JUDITH A. PHILIPS
Acting United States Attorney
District of Hawaii

DANIEL S. KAHN
Acting Chief, Fraud Section
Criminal Division, U.S. Dept. of Justice

CRAIG S. NOLAN
Assistant U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-2958
E-mail: Craig.Nolan@usdoj.gov

THOMAS J. TYNAN
Trial Attorney
U.S. Dept. of Justice
Criminal Division, Fraud Section
1400 New York Avenue, N.W.
Washington, D.C. 20005
Telephone: (202) 768-1136
E-mail: Thomas.Tynan@usdoj.gov

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.	CR. NO. 21-00061 JAO STIPULATION CONTINUING TRIAL DATE AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT OLD TRIAL DATE: July 6, 2021 NEW TRIAL DATE: April 18, 2022

STIPULATION CONTINUING TRIAL DATE
AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

A. The United States of America and the defendant, MARTIN KAO, through their respective attorneys, hereby agree and stipulate to continue the trial in this case and to exclude the time period from the date this Order is signed to and

including the new trial date from computation under the Speedy Trial Act. The reason for the continuance is that defense counsel needs adequate time to review the extensive discovery produced by the government, thoroughly investigate potential factual and legal defenses, and file any appropriate motions.

B. The parties further agree that the ends of justice served by the continuance outweigh the best interests of the defendant and the public in a speedy trial, and:

1. The failure to grant such a continuance would be likely

☐ To make a continuation of such proceeding impossible

☒ To result in a miscarriage of justice.

2. The case is so

☐ Unusual

☐ Complex

due to the

☐ Number of defendants

☐ Nature of the prosecution

☐ Existence of novel questions of fact or law

that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act.

3. The failure to grant the continuance would

☐ Deny the defendant reasonable time to obtain counsel

☐ Unreasonably deny the defendant continuity of counsel

☐ Unreasonably deny the government continuity of counsel

☒ Deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence

☐ Deny counsel for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

C. The parties further agree that the period of time from the date this Order is signed to and including April 18, 2022 constitutes a period of delay which shall be excluded in computing the time within which the trial in this case

//

//

must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B), and (h)(6).

DATED: May 24, 2021, at Honolulu, Hawaii.

JUDITH A. PHILIPS
Acting United States Attorney
District of Hawaii

By */s/ Craig S. Nolan*
CRAIG S. NOLAN
Assistant U.S. Attorney

DANIEL S. KAHN
Acting Chief, Fraud Section
Criminal Division
U.S. Department of Justice

By */s/ Thomas J. Tynan*
THOMAS J. TYNAN
Trial Attorney

MICHAEL JAY GREEN, ESQ.
Attorney for Defendant
MARTIN KAO

ORDER CONTINUING TRIAL DATE
AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

The above Stipulation Continuing Trial Date and Excluding Time under the Speedy Trial Act is hereby approved, and the agreements set forth in paragraphs A, B, and C of the Stipulation are adopted as findings by the Court. For the reasons stated, IT IS HEREBY ORDERED:

(1) the jury selection and trial are set for April 18, 2022 at 9:00 a.m. before United States District Judge Jill A. Otake;

(2) the final pretrial conference is set for March 21, 2022 at 1:45 p.m. before United States Magistrate Judge Wes Reber Porter; and

(3) motions are due on March 7, 2022, and responses are due on March 21, 2022.

IT IS FURTHER ORDERED that the period of time from the date this Order is signed to and including April 18, 2022, constitutes a period of delay which

//

//

//

//

//

//

//

shall be excluded in computing the time within which the trial in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B), and (h)(6).

DATED: Honolulu, Hawai‘i, May 24, 2021.

Jill A. Otake
United States District Judge