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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, Plaintiff, vs. MARTIN KAO, Defendant.	MAG. NO. 20-01208-WRP SECOND STIPULATION AND ORDER TO CONTINUE PRELIMINARY HEARING AND EXCLUSION OF TIME UNDER SPEEDY TRIAL ACT

SECOND STIPULATION AND ORDER TO CONTINUE PRELIMINARY HEARING AND EXCLUSION OF TIME UNDER SPEEDY TRIAL ACT

IT IS HEREBY STIPULATED by the United States of America, through its attorney, United States Attorney Kenji M. Price, and Defendant Martin Kao, through counsel, Michael Jay Green, Esq., that good cause exists to continue the

preliminary hearing previously set for December 14, 2020 to February 8, 2021 at 2:00 p.m. before the Honorable Kenneth J. Mansfield, United States Magistrate Judge, pursuant to Federal Rule of Criminal Procedure 5.1(d).

Good cause exists to continue the preliminary hearing within the meaning of Rule 5.1(d) to allow defense counsel time to meet with Defendant and review materials. As a result, a continuance of the preliminary hearing date will not prejudice him as it will allow his counsel the opportunity to understand the nature and scope of the evidence in this case in order to prepare an effective defense.

Counsel further stipulate that an exclusion of time from December 14, 2020 through February 8, 2021 is appropriate under the Speedy Trial Act because defense counsel needs additional time to understand the nature and scope of the evidence in this case in order to prepare an effective defense. As a result, counsel for both parties stipulate that the ends of justice are served by the Court excluding such time and outweigh Defendant's interest in a speedy trial, as well as the public's interest in a speedy trial, so that counsel for Defendant may have reasonable time necessary for effective preparation, taking into account the exercise of due diligence under 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, time should be excluded from computation under the Speedy Trial Act under 18 U.S.C. § 3161(h)(7)(A).

The parties further stipulate that:

The ends of justice outweigh the best interests of the public and Defendant in a speedy trial under 18 U.S.C. § 3161(h)(7)(A).

The parties agree and ask the Court to find that the ends of justice are best served by granting a continuance in this case in order to allow counsel to adequately prepare for the preliminary hearing. The period of time from December 14, 2020 through February 8, 2021 constitutes a period of excludable delay in the computation of speedy trial time, pursuant to 18 U.S.C. § 3161(h)(7)(A).

DATED: November 17, 2020 at Honolulu, Hawaii.

Respectfully submitted,

KENJI M. PRICE
United States Attorney
District of Hawaii

By: /s/ Craig S. Nolan
Craig S, Nolan
Assistant U.S. Attorney

/s/ Michael Jay Green
Michael Jay Green
Attorney for Defendant
MARTIN KAO

ORDER

Based upon the representations by counsel and the stipulation of the parties, IT IS HEREBY ORDERED that:

(1) The Court finds good cause to continue the Preliminary Hearing previously set for December 14, 2020 to February 8, 2021 at 2:00 p.m. before the Honorable Kenneth J. Mansfield, United States Magistrate Judge, pursuant to Federal Rule of Criminal Procedure 5.1(d); and

(2) Based upon the above representations and stipulation of the parties, the Court further finds that the ends of justice outweigh the best interest of the public and Defendant in a speedy trial. Accordingly, time under the Speedy Trial Act shall be excluded from December 14, 2020 through February 8, 2021, pursuant to 18 U.S.C. § 3161(h)(7)(A).

IT IS SO ORDERED.

DATED: November 17, 2020 at Honolulu, Hawaii.

Wes Reber Porter
United States Magistrate Judge

United States v. Martin Kao
Mag. No. 20-01208-WRP
"Second Stipulation and Order to Continue Preliminary Hearing and Exclusion of Time Under Speedy Trial Act"