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6 Attorneys for Emmanoul Varagiannis

7 UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF NEVADA

9
10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.)
13 EMMANOUL VARAGIANNIS,) 2:12-CR-439-PMP-PAL
14 Defendant.)
15

16 **STIPULATION TO CONTINUE THE TRIAL DATE**
17 (1st Request)

18 CERTIFICATION: This pleading is timely filed pursuant to the pretrial order.

19 It is hereby stipulated and agreed, by and between DANIEL BOGDEN, United
20 States Attorney, by Cristina D. Silva, and Richard A. Wright, Esq., counsel for
21 Emmanoul Varagiannas, that the **trial** currently scheduled for January 8, 2013, be
22 continued for six months, to **July or August, 2013**.

23 It is further requested that the parties shall have to and including May 10, 2013,
24 by the hour of 4:00 p.m., within which to file any and all pre-trial motions and notices of
25 defense and that the parties herein shall have to and including, June 7, 2013, by the
26 hour of 4:00 p.m. within which to file any and all responsive pleadings and the parties
27 shall have to and including, June 14, 2013, by the hour of 4:00 pm to file any reply.

28 This stipulation is entered into for the following reasons:

1 1. The Government has, as of yet, been unable to produce all the
2 voluminous discovery. The Government is completing its IRS investigation and has
3 not yet made the decision on whether to add a tax count to the indictment.

4 Negotiations cannot begin until discovery is reviewed and the IRS decision is made.

5 2. Richard A. Wright, Esq. has a firm trial setting for State of Nevada v.
6 Desai scheduled for April, 2013. This case is very complex and will require Mr. Wright
7 to focus much of his time on preparation for that trial.

8 3. Counsel for defendant has conferred with the client and he agrees that
9 this stipulation to continue the trial is appropriate and necessary.

10 4. The additional time requested herein is not sought for purposes of delay,
11 but merely to allow counsel for defendant sufficient time, in light of the above, within
12 which to be able to effectively and thoroughly review the evidence in the above-
13 captioned matter, and thereafter sufficient time within which to be able to effectively and
14 thoroughly research, prepare and submit for filing appropriate pre-trial motions on
15 behalf of the client and to prepare for trial.

16 5. Additionally, denial of this request for continuance could result in a
17 miscarriage of justice.

18 6. The additional time requested by this stipulation is excludable in
19 computing the time within which the trial herein must commence pursuant to the
20 Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the
21 factors under Title 18, United States Code, Sections 3161 (h)(7)(B)(i) and 3161
22 (h)(7)(B)(iv).

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
EMMANOUL VARAGIANNIS,)
Defendant.)

2:12-CR-439-PMP-PAL

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based upon the pending Stipulation of counsel and good cause appearing, the Court finds

1. The Government has, as of yet, been unable to produce all the voluminous discovery. The Government is completing its IRS investigation and has not yet made the decision on whether to add a tax count to the indictment. Negotiations cannot begin until discovery is reviewed and the IRS decision is made. The Government is completing its IRS investigation and has not yet made the decision on whether to add a tax count to the indictment. Negotiations cannot begin until discovery is reviewed and the IRS decision is made.

2. Richard A. Wright, Esq. has a firm trial setting for State of Nevada v. Desai scheduled for April, 2013. This case is very complex and will require Mr. Wright to focus much of his time on preparation for that trial.

1 3. Counsel for defendant has conferred with the client and he agrees that this
2 stipulation to continue the trial is appropriate and necessary.

3 4. The additional time requested herein is not sought for purposes of delay.

4 5. Denial of this request for continuance would deny counsel for the
5 defendants sufficient time, in light of the nature of the evidence in the above-
6 captioned matter, within which to be able to effectively and thoroughly review,
7 prepare and submit for filing appropriate pre-trial motions on behalf of the client,
8 taking into account the exercise of due diligence.

9 6. Additionally, denial of this request for continuance could result in a
10 miscarriage of justice.

11 7. The additional time requested by this stipulation is excludable in computing
12 the time within which the trial herein must commence pursuant to the Speedy Trial Act,
13 Title 18, U.S.C., Section 3161(h)(7)(A), considering the factors under Title 18, United
14 States Code, Sections 3161 (h)(7)(B)(i) and 3161 (h)(7)(B)(iv).

15 8. This is the first request for a continuance filed herein.

16 **CONCLUSIONS OF LAW**

17 Based on the aforementioned findings of fact, the court makes the following
18 conclusions of law:

19 1. The additional time requested herein is not sought for purposes of delay,
20 but merely to allow counsel for the government and the defendant sufficient time, in light
21 of the above, within which to be able to effectively and thoroughly review the extensive
22 testimony in the above-captioned matter, and thereafter sufficient time within which to be
23 able to effectively and thoroughly research, prepare for the trial in this matter.

24 2. Denial of this request for continuance would deny counsel for the
25 defendants sufficient time, in light of the nature of the documentary evidence in the
26 above-captioned matter and the legal issues involved, within which to be able to
27 effectively and thoroughly review, prepare and submit for filing appropriate pre-trial
28 motions on behalf of their clients, taking into account the exercise of due diligence.

1 3. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice.

3 4. The additional time requested by this stipulation is excludable in computing
4 the time within which the trial herein must commence pursuant to the Speedy Trial Act,
5 Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
6 18, United States Code, Sections 3161 (h)(7)(B)(i) and 3161 (h)(7)(B)(iv).

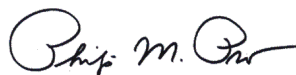
7 5. The ends of justice served by granting said continuance outweigh the best
8 interests of the public and the defendants herein to a Speedy Trial, since the failure to
9 grant said continuance would likely result in a miscarriage of justice and would deny
10 counsel for defendant sufficient time within which to effectively prepare for and present
11 an appropriate defense on the currently scheduled pretrial motion schedule, taking into
12 account the exercise of due diligence.

13 **ORDER**

14 IT IS HEREBY ORDERED that the date for the filing of pretrial motions herein be
15 extended to and including, **May 10, 2013, by the hour of 4:00 p.m.**, within which to file
16 any and all pre-trial motions and notices of defense and that the parties herein shall have
17 to and including, **June 7, 2013, by the hour of 4:00 p.m.** within which to file any and all
18 responsive pleadings and the parties shall have to and including, **June 14, 2013, by the**
19 **hour by the hour of 4:00 p.m.**, within which to file any and all pre-trial motions and
20 notices of defense.

21 **IT IS HEREBY FURTHER ORDERED** that the trial date in this matter shall be
22 vacated and reset to Tuesday, August 20, 2013, at 9:00 a.m. ____. Accordingly, the
23 present calendar call is also vacated and reset for Wednesday, August 14, 2013, at 9:30 a.m.

24
25 Dated: January 2, 2013.

26 

27 PHILIP M. PRO
28 United States District Court Judge