

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

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 3-09-CR-136-K
	§	
JEFFREY CHARLES BRUTEYN (1)	§	

**ORDER ON MOTION FOR CONTINANCE**

Before the Court is the parties' Joint Motion to Continue Trial and Pretrial Deadlines and Designate the Case as Complex, filed jointly by the government and the Defendant on August 20, 2009. This case is currently set for trial on Monday, October 5, 2009. After thorough consideration of the Motion and the factors that the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B), requires the Court to consider, the Court finds that Defendant's trial date should be extended beyond the Speedy Trial Act deadline. The Indictment charges the Defendant with nine counts of securities fraud, related to offerings of securities that allegedly involved tens of millions of dollars and hundreds of investors. Given the nature of the prosecution, this case is so complex that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).

Also, given the volume of evidence to be reviewed by the defense in preparation for trial (hundreds of boxes of records and a substantial volume of evidence stored in electronic format), and taking into account the exercise of due diligence, failure to grant a continuance would deny counsel for the Defendant the reasonable time necessary for effective preparation. *See id.* § 3161(h)(7)(B)(iv).

Therefore, the Court **GRANTS** the parties' joint motion and finds that the ends of justice served by designating the case as a complex case pursuant to 18 U.S.C. Sec. 3161 (h)(8)(B)(ii) and granting a continuance outweigh the best interest of the public and the Defendant in a speedy trial. Accordingly, the delay resulting from the continuance shall be excluded in computing, under the Speedy Trial Act, the time within which the trial in this case must commence. *See id.* § 3161(h)(7)(A).

This case is hereby reset for trial on **May 3, 2010 at 9:00 a.m.** The Defendant's pretrial motions, if any, must be filed by **March 30, 2010**, and the government's responses thereto, by **April 5, 2010**.

Requested voir dire questions, proposed jury instructions, witness lists (with witnesses designated as "custodial," "expert," or "fact," as well as "probable" or "possible"), exhibit lists (with copies of exhibits furnished to the Court), and motions in limine must be filed no later than **April 19, 2010**.

All counsel are directed to advise the Court seven (7) days before trial, if a plea agreement has been reached. If such an agreement has been reached, except in

unusual circumstances where such cannot reasonably be done, counsel are to furnish an executed copy to the Court at least four (4) days before trial.

**SO ORDERED.**

Signed August 24<sup>th</sup>, 2009.

A handwritten signature in black ink that reads "Ed Kinkeade". The signature is written in a cursive style with a horizontal line underneath it.

ED KINKEADE  
UNITED STATES DISTRICT JUDGE