

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

01 MAY 30 AM 10:51
S.D. OF FLA. - W. PALM BEACH
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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO.: 01-8029-CR-HURLEY

SIRERON CLARK,

Magistrate Judge Vitunac

Defendant.

MOTION TO CONTINUE DETENTION HEARING

COMES NOW the Defendant SIRERON CLARK by and through his undersigned counsel and moves this Court for the entry of an order continuing the currently scheduled pretrial detention hearing for one week and as grounds therefore states as follows:

1. That on Tuesday May 29, 2001 the Defendant made his initial appearance on the indictment that was returned by a grand jury nearly two and one half months ago. At that time, the Defendant was temporarily detained pending a hearing pursuant to 18 U.S.C. §3142. The detention hearing and arraignment were scheduled, prior to the appointment of counsel, for Thursday, May 31, 2001 at 9:30 a.m. before U.S. Magistrate Judge Linnea R. Johnson.

2. That late in the afternoon of May 29, 2001 the undersigned was appointed by U.S. Magistrate Judge Linnea Johnson as counsel of record for the Defendant pursuant to the Criminal Justice Act as set forth in 18 U.S.C. 3006A.

3. The undersigned counsel has been in trial before U.S. District Judge Joan A. Lenard since November 27, 2000 in the case of United States vs. Gerardo Hernandez.

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et al., Case No.: 98-721-CR-LENARD which is also known as the “Cuban Spy” case and will be in trial for approximately one more week.

4. The case should be to the jury either this Friday, June 1 or at the latest, by Monday June 4, 2001. In addition the indictment in this case evidences two prior convictions which need to be investigated prior to the detention hearing.

5. Therefore, it is respectfully requested that the detention hearing be continued for one week and be reset until Thursday, June 7, 2001 at 9:30 a.m.

6. That by granting this continuance there will be no prejudice to either the Defendant or the government.

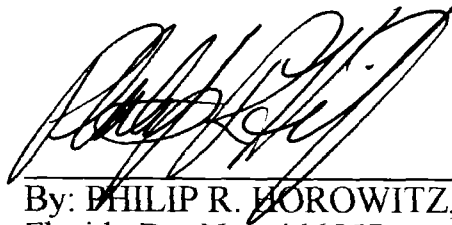
7. That on May 29, 2001, pursuant to Local Rule, the undersigned contacted attempted to contact Assistant U.S. Attorney Janice Le Clainche who signed the initial indictment for the government. However, she was unavailable and a voice mail message was left with her office.

WHEREFORE, the Defendant SIRERON CLARK respectfully requests that the Court enter an order continuing the detention hearing for one week until Thursday, June 7, 2001 at 9:30 a.m.

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 29th day of May, 2001 to: JANICE LE CLAINCHE, ESQUIRE, Assistant United States Attorney, 500 Australian Avenue, 4th Floor, West Palm Beach, Florida 33401.

Respectfully submitted,

LAW OFFICES OF PHILIP R. HOROWITZ
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By: PHILIP R. HOROWITZ, ESQUIRE
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