

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

2017 MAY 23 P 4: 39

Alexandria Division

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA)

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1:17-MJ-143

v.)

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YOUSIF AL-MASHHADANI)

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Defendant.)

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SECOND JOINT MOTION TO EXTEND TIME TO INDICTMENT

COMES NOW the United States of America by its attorneys, Dana J. Boente, United States Attorney for the Eastern District of Virginia, and undersigned counsel, with the express consent of the defendant, and with the advice of counsel, and respectfully moves this Honorable Court to extend the time to indict this case from May 30, 2017 to June 29, 2017. In support thereof, the parties state as follows:

1. The defendant was arrested on March 28, 2017, in the Eastern District of Virginia, pursuant to a criminal complaint and arrest warrant charging him with naturalization fraud, in violation of 18 U.S.C. § 1425.
2. The defendant's preliminary and detention hearings were held on March 31, 2017, after which the defendant was detained.
3. The Speedy Trial Act required the defendant to be indicted within thirty (30) days of arrest. *See* 18 U.S.C. § 3161(b). Therefore, the government needed to obtain an indictment of the defendant by approximately April 27, 2017.

4. On April 25, 2017, the Honorable Leonie M. Brinkema, United States District Judge, granted the parties' Joint Motion to Extend Time for Indictment, and ordered that the time period for indicting the defendant be extended up to and including May 30, 2017.

5. The government has shared discovery with defense counsel, and defense counsel has had an opportunity to meet with the defendant and review this discovery. In addition, counsel for Mr. al-Mashhadani has conferred, on an on-going basis, with immigration advisors, as well as the government, to fully comprehend the impact that the instant case may have on his immigration status. The parties have researched and explored multiple options to resolve the case and continue to do so.

6. The parties continue to explore a pre-indictment disposition of this case. It is unlikely, however, that this matter will be resolved before May 30, 2017, the date the government must obtain an indictment. Extending the time in which to obtain an indictment would be in the best interests of justice and the defendant. Specifically, an extension of the deadline would give the defendant and the defendant's attorney time to contemplate their options, provide assistance and information to law enforcement authorities, and could provide the parties time to negotiate a plea agreement.

7. The parties jointly request that the Court extend the period of time in which to indict up to and including June 29, 2017, to accommodate the pre-indictment plea resolution reached by the parties.

8. The defendant hereby agrees to waive any objections under the Speedy Trial Act and to extend the government's time to indict this case through June 29, 2017. This waiver is made knowingly, intentionally, and voluntarily by the defendant, and with full knowledge of the

provisions of the Speedy Trial Act, 18 U.S.C. § 3161, et. seq., and with the advice and consent of counsel.


9. The defendant expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and the defense in this case and the defendant makes this waiver knowingly and voluntarily. The defendant also expressly understands that nothing contained herein shall be construed to preclude the government from proceeding against the defendant during or after the time period covered by his waiver.

10. The Government has discussed this Motion at length with counsel for the defendant. Counsel has represented that he has spoken with the defendant about this matter and that the defendant knowingly and voluntarily agrees to said motion.

WHEREFORE, the parties request that the time to indict this case be extended through June 29, 2017, and that such time be excluded in computing the time within which an indictment must be filed pursuant to 18 U.S.C. § 3161(h).

Respectfully submitted,
DANA J. BOENTE
UNITED STATES ATTORNEY

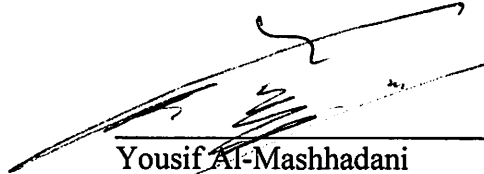
By:



Colleen E. Garcia
Gordon D. Kromberg
Assistant United States Attorneys

Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all my rights with respect to a speedy trial, including my right to be charged by indictment within 30 days of my arrest, as required by Title 18, United States Code, Section 3161(b). I have read this motion for an extension of time to be charged by indictment, and carefully reviewed every part of it with my attorney. I understand this motion and voluntarily agree to it.

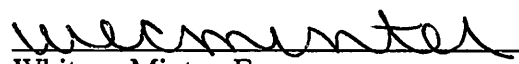
Date: 05/23/2017



Yousif Al-Mashhadani
Defendant

Defense Counsel's Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's right to be charged by indictment within 30 days of arrest. Specifically, I have reviewed the terms and conditions of Title 18, United States Code, Section 3161(b) and I have fully explained to the defendant the provisions that may apply in this case. To my knowledge, the defendant's decision to agree to an extension of time to be charged by indictment is an informed and voluntary one.

Date: 5/23/17



Whitney Minter, Esq.
Maria Jacob, Esq.
Counsels for Mr. Al-Mashhadani

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| |) | |
| YOUSIF AL-MASHHADANI |) | |
| |) | |
| Defendant. |) | |

ORDER

For the reasons stated in the Joint Motion to Extend Time for Indictment, the time to indict the defendant in this case on the pending charge is extended up to and including June 29, 2017. Such time shall be excluded in computing the time within which an indictment must be filed.

Date: _____
Alexandria, Virginia

The Honorable Leonie M. Brinkema
District Court Judge