

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL PETERSON-SILER,

Defendant.

NO. CR15-118 RAJ

**JOINT MOTION TO CONTINUE
TRIAL**

Noting Date: November 6, 2015

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and S. Kate Vaughan, Assistant United States Attorney for said District, and Defendant, Gabriel Peterson-Siler, by and through his counsel, Jesse Cantor, hereby move the Court to continue the trial until March 28, 2016, and motions cut off deadline to February 12, 2016.

Gabriel Peterson Siler was indicted with Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4)(B) on April 15, 2015. Mr. Peterson-Siler is facing a ten year mandatory minimum term of imprisonment pursuant to 18 U.S.C § 2252(b)(2). Mr. Peterson-Siler was arraigned on April 23, 2015 and trial was set for June 15, 2015. An unopposed motion to continue trial was filed on May 15, 2015. Trial was continued until November 9, 2015.

1 This is the second motion for a continuance, and it is a joint motion. This case
2 involves a national operation targeting users of a child pornography website on a network
3 known as the Onion Router (TOR), commonly termed the darknet. The government and
4 the defense recently discussed a potential discovery issue which involves highly sensitive
5 investigative materials regarding the investigation into the users of the child pornography
6 TOR website. This potential discovery issue has involved extensive consultation with
7 multiple Department of Justice components in Washington, D.C., and, despite the
8 diligence of the government, took time to resolve. Defense counsel was notified of the
9 resolution of that consultation process on the same day, October 13, 2015, and the
10 government and defense counsel have been in regular contact regarding next steps. Any
11 ongoing discovery issues related to this matter may also require coordination with
12 multiple Department of Justice components in Washington, D.C.

13 In light of these circumstances, the parties submit that the failure to grant a
14 continuance would deny counsel the reasonable time necessary for effective preparation,
15 taking into account the exercise of due diligence, within the meaning of 18 U.S.C. §
16 3161(h)(7)(B)(iv). The parties also believe that the failure to grant a continuance of the
17 trial date would result in a miscarriage of justice, 18 U.S.C. § 3161(h)(7)(B)(i). Finally,
18 the parties believe that the ends of justice will be served by ordering a continuance in this
19 case, that a continuance is necessary to ensure adequate time for effective case
20 preparation, and that these factors outweigh the best interests of the public and the
21 Defendant in a speedy trial.

22 Defendant will sign a Speedy Trial waiver through April 30, 2016, which will be
23 filed with the Court. He has been advised of his Speedy Trial rights and is willing to
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1 waive those rights.

2 Accordingly, the parties request that the Court continue the case until March 28,
3 2016, and motions cut off deadline be set as February 12, 2016. The parties are available
4 for a pre-trial status conference to further address the reasons for a continuance if
5 necessary.

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7 Respectfully submitted:

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9 ANNETTE L. HAYES
10 United States Attorney

11 /s/ S. Kate Vaughan
12 S. Kate Vaughan
13 Assistant United States Attorney

14 /s/ Jesse Cantor
15 Jesse Cantor
16 Attorney for Gabriel Peterson-Siler

17 DATED this 27th day of October 2015.
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CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant.

s/ Rebecca Eaton
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