UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	**Criminal No: 21-cr-10270-MLW**
	)	
ATTICHA JITTAPHOL,	)	
Defendant	)	

JOINT STATUS REPORT

Pursuant to Local Rule 116.5(a), the parties hereby file the following status report prepared in connection with the status conference scheduled for May 18, 2022.

(1) Status of Discovery and Pending Discovery Requests

The government provided discovery on April 30, 2022, and the defendant requested additional discovery on May 4, 2022. D.86. The government will produce items responsive to the defendant's request as soon as practicable and no later than May 27, 2022.

(2)-(3) Additional Discovery/Timing of Requests

Any newly discovered evidence shall be disclosed pursuant to the Local Rules. The defendant does not yet know whether she will make additional discovery requests.

(4) Protective Orders

No protective orders are anticipated by the parties at this time.

(5) Pretrial Motions

The defendant does not intend to file any motions under Fed. R. Crim. P. 12(b).

(6) Expert Discovery

The Government agrees to provide expert witness disclosures, if any, 28 days prior to trial. The Defendant agrees to provide expert witness disclosures, if any, 14 days prior to trial.

(7) Defenses of Insanity, Public Authority, or Alibi

The defendant does not intend to raise a defense of insanity, public authority, or alibi.

(8) Periods of Excludable Delay

In its order dated October 29, 2021, the Court excluded the time from the date of the defendant's initial appearance on October 26, 2021, through the date of the next hearing in the interests of justice, 18 U.S.C. §3161(h)(7)(A). D.15.

The next hearing was held on January 20, 2022. At that hearing, the parties presented their proposed plea agreement, which the Court took under consideration. D.27, 30. On March 8, 2022, the Court held a hearing and accepted the defendant's guilty plea but deferred acceptance of the plea agreement until the date of sentencing. The time from the January 20 hearing to the March 8 hearing is excludable under 18 U.S.C. §3161(h)(1)(G) (Court's consideration of plea agreement). No non-excludable days elapsed between the defendant's arraignment and guilty plea.

On April 18, 2022, the Court revoked the defendant's pretrial release, rejected the parties' plea agreement, and directed the defendant to inform the Court by May 2, 2022 whether she wished to withdraw her guilty plea. D.79. On May 2, the defendant filed a motion to withdraw her guilty plea (D.85), which the Court granted on May 10, 2022. D.90.

No order of excludable delay was entered in connection with the defendant's May 2 motion to withdraw her plea or the Court's May 10, 2022 order granting that motion.

The government contends that the time from the filing of the defendant's motion to withdraw (May 2) to the date of the Court's resolution of the motion (May 10) is excludable under §3161(h)(1)(D). Accordingly, as of the date of this hearing, eight non-excludable days have elapsed, leaving 62 days to commence trial.

The defendant contends that the Speedy Trial clock began to run on May 2, the date she filed her motion to withdraw her guilty plea, and thus 16 non-excludable days have elapsed, leaving 54 days to commence trial.

(9) Whether Trial is Anticipated; Estimated Length of Trial

The parties expect this case to go to trial, and the trial should last approximately one week.

(10) Date for Further or Final Status Conference

The parties request that this case be referred to the District Court for a pretrial hearing at the Court's earliest convenience.

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

/s/ Keith Halpern
KEITH HALPERN
Attorney for Atticha Jittaphol

By: */s/ Kelly Begg Lawrence*
KELLY BEGG LAWRENCE
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the Court's Electronic Court Filing (ECF) system on May 17, 2022, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Kelly Begg Lawrence
Kelly Begg Lawrence
Assistant U.S. Attorney