

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Criminal No.: 08-364 (RHK/AJB)

Plaintiff,

v.

**JOINT MOTION OF THE PARTIES TO  
DESIGNATE CASE AS COMPLEX  
UNDER SPEEDY TRIAL ACT**

Thomas Joseph Petters,

Defendant.

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Plaintiff, United States of America, by its attorneys, and Defendant, by his attorneys, respectfully move the Court for an order designating the above-captioned matter as a complex case for purposes of the Speedy Trial Act and continuing the current deadlines for filing and hearing motions and for trial pursuant to 18 U.S.C. § 3161(h)(8)(A). The grounds for this motion are as follows:

1. A twenty county indictment returned on December 1, 2008 charges defendant with mail fraud, wire fraud, conspiracy and money laundering and seeks significant criminal forfeitures.

2. The indictment alleges a complex scheme spanning a multi-year period and involves a myriad of records. To date, Defendant has had a limited opportunity to review Rule 16 discovery materials in the Government's possession. The Government has sent documents offsite to be placed on disk and to be made available for review by defense counsel. This task is not yet completed. Defense counsel will be unable to draft their pretrial motions or adequately prepare for pretrial hearing and trial itself until all of the foregoing records have been copied and produced to them and defense counsel have thereafter had a meaningful opportunity to review the discovery. For these reasons, it is unreasonable to expect defendant to adequately prepare for

pretrial proceedings within the short time limits established by the Speedy Trial Act. Accordingly, a brief continuance is warranted under 18 U.S.C. § 3161(h)(B)(ii).

3. The case is unusual and complex in that the indictment alleges billions of dollars are involved in a fraud occurring over a period of thirteen years. The parties anticipate that the case will require extensive investigative and accounting work, so it is unreasonable to expect adequate preparation for the pretrial motions hearing and for the trial within the time limits of the Speedy Trial Act and within the time limits of the schedule set by this Court. Therefore, a continuance is warranted by 18 U.S.C. §3161(h)(8)(B)(ii).

4. Pretrial motions are currently due on or before December 16, 2008. Defense counsel has been diligent in reviewing the materials provided so far and in assessing which motions should be considered for filing. Despite such diligence, proceeding under the current pretrial schedule without a continuance of the existing deadlines will deny defendant the reasonable time necessary to effectively prepare for pretrial proceedings and trial. Therefore, a continuance is warranted under 18 U.S.C. §3161(h)(8)(B)(iv).

5. The parties understand and agree that any continuances granted pursuant to this request will constitute excludable delay for purposes of all relevant time limits established by the Speedy Trial Act, and that the ends of justice served by such continuances outweighs the best interests of the defendant and the public in a speedy trial.

WHEREFORE, the parties respectfully request that the Court extend the time for filing pretrial motions for a period of time sufficient to allow defense counsel to obtain and complete their review of Government discovery, and extend the trial date as well.

Dated: December 15, 2008

Respectfully submitted,

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