

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	Case No: 3:12-CR-317-L
	§	Hon. Sam A. Lindsay
BARRETT LANCASTER BROWN	§	

AGREED MOTION TO CONTINUE PRETRIAL DEADLINES

Defendant BARRETT LANCASTER BROWN files this agreed motion for a continuance and in support thereof, would show the Court the following:

I.

This matter is presently scheduled for a trial on September 3, 2013. *See* Pretrial Order, Document 40 at 2. The Court has set a deadline of June 21, 2013 for the filing of pretrial motions. *Id.*

The volume of discovery in this case is substantial. The discovery in this matter consists of the following sets of material, among others:

- (1) Electronically Stored Information [ESI] comprising a two-terabyte external hard drive containing seven images derived from three hard drives.
- (2) Six DVD ROMs obtained from the Office of the Federal Public Defender, consisting of scanned documents and other evidentiary items (documents, video files and audio files) seized from Mr. Brown in electronic form.

Undersigned counsel for Brown received six DVD ROMs from the Federal Public Defender's Office two weeks ago, and has been cataloguing it since that time. Brown has

obtained an estimate from a vendor to complete the processing of the electronically stored information (ESI) and the vendor estimates that it will take a minimum of two to three weeks to complete the processing begun by the Federal Public Defender's Office. Once the ESI has been processed, counsel for Brown will require a period of no less than four weeks to review and assimilate the discovery and determine what pretrial motions, if any, are appropriate.

The undersigned counsel certify to this Court that they are preparing for this case with due diligence and that this Motion is not made for purposes of delay. The Code provides that a district court may continue a case when

the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), [but] would . . . deny counsel for the defendant or the attorney for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. § 3161(h)(8)(B)(iv). Undersigned counsel and staff continue to process and prepare the large amount electronic discovery so that it is accessible to counsel, counsel's staff, and Brown.

II.

WHEREFORE, PREMISES CONSIDERED, Defendant Brown moves to continue the pretrial motions deadline by no less than six weeks to August 2, 2013. Counsel for the government is in agreement with this request.

Respectfully submitted,

-s- Ahmed Ghappour

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CERTIFICATE OF CONFERENCE

I certify that on June 20, 2013, I conferred with Ms. Candina Heath, counsel for the government and she is in agreement with the relief requested.

/s/ Ahmed Ghappour
AHMED GHAPPOUR
/s/ Charles Swift
CHARLES SWIFT
/s/ Marlo P. Cadeddu
MARLO P. CADEDDU
Attorneys for Barrett Brown

CERTIFICATE OF CONFERENCE

I certify that today, June 21, 2013, I filed the instant motion using the Northern District of Texas's electronic filing system (ECF) which will send a notice of filing to all counsel of record.

/s/ Ahmed Ghappour

AHMED GHAPPOUR

/s/ Charles Swift

CHARLES SWIFT

/s/ Marlo P. Cadeddu

MARLO P. CADEDDU

Attorneys for Barrett Brown