

1 McGREGOR W. SCOTT
United States Attorney
2 R. STEVEN LAPHAM
S. ROBERT TICE-RASKIN
3 Assistant U.S. Attorneys
501 I Street, Suite 10-100
4 Sacramento, California 95814
Telephone: (916) 554-2700
5
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)	CR. NO. S-05-240 GEB
)	
11 Plaintiff,)	GOVERNMENT'S WRITTEN MOTION
)	FOR ORDER EXCLUDING TIME
12 v.)	UNDER THE SPEEDY TRIAL ACT
)	
13 HAMID HAYAT, and)	Hearing Date: 15 July 2005
14 UMER HAYAT,)	Hearing Time: 10:00 a.m.
)	Court: Hon. G.E. Burrell, Jr.
15 Defendants.)	
)	

16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

PAGE

Table of Authorities ii

I. INTRODUCTION 3

II. PROCEDURAL HISTORY 3

III. STATEMENT OF FACTS 4

A. The Required Process to Search for and Potentially Produce Discovery for this Case 4

B. The Government's Need to Translate and Review Items Seized from Defendants' Home 8

IV. ARGUMENT 10

A. Time Is Excluded Under the Speedy Trial Act From July 1, 2005, the Time the Government Filed Its Motion, Through the Court's Ruling Thereon 10

B. Time Should Be Excluded From July 1, 2005 to August 19, 2005 Because The Case Is Unusual or Complex 12

C. This Case Is Also Unusual Or Complex Based On the Nature of the Prosecution, and the Need For the Government To Review Voluminous Seized Materials in Multiple Foreign Languages 18

D. The Court Should Vacate the August 23, 2005 Trial Date 19

V. CONCLUSION 20

Letter from Johnny L. Griffin, III, Esq. requesting discovery, dated June 20, 2005. Exhibit A

Letter from Wazhma Mojaddidi, Esq. requesting discovery, dated June 20, 2005. Exhibit B

Letter from Johnny L. Griffin, III, Esq. requesting discovery, dated June 23, 2005 Exhibit C

Letter from Wazhma Mojaddidi, Esq. requesting discovery, dated June 23, 2005 Exhibit D

TABLE OF AUTHORITIES

FEDERAL CASES

United States v. Al Arian,
267 F. Supp. 2d 1258 (M.D. Fla. 2003) 16, 19

United States v. Arbelaez,
7 F.3d 344 (3d Cir. 1993) 11

United States v. Aviles-Alvarez,
868 F.2d 1108 (9th Cir. 1989) 12

United States v. Cobb,
697 F.2d 38 (2d Cir.1982) 11

United States v. Dominguez-Villa,
954 F.2d 562 (9th Cir. 1992) 5

United States v. Golomb,
754 F.2d 86 (2d Cir. 1985) 19

United States v. Henderson,
746 F.2d 619 (9th Cir. 1984), aff'd,
476 U.S. 321 (1986) 11

United States v. Jean,
25 F.3d 588 (7th Cir. 1994) 18

United States v. Lloyd,
125 F.3d 1263 (9th Cir. 1997) 13

United States v. Louis,
814 F.2d 852 (2d Cir. 1987) 11

United States v. Matsushita,
794 F.2d 46 (2d Cir. 1986) 11

United States v. Noone,
913 F.2d 20 (1st Cir. 1990), cert. denied,
500 U.S. 906 (1991) 11

United States v. North,
1988 W.L. 148511 (D.D.C. Sept. 22, 1988) 15

United States v. Noriega,
746 F. Supp. 1548 (S.D. Fla. 1990) 15

United States v. O'Bryant,
775 F.2d 1528 (11th Cir. 1985) 11

United States v. Richmond,
735 F.2d 208 (6th Cir. 1984) 11

1	<u>United States v. Rodriguez,</u>	
	63 F.3d 1159 (1st Cir. 1999), <u>cert. denied,</u>	
2	516 U.S. 1032 (1995)	11
3	<u>United States v. Ruggiero,</u>	
	726 F.2d 913 (2d Cir.), <u>cert. denied,</u>	
4	469 U.S. 831 (1984), <u>abrogated on other grounds,</u>	
	522 U.S. 52 (1997)	18
5		
6	<u>United States v. Santiago,</u>	
	46 F.3d 885 (9th Cir. 1995), <u>cert. denied,</u>	
7	515 U.S. 1162 (1995)	5
8	<u>United States v. Sarkissian,</u>	
	841 F.2d 959 (9th Cir. 1988)	7
9	<u>United States v. Springer,</u>	
	51 F.3d 861 (9th Cir. 1995), <u>cert. denied,</u>	
10	516 U.S. 861 (1995)	11
11	<u>United States v. Thomas,</u>	
	774 F.2d 807 (7th Cir. 1985), <u>cert. denied,</u>	
12	475 U.S. 1024 (1986)	18

FEDERAL STATUTES

14	18 U.S.C § 1001	3
15	18 U.S.C. § 3161	Passim
16	18 U.S.C. App. III	6, 15
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		