

SAMPLE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. XX-00000-01 HG
)	
Plaintiff,)	STIPULATION AND ORDER CONTINUING
)	TRIAL DATE AND EXCLUDING
vs.)	TIME UNDER THE SPEEDY TRIAL
)	ACT
JOHN SMITH, (01))	
)	OLD TRIAL DATE: June 12, 2006
Defendant.)	NEW TRIAL DATE: July 13, 2006
_____)	

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

A. The United States of America and the Defendant, John Smith, through their respective attorneys, hereby agree and stipulate to continue the trial in this case and to exclude the time period from [date of hearing or stipulation] and the new trial date from computation under the Speedy Trial Act. The reason(s) for the continuance is (are):

_____.

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 [check all that apply, but per the statute 2 and 3 cannot both be checked]:

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

___the nature of the prosecution

___the 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.

4. (Other factors considered)_____.

C. The parties further agree that the period of time from [date of hearing or stipulation] to and including [new trial date], 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)(8)(A) and (h)(8)(B).

DATED _____, 2007, at Honolulu, Hawaii.

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

By _____
[AUSA]
Assistant U.S. Attorney

MARY JONES, ESQ.
Attorney for Defendant
JOHN SMITH

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 [date];

(2) the final pretrial conference is set for [date] at 10:00 a.m.;

(3) [if applicable] defense motions are due on [date], and the government's responses are due on [date].

IT IS FURTHER ORDERED that the period of time from [date of hearing or stipulation] to and including [new trial date], 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)(8)(A) and (h)(8)(B).

DATED _____, 2007, at Honolulu, Hawaii.

/s/Helen Gillmor
Chief United States District Judge