

1 THOMAS M. HOIDAL
Law Office of Thomas M. Hoidal, P.L.C.
2 111 W. Monroe St., Suite 1210
3 Phoenix, AZ 85003
thoidal@hoidalandhannah.com
4 State Bar No. 007194
5 Telephone: (602) 254-0202
6 Facsimile: (602) 254-0404

7 Attorney for Defendant SPIRIC

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ARIZONA**

10 United States of America,
11 Plaintiff,
12 vs.
13 Vitomir Spiric,
14 Defendant.

No. CR05-00876-001-PHX-EHC

**MOTION FOR EXTENSION OF TIME
TO FILE PRETRIAL MOTIONS
(Second Request)**

(No Oral Argument Requested)

15
16 Defendant, Vitomir Spiric, by and through his counsel, Thomas M. Hoidal,
17 respectfully requests that the Court extend the time for filing pretrial motions in
18 response to the superseding indictment for a period of approximately fourteen (14) days.
19 This motion is based on the attached memorandum and the files and records in this case.

20 It is expected that excludable delay under Title 18 U.S.C. § 3161(h)(1)(F) may
21 occur as a result of this motion or from an order based thereon.

22 RESPECTFULLY SUBMITTED this 16th day of February, 2006.

23 LAW OFFICE OF THOMAS M. HOIDAL, P.L.C.

24
25 s/ Thomas M. Hoidal
THOMAS M. HOIDAL
26 Attorney for Defendant SPIRIC

1 **MEMORANDUM**

2 Vitomir Spiric has been charged in a superseding indictment with fraud or
3 misuse of visas, permits, and other documents in violation of 18 U.S.C. §§ 1546(a) and
4 false statement in naturalization matter, in violation of 18 U.S.C. §§ 1015(a). Trial has
5 been set for April 4, 2006. The defendant has been released on personal recognizance.

6 Defense counsel has received 5 compact discs of discovery from the government
7 along with approximately 150 pages of documents relating to the defendant's
8 immigration proceedings. Only one interview report has been provided which
9 summarizes the statement of another Bosnian defendant regarding his activities during
10 the Bosnian war in the 1990's. One compact disc contains more than 1000 pages of
11 rosters and records in Serbo-Croatian which apparently were prepared by the Bosnian
12 Serb Army (VRS) during the war. A translation of these documents has not been
13 provided and defense counsel has obtained a translator to review these records.
14 Additional time is necessary to complete this task.

15 The defendant requests an extension of time of fourteen (14) days for filing
16 pretrial motions in order to complete the translation of government discovery and
17 prepare any additional motions other than those previously filed. Defense counsel has
18 contacted AUSA Andrew Pacheco who has stated the government does not object to the
19 extension requested.

20 **CONCLUSION**

21 For the reasons stated, the defendant respectfully requests that the Court enter an
22 order extending the pretrial motions for a period of approximately fourteen (14) days.

23 RESPECTFULLY SUBMITTED this 16th day of February, 2006.

24 LAW OFFICE OF THOMAS M. HOIDAL, P.L.C.

25 s/ Thomas M. Hoidal
26 THOMAS M. HOIDAL
27 Attorney for Defendant SPIRIC
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1 This motion will be filed electronically
2 this 16th day of February, 2006, with:

3 U.S. District Court
4 District of Arizona
5 CM/ECF

6 COPY of the foregoing electronically distributed
7 this same date to:

8 Andrew C. Pacheco Andrew.Pacheco@usdoj.gov

9 A courtesy copy of the foregoing
10 mailed this same date to:

11 The Honorable Earl H. Carroll
12 United States District Judge
13 Sandra Day O'Connor U.S. Courthouse
14 401 West Washington Street
15 Phoenix, AZ 85003-2158

16 Vitomir Spiric
17 *Defendant*

18 s/ Thomas M. Hoidal