnesses the Government will call, the exhibits it will use, and even the length
5 of the trial. Mrs. Parker's Defense cannot assume that the Government's case
6 against her will mirror her husband's trial. Mr. Parker's trial involves complex
7 international business transactions and transfers between trusts and limited
8 liability corporations. The Government has not suggested – at least that Counsel
9 can determine -- that Mrs. Parker was involved in any of that business. Rather, it
10 insists that she knowingly violated the law when she signed two offers in
11 compromise, prepared by Mr. Parker's prior lawyer.
12

14 The Government's focus on preparing for Mr. Parker's imminent trial in
15 lieu of Mrs. Parker's matter, which is set eight weeks away, is understandable.
16 As of the filing of this Motion, however, Counsel for Mrs. Parker has been given
17 little from the Government that allows the Defense to gauge the length of Mrs.
18 Parker's trial or to begin reviewing the Government's proposed exhibits that will
19 be proffered against her. Counsel cannot expect that once Mr. Parker's lengthy,
20 complicated trial begins, the Government will be able to drop what it is doing in
21 that case and focus on Mrs. Parker's trial.
22

24 Mr. Parker's case is set for a final pretrial conference on May 16, 2012.
25 (ECF 126) Some of Counsel's concerns about Mr. Parker's trial overtaking Mrs.
26

1 Parker's July 17, 2012 trial setting may be resolved at that hearing. Mrs. Parker
2 files this Motion in an exercise of caution and to allow the Parties to begin
3 discussing Mrs. Parker's trial setting in the context of the anticipated length of
4 her husband's trial. Counsel suggests a 45-day continuance, to allow for the
5 scheduling issues presented by Mr. Parker's trial and for the Parties to properly
6 prepare for Mrs. Parker's trial.
7

8 The Government objects to this Motion.

9 The Court will find attached a proposed Order.

10 Respectfully submitted on May 15, 2012.
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12

13 *s/ Joy Bertrand*
14 Counsel for Defendant Jacqueline Parker
15 PO Box 2734
16 Scottsdale, AZ 85252-2734
17 AZ State Bar No. 024181
18 Office: 480-656-3919
19 Cell: 414-687-4932
20 Fax: 480-361-4694
21 Email: joyous@mailbag.com
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CERTIFICATE OF SERVICE

On May 15, 2012, I, Joy Bertrand, attorney for the Defendant Jacqueline Parker, filed this Motion to Continue Trial with the Arizona District Court’s electronic filing system. Based on my training and experience with electronic filing in the federal courts, it is my understanding that a copy of this request will be electronically served upon the parties upon its submission to the Court.

/s/Joy Bertrand
Joy Bertrand
Attorney for Defendant Jacqueline Parker

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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA,
Plaintiff,

v.

JACQUELINE PARKER,
Defendant.

No. 10-CR-757-PHX-ROS

ORDER

Upon Motion of the Defendant, Jacqueline Parker, over the objection of the Government and with good cause appearing, to wit: the anticipated length of the trial of her severed co-defendant,

IT IS ORDERED, granting the Defendant's Motion to Continue July 17, 2012 Trial.

IT IS FURTHER ORDERED, setting the trial of this Defendant for _____, 2012 at _____, in the United States Courthouse, 401 W. Washington Street, Phoenix, Arizona.

SO ORDERED, this _____ day of _____, 2012.

Roslyn O. Silver
District Court Judge