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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,	)	No. CR 03-0095 WBS
Plaintiff,	)	<b>UNITED STATES' MEMORANDUM    IN OPPOSITION TO DEFENDANT'S    MOTION TO CONTINUE DATE    FOR HEARING ON POST-TRIAL    MOTIONS</b>
v.	)	
15 AMR MOHSEN,	)	
16 Defendant.	)	
17 _____	)	

18 On April 14, 2006, defendant Amr Mohsen filed an extensive motion for a new  
 19 trial. That motion has been fully briefed by all parties and was originally scheduled to be  
 20 argued on June 23, 2006. As a result of multiple requests by Amr Mohsen to continue the  
 21 date for argument of the motion, the motion for a new trial has not yet been argued. On  
 22 August 25, 2006, with the consent of all counsel, this Court scheduled the argument on  
 23 Mohsen's motion for a new trial to be heard on September 15, 2006. Neither Mr. Balazs  
 24 nor his client raised any objection to this date at that time. Amr Mohsen now requests a  
 25 continuance of the hearing, ostensibly "because he believes it will be more efficient to  
 26 handle both post-trial motions and sentencing in a single proceeding..." Def. Mot. Pg. 1.  
 27 The United States opposes defendant's motion to continue the hearing on the post-trial  
 28 motions for all of the following reasons.

1 First, all parties, including the Probation Office and the court, have an interest in  
2 knowing in advance of the October 20, 2006 sentencing, the precise counts of conviction  
3 for which Mohsen will be sentenced. It makes absolutely no sense for the court and the  
4 parties to proceed to a sentencing hearing without first knowing whether all of the counts  
5 of conviction are still on the table for sentencing.

6 Second, there has been an extensive history of delay in this case, nearly all of  
7 which has been orchestrated by Amr Mohsen. It is entirely conceivable that if the post-  
8 trial motions are not argued on September 15, 2006, Mohsen will use the intervening time  
9 (between September 15, 2006 and October 20, 2006) to concoct another scenario to delay  
10 the October 20, 2006 sentencing. For example, Mohsen would likely argue that he needs  
11 additional time to brief some matter raised at oral argument on the post-trial motions  
12 before the court can proceed to sentencing. Mohsen would also likely argue that the  
13 October 20, 2006 sentencing needs to be postponed because his counsel (either Mr.  
14 Balazs or any new counsel Mohsen might endeavor to retain during the period of delay)  
15 needs additional time to file a sentencing memorandum that takes into account the court's  
16 ruling on the post-trial motions.

17 Finally, Mr. Balazs is not in trial on September 15, 2006. In fact, that date was  
18 specifically selected to accommodate Mr. Balazs' schedule. The public has been paying  
19 for two attorneys to represent Amr Mohsen for almost 18 months. If Mr. Balazs is  
20 unavailable on September 15, 2006 (which he says he is not), than Mr. Locke can and  
21 should argue the post-trial motions on that date.

22 **CONCLUSION**

23 Based on the foregoing, the United States respectfully requests the Court to deny  
24 defendant Amr Mohsen's request to continue the hearing date on the post-trial motions.

