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Attorneys for Defendant
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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,) Case No. 2:12-mj-656-CWH
10 vs.)
11 EMMANOUIL VARAGIANNIS,)
12 Defendant.)
13

14 **STIPULATION TO CONTINUE PRELIMINARY HEARING**
(First Request)

15 **IT IS HEREBY STIPULATED AND AGREED**, by and between Cristina Silva,
16 Assistant United States Attorney, counsel for the United States of America, David T. Brown,
17 counsel for defendant, EMMANOUIL VARAGIANNIS, and that the preliminary hearing
18 scheduled for Friday, October 19, 2012 be continued to a date and time convenient to this court,
19 but not earlier than forty-five (45) days.

20 This stipulation is entered into for the following reasons:

- 21 1. The parties require additional time to work on a possible pre-indictment
22 resolution.
- 23 2. Defendant is not in custody and has been fully apprised of the stipulation and
24 does not have any objection to the continuance.
- 25 3. Additionally, denial of this request would result in a miscarriage of justice, and
26 would deny the Parties reasonable time necessary for effective preparation, taking into account
27 the exercise of due diligence. The Parties ask that the Court grant this request for continuance by
28 finding that the ends of justice served by this continuance outweigh the best interest of the public
and defendant in a speedy trial and indictment.

1 4. This is the first request for continuance of the preliminary hearing sought
2 herein.

3 5. The additional time requested by this stipulation is excludable in computing the
4 time within which defendant must be indicted pursuant to the Speedy Trial Act, 18 U.S.C. §§
5 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(I) and
6 3161(h)(7)(B)(iv).

7 **DATED** this 17th day of October, 2012.

8
9
10 _____/s/_____
11 DAVID T. BROWN
12 Counsel for Defendant
13 EMMANOUIL VARAGIANNIS

 _____/s/_____
Cristina Silva
Counsel for Plaintiff
UNITED STATES OF AMERICA

14 **CERTIFICATE OF SERVICE**

15 The undersigned also certifies that on the 17th day of October, 2012, a true and correct
16 copy of the foregoing STIPULATION TO CONTINUE PRELIMINARY HEARING was served
17 via CM/ECF as follows:

18 Cristina Silva
19 US ATTORNEY'S OFFICE
20 333 Las Vegas Blvd. South
 Ste. 5000
 Las Vegas, NV 89101

21 BY: _____/s/_____
22 David T. Brown
23 Nevada Bar No. 6914
24 520 S. Fourth Street
25 Las Vegas, Nevada 89101

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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,) Case No. 2:12-mj-656-CWH
10 vs.)
11 EMMANOUIL VARAGIANNIS,)
12 Defendant.)
13 _____)

14 **FINDINGS OF FACT**

15 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
16 Court finds that:

- 17 1. The parties require additional time to work on a possible pre-indictment
18 resolution.
19 2. Defendant is not in custody and has been fully apprised of the stipulation and
20 does not have any objection to the continuance.
21 3. Additionally, denial of this request would result in a miscarriage of justice, and
22 would deny the Parties reasonable time necessary for effective preparation, taking into account
23 the exercise of due diligence. The Parties ask that the Court grant this request for continuance by
24 finding that the ends of justice served by this continuance outweigh the best interest of the public
25 and defendant in a speedy trial and indictment.
26 4. This is the first request for continuance of the preliminary hearing sought
27 herein.
28

1 5. The additional time requested by this stipulation is excludable in computing the
2 time within which defendant must be indicted pursuant to the Speedy Trial Act, 18 U.S.C. §§
3 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(I) and
4 3161(h)(7)(B)(iv).

5 **CONCLUSION OF LAW**

6 For all of the above-stated reasons, the ends of justice would best be served by a
7 continuance of the date of the preliminary hearing. In particular, the Court finds that the ends of
8 justice served by this continuance outweigh the best interest of the public and defendant in a
9 speedy trial and indictment.

10 The additional time requested by this stipulation is excludable in computing the time
11 within which the preliminary hearing and/or indictment must commence pursuant to the Speedy
12 Trial Act, 18 U.S.C. §§3161(h)(7)(A), when considering the factors under 18 U.S.C.
13 §§3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

14 **ORDER**

15 **IT IS HEREBY ORDERED** that the preliminary hearing scheduled for October 19,
16 2012 at 4:00 p.m. the be vacated and continued to _____, at the
17 hour of _____, in Courtroom #____.

18 **DATED** this ____ day of _____, 2012.

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20 _____
21 UNITED STATES MAGISTRATE JUDGE
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