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Conference

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

13 Cr. 368 DLC

5 MARK MARMILEV, a/k/a "Marko,"  
6 a/k/a "Mark Halls,

7 Defendant.

8  
9 February 28, 2014  
2:35 p.m.

10  
11 Before:

12 HON. DENISE L. COTE,

13 District Judge

14  
15 APPEARANCES

16  
17 PREET BHARARA,  
18 United States Attorney for the  
19 Southern District of New York  
20 SERRIN TURNER,  
ANDREW GOLDSTEIN,  
CHRISTINE MAGDO,  
Assistant United States Attorneys

21 SETH GINSBERG,  
22 Attorney for defendant Marmilev

23 Also Present:  
24 KEVIN MOSLEY, Trial Attorney DOJ  
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1 (In open court)

2 (Case called)

3 THE COURT: I'll take a report from you, Mr. Turner.

4 MR. TURNER: Thank you, your Honor.

5 A couple of weeks ago the government made available to  
6 the defense pretty much all remaining discovery from the  
7 take-down and the preceding investigation. We are still  
8 awaiting hard drives from the defense to copy the materials  
9 onto, but once we receive those, we will promptly prepare the  
10 drives and deliver them to the defendant.

11 That pretty much is going to complete the government's  
12 discovery production. It is again a voluminous final  
13 production, so the defense has indicated it will need a lot of  
14 time to go through that. In the meantime, there have been  
15 updates on the extradition situation.

16 Two out of the remaining three defendants have been  
17 cleared for extradition. Azzeddine El Amine in Spain was  
18 cleared for extradition. He is not pursuing any further appeal  
19 of his extradition. He is expected to arrive within the next  
20 30 days.

21 Then Mr. Chukharev from Costa Rica, his extradition  
22 has also been cleared by the government of Costa Rica and he,  
23 too, is expected to arrive within the next 30 to 60 days.

24 So given that those two defendants should be arriving  
25 in the near future and given that the defense needs more time

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1 to continue reviewing the discovery and pursuing ongoing  
2 conversations with the government about potential resolutions  
3 of the case, the parties are jointly proposing that the court  
4 adjourn this matter for one last time, until early May. At  
5 that point we can address setting a trial date for any  
6 defendants at that time who desire to go to trial.

7 THE COURT: Is Mr. Turner correct, Mr. Ginsberg, that  
8 this is a joint application?

9 MR. GINSBERG: Yes, your Honor. For all the reasons  
10 that Mr. Turner laid out, we agree.

11 THE COURT: So we'll set a conference date of?

12 THE CLERK: May 9th, at 11:30 am.

13 THE COURT: Is there any objection to a continued  
14 exclusion of time?

15 MR. GINSBERG: No, your Honor.

16 THE COURT: For the reasons set forth on the record, I  
17 find the exclusion of time to be in the interests of justice  
18 and to outweigh the best interests of the public and the  
19 defendant in a speedy trial. I will exclude time from today  
20 until May 9th, and that is pursuant to Title 18, United States  
21 Code, Section 3161 (h) (7) (A).

22 What is the status of the third defendant who is not  
23 yet here, Mr. Turner?

24 MR. TURNER: Mr. Budovsky's extradition from Spain is  
25 running behind Mr. El Amine.

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1           The lower level of a three-judge panel, the first  
2 level of review, has approved his extradition. However, the  
3 indication is that he is going to appeal that ruling. My  
4 understanding is it goes to something comparable to rehearing  
5 en banc in their system, and we were told it will take at least  
6 another 10 weeks to complete. So I expect to have more  
7 information about that for your Honor at the next conference.

8           THE COURT: Good. Counsel, is there anything further  
9 we need to do today?

10          MR. TURNER: Not from the government.

11          MR. GINSBERG: No. Thank you.

12          THE COURT: Thank you.

13          (Court adjourned)

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