

SUPERIOR COURT
OF THE
DISTRICT OF COLUMBIA

COPY
OF THE
DISTRICT OF COLUMBIA
COURT BRANCH

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UNITED STATES OF AMERICA

Criminal No.: M4113-03

FILED

v.

Calendar 1: Judge Holeman

ELENA RUTH SASSOWER /

Trial Date: April 5, 2004

GOVERNMENT'S OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE
TRIAL DATE TO MAY 3, 2004

The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully opposes defendant's motion to continue the trial date in this case to May 3, 2004. In support of its opposition, the United States relies on the following points and authorities, and such points and authorities as may be cited at a hearing on the motion:

1. Trial in this case originally was set for March 1, 2004. On February 27, 2004, defendant, who is proceeding pro se, informed the government and the Court that her father was ill and that she therefore would be unable to attend trial on that date. As a result, the Court set a new trial date of April 5, 2004.

2. On March 1, 2004, defendant's advisory counsel, Mark Goldstone, informed the government that he would not be available on April 5, 2004, because he would be in New York and Philadelphia visiting family. Mr. Goldstone requested that the government join in defendant's motion for a continuance of the

trial date to April 12, May 3, or May 10, 2004. In an e-mail message to the undersigned Assistant United States Attorney, Mr. Goldstone specifically stated that "Ms. Sassower and I would request that the trial be set for either April 12, May 3, or May 10."

3. After confirming its witnesses' availability, the government informed defendant and Mr. Goldstone that it would not object to a motion to continue the trial date to April 12, 2004, but would oppose a continuance to May 3 or May 10, 2004, as this case will be one year old in May 2004.

4. On March 4, 2004, Mr. Goldstone informed the government that defendant would seek a continuance to May 3, 2004. As grounds for such a continuance, Mr. Goldstone stated, in an e-mail message, that May 3 "is a date that will allow us to prepare for trial, as the proposed April 12 trial date does not work as I will be on vacation with my family from April 3-11 and cannot as a solo practitioner advising a pro se litigant, be ready for trial, given that a 7 co-defendant trial that I am handling is beginning on April 19."

5. The government opposes a continuance of the trial date to May 3, 2004. First, this case is nearly a year old. Second, trial was originally set for March 1, 2004, and as defendant's father did not fall ill until a few days before trial, most, if not all, of the preparation for trial already should have been completed. Third, knowing that he would be out

of town the week of April 5, and having consulted with his client, Mr. Goldstone specifically proposed April 12 as a potential trial date. Accordingly, defendant will not be prejudiced by a denial of her motion to continue.

6. The government is prepared to try this case during the weeks of April 5 or April 12, 2004. If this Court so orders, it also can be ready to go to trial during the week of March 29, 2004. The government intends to call no more than four witnesses in its case-in-chief.¹

WHEREFORE, the United States respectfully requests that defendant's motion to continue the trial date in this case be denied.

Respectfully submitted,

ROSCOE C. HOWARD, JR.
United States Attorney

ANTHONY ASUNCION
Assistant United States Attorney
Chief, Misdemeanor Trial Section

By: JESSIE LIU ^{IAHM}
JESSIE K. LIU
Assistant United States Attorney

¹ One of these witnesses, who was prepared to testify at the March 1, 2004 trial date, had scheduled leave during the weeks of April 5-19, 2004. However, when this witness was informed by the government that the trial date had been continued by the Court to April 5, 2004, this witness rescheduled her leave in order to make herself available to testify for the government during the weeks of April 5-19, 2004.