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| DEC 17 2008                                     |  |
| CLERK U S DISTRICT COURT<br>DISTRICT OF ARIZONA |  |
| BY  | Z DEPUTY                                   |

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 6 Attorneys for Defendant  
 Daniel David Rigmaiden aka  
 Steven Brawner

8 UNITED STATES DISTRICT COURT  
 9 DISTRICT OF ARIZONA

**SEALED**

10 United States of America,  
 11  
 12 Plaintiff,  
 13 v.  
 Daniel David Rigmaiden,  
 aka Steven Brawner  
 14 Defendant.

No. CR08-814-PHX-DGC

**MOTION TO EXTEND PRETRIAL  
 MOTIONS DEADLINE AND MOTION  
 TO CONTINUE TRIAL [SECOND  
 REQUEST]**

[Filed Under Seal]

15 Defendant, Daniel David Rigmaiden aka Steven Brawner, by and through counsel  
 16 undersigned, moves this Court to extend the pretrial motions deadline of December 19, 2008  
 17 and continue the trial herein scheduled for January 13, 2009 for a period of 60 days.  
 18 Defendant is in custody.

19 Counsel for Defendant was substituted for the Federal Defender by order dated  
 20 October 11, 2008, and received on October 21, 2008. This is a complex case consisting of  
 21 a 50-count sealed indictment alleging conspiracy, wire fraud, aggravated identity theft, mail  
 22 fraud and criminal forfeiture. The allegations arise out of electronically filed income tax  
 23 returns for several hundred persons who are or may be deceased.

24 The government has produced a wide range of discovery in this matter but there  
 25 remains a significant amount of discovery that has not been produced. The parties have been  
 26 in contact with one another regarding the methodology to be used in producing the discovery  
 27 which consists largely of income tax returns and records related thereto without  
 28

1 compromising the sensitive data which is contained therein.

2 The government, by and through Assistant U.S. Attorney Frederick A. Battista, does  
3 not oppose this motion.

4 Based on the foregoing, Defendant requests that the pretrial motions deadline be  
5 extended and the trial set for January 13, 2009 be continued for a period of 60 days.

6 Excludable delay under 18 U.S.C. § 3161(h)(8)(A) will occur as a result of this motion  
7 or of an order based thereon.

8 DATED this 17<sup>th</sup> day of December, 2008.

9  
10 CROWE & SCOTT, P.A.

11  
12 By 

13 Tom Crowe  
14 1100 East Washington, Suite 200  
15 Phoenix, Arizona 85034-1090  
16 Attorneys for Defendant

17 COPY of the foregoing mailed this  
18 17<sup>th</sup> day of December, 2008, to:

19 Frederick A. Battista  
20 Assistant U.S. Attorney  
21 40 N. Central Avenue, Suite 1200  
22 Phoenix, AZ 85004-4408

23  
24  
25  
26  
27  
28 By Cudy Marquez