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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

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

NOW COMES the Defendant, Jacqueline L. Parker to renew her Motion to continue the July 17, 2012 trial in this matter. 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).

5 On May 16, 2012, Counsel for Mrs. Parker filed a motion to continue the
6 July 17, 2012 trial. She cited the undetermined length of Mr. Parker's trial as
7 primary basis of her Motion. At the time, it seemed possible that Mr. Parker's
8 trial could actually run into the time set for Mrs. Parker's trial.

9 On May 29, 2012, the Court, *sua sponte*, sequestered Counsel for Mrs.
10 Parker from Mr. Parker's trial. That same day, Counsel for Mrs. Parker asked the
11 Court for clarification about its sequestration Order. The Court confirmed that,
12 because Counsel and her client had been named as potential witnesses in Mr.
13 Parker's trial, they were both to be sequestered. The Court assured Counsel that,
14 if, because of the sequestration, Counsel needed additional time to procure and
15 review transcripts from Mr. Parker's trial, then the Court would give Mrs.
16 Parker's defense team that time.

17 The Court set a status conference for Mrs. Parker's case on June 4, 2012.
18 Both parties gave reasons why it would be within the Court's discretion to
19 continue Mrs. Parker's trial. The Government noted that a continuance would
20 give it the opportunity to review what happened in Mr. Parker's trial and
21 possibly discuss with the hierarchy at the US Department of Justice Tax Division
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1 the best course of action to take in Mrs. Parker's case. Counsel for Mrs. Parker
2 noted that, due to the sequestration Order, which Counsel has honored, Counsel
3 is completely at a loss about what has occurred in Mr. Parker's trial. So, she is
4 significantly limited in her ability to prepare for Mrs. Parker's trial. The Court
5 then denied Mrs. Parker's Motion to Continue trial.
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7 Of particular continuing concern is an issue the Government raised at the
8 June 4, 2012 status conference. If Mr. Parker's trial results in a conviction, Mr.
9 Parker may still maintain his Fifth Amendment privilege against self-
10 incrimination. With so much about Mr. Parker's trial and its outcome
11 undetermined at this time, Counsel for Mrs. Parker must assume at this time that
12 Mr. Parker's silence will continue. If that is the case, Mrs. Parker would be
13 unable to call him to testify on her behalf at her trial. This exculpatory testimony
14 was one of the primary bases for the Court's severance of the two defendants.
15

16 Counsel and her client have not been released as witnesses from Mr.
17 Parker's trial. Both Counsel and are client have been barred from observing Mr.
18 Parker's trial, so Mrs. Parker's Defense is in the dark about what, if anything has
19 been said about Mrs. Parker in the course of the witness testimony. Counsel
20 cannot even proactively start ordering trial transcripts, because she does not
21 know which witnesses have testified when.
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24 Counsel has growing concerns about her ability to responsibly and
25 effectively represent Mrs. Parker at trial, given her sequestration from Mr.
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1 Parker's trial and Mrs. Parker's trial date set shortly thereafter. Moreover, if Mr.
2 Parker's trial results in conviction, Counsel must assume at this point that his
3 silence will continue, thus frustrating one of the primary reasons for the Court's
4 severance of these two Defendants. Therefore, Counsel renews Mrs. Parker's
5 Motion to Continue the July 17, 2012 trial in her case.
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7 The Court will find attached a proposed Order.

8 Respectfully submitted on June 16, 2012.

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11 *s/ Joy Bertrand*
12 Counsel for Defendant Jacqueline Parker
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CERTIFICATE OF SERVICE

On June 16, 2012, I, Joy Bertrand, attorney for the Defendant Jacqueline Parker, filed this Renewed 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,

No. 10-CR-757-PHX-ROS

v.

ORDER

JACQUELINE PARKER,
Defendant.

Upon Motion of the Defendant, Jacqueline Parker, over the objection of the Government and with good cause appearing, to wit: the sequestration of Mrs. Parker and her Counsel from Mr. Parker's trial and the attendant concerns about Mr. Parker's ongoing assertion of his Fifth Amendment privilege post-trial

IT IS ORDERED, granting the Defendant's Renewed 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
Chief District Court Judge