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 9 United States of America

10 UNITED STATES DISTRICT COURT
 11 SOUTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA) No. 18CR3677-W
 13)
 14 Plaintiff,) JOINT MOTION TO EXCLUDE TIME
) UNDER THE SPEEDY TRIAL ACT
 15 v.)
)
 16 DUNCAN D. HUNTER, (1))
 17 MARGARET E. HUNTER, (2))
)
 18 Defendants.)
 19)

20
 21 The United States of America, by its counsel, and defendants Duncan D. Hunter and
 22 Margaret E. Hunter, by their counsel, Gregory A. Vega and Logan Smith and Thomas W.
 23 McNamara, jointly move to exclude time under the Speedy Trial Act, 18 U.S.C.
 24 § 3161(h)(7).

25 1. The Indictment in this case was returned on August 21, 2018. Both
 26 defendants were arraigned on the indictment on August 23, 2018. The Speedy Trial Act,
 27 18 U.S.C. § 3161(c)(1), requires trial to commence within 70 days of a defendant's
 28

1 arraignment. This resulted in the initial maximum trial date being set at November 1,
2 2018.

3 2. Beginning on August 31, 2018, the United States has produced to defense
4 counsel discovery in this case, including approximately two terabytes of data along with
5 detailed indexes describing all the discovery materials. These materials include records
6 received from staff members and witnesses, banks, and vendors and other businesses;
7 social media and internet service providers; and evidence seized pursuant to searches
8 conducted at physical locations and email and social media accounts. It also includes
9 reports of interviews with witnesses and co-defendants and affidavits in support of search
10 warrants.

11 3. This Court held status hearings on September 4, September 24, and December
12 3, 2018, in the presence of both defendants. Each time, all parties agreed that the motions
13 hearing should be continued so that the defense could review the discovery materials and
14 prepare their defense. Each time, with the agreement of all parties, the Court found that a
15 failure to continue the matter would result in a “miscarriage of justice.”

16 4. At the status hearing on December 3, 2018, all parties requested that the Court
17 hold a motions hearing on July 29, 2019 and agreed to set the trial for September 10, 2019.
18 At this time, it is anticipated that this schedule will allow the defense the reasonable time
19 necessary for effective preparation, including to review the voluminous discovery
20 materials, conduct its own investigation as necessary, prepare pretrial motions, and prepare
21 the case for trial. The Court set a motions hearing date on July 29, 2019. The Court set
22 the trial for September 10, 2019. In doing so, it found that the failure to do so would result
23 in a miscarriage of justice.

24 5. The ends of justice served by granting the trial date outweigh the best interest
25 of the public and the defendants in a speedy trial. The parties have exercised due diligence.
26 But failure to grant the trial date and motions hearing date would deny counsel the
27 reasonable time necessary for effective preparation and result in a miscarriage of justice.
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4 UNITED STATES DISTRICT COURT
5 SOUTHERN DISTRICT OF CALIFORNIA
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 DUNCAN D. HUNTER, (1)
11 MARGARET E. HUNTER, (2),

12 Defendants.

Case No.: 18CR3677-W

CERTIFICATE OF SERVICE

13 IT IS HEREBY CERTIFIED THAT:
14

15 I, EMILY ALLEN, am a citizen of the United States and am at least eighteen
16 years of age. My business address is 880 Front Street, Room 6293, San Diego,
17 California 92101-8893. I am not a party to the above-entitled action.
18

19 I have caused service of JOINT MOTION TO EXCLUDE TIME UNDER THE
20 SPEEDY TRIAL ACT on defense counsel by electronically filing the foregoing with
21 the Clerk of the District Court using its ECF System.
22

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Dated: December 6, 2018
25
26

27 s/Emily Allen
28 *EMILY ALLEN*
Assistant U.S. Attorney