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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,	)	CR. NO. 21-00061 LEK
	)	
	)	SECOND STIPULATION
Plaintiff,	)	CONTINUING TRIAL DATE AND
	)	EXCLUDING TIME UNDER THE
vs.	)	SPEEDY TRIAL ACT
	)	
MARTIN KAO,	)	OLD TRIAL DATE: April 18, 2022
	)	NEW TRIAL DATE: January 17, 2023
Defendant.		

SECOND 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 April 18, 2022 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, and to assess the impact of the indictment returned on February 2, 2022 in United States District Court for the District of Columbia Criminal No. 22-00048-CJN, charging defendant and two others with violations of 18 U.S.C. §§ 2, 371, and 1001, and 52 U.S.C. §§ 30109, 30119, and 30122.

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.

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C. The parties further agree that the period of time from April 18, 2022 to and including January 17, 2023 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: March 29, 2022, at Honolulu, Hawaii.

CLARE E. CONNORS
United States Attorney
District of Hawaii

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

JOSEPH BEEMSTERBOER
Acting Chief, Fraud Section
Criminal Division
U.S. Department of Justice

By */s/ Jennifer Bilinkas*
JENNIFER BILINKAS
Trial Attorney

/s/ Victor J. Bakke
VICTOR J. BAKKE, ESQ.
Attorney for Defendant
MARTIN KAO

ORDER CONTINUING TRIAL
AND EXCLUDING SPEEDY TRIAL ACT TIME

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 January 17, 2023, at 9:00 a.m., before Leslie E. Kobayashi, United States District Judge;

(2) the final pretrial conference is set for December 12, 2022 at 1:30 p.m., before Wes Reber Porter, United States Magistrate Judge; and

(3) defense motions are due on December 5, 2022, and the government's responses are due on December 19, 2022.

IT IS FURTHER ORDERED that the period of time from April 18, 2022 to and including January 17, 2023 constitutes a period of delay which shall be

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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: March 29, 2022, at Honolulu, Hawaii.

/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge