

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:15CR268
	)	
Plaintiff,	)	JUDGE SARA LIOI
	)	
vs.	)	<b><u>UNOPPOSED MOTION TO</u></b>
	)	<b><u>CONTINUE PRETRIAL DEADLINES</u></b>
	)	<b><u>AND TRIAL DATE TO</u></b>
AMIR SAID RAHMAN AL-GHAZI,	)	<b><u>FURTHER “THE ENDS OF JUSTICE”</u></b>
	)	<b><u>AND MEMORANDUM IN SUPPORT</u></b>
Defendant.	)	

Now come defendant Amir Said Rahman Al-Ghazi, by and through counsel, and respectfully moves this Honorable Court to enter an Order continuing the pretrial deadlines and trial date as set forth in the Court's Criminal Pretrial Order for the reasons set forth and embodied in 18 U.S.C. §3161(h)(7)(A)(i) and (iv).

The factual and legal basis for this Motion is set forth below in the accompanying Memorandum.

Respectfully submitted,

*s/Roger M. Synenberg*  
ROGER M. SYNENBERG (0032517)  
Synenberg, Coletta & Moran, LLC  
55 Public Square, Suite1331  
Cleveland, Ohio 44113  
(216) 622-2727  
(216) 622-2707 FAX  
lawoffice@synenberg.com

**MEMORANDUM**

**Reasons Why A Continuance Should Be Granted:**

A miscarriage of justice will occur if this case is brought to trial within the statutory period established in 18 U.S.C. § 3161 because counsel for the defendant would be denied the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §3161 (h)(7)(A) and (B) provide for the extension of time for trial in situations such as this case and read in pertinent part as follows:

"(h)(7)(A) Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. No such period of delay resulting from a continuance granted by the court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.

(B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

...

(iv) Whether 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), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or 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. (Emphasis added).

**Factual Basis For Continuance:**

The Government provided the defendant with its initial discovery disclosure on August 5, 2015 including an external hard drive with 114 GB of material. Review of this discovery is time consuming and will require significant time to thoroughly review. Undersigned counsel also contemplates the Government providing additional discovery. Defendant respectfully submits that given the extensive discovery in this matter and the complex legal issues in this matter, counsel will not have adequate time to review the discovery, formulate necessary pretrial motions, and effectively prepare for the trial of this matter if the Court sets a trial date within the statutory period.

Given the extensive discovery in this matter and complex legal issues presented, it is respectfully submitted that failure to set a trial date outside the statutory period would result in a miscarriage of justice.

This request is made in good faith and not for purposes of delay. Undersigned counsel has discussed this motion with Assistant United States Attorney Matthew Shepherd and he has no objection to the court granting this request. In addition, the defendant has no objection to the Court granting said motion.

**WHEREFORE**, for the aforestated reasons, the defendant Amir Said Rahman Al-Ghazi respectfully submits that undersigned counsel would be denied the reasonable time necessary for effective preparation within the meaning of 18 U.S.C. §3161, *et seq.*, and respectfully requests this Honorable Court set the trial date outside the time limits set for in 18 U.S.C. § 3161.

Respectfully submitted,

s/Roger M. Synenberg  
ROGER M. SYNENBERG (0032517)  
Synenberg, Coletta & Moran, LLC  
55 Public Square, Suite 1331  
Cleveland, Ohio 44113  
(216) 622-2727  
(216) 622-2707 FAX  
lawoffice@synenberg.com

**CERTIFICATE OF SERVICE**

I hereby certify that on August 14, 2015, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular US mail. Parties may access this filing through the Court's system.

*s/Roger M. Synenberg*  
ROGER M. SYNENBERG

Federal A-L: Al-Ghazi,A.mot.cont.eoj