

1 BRUCE LOCKE, Bar #177807  
MOSS & LOCKE  
2 555 University Avenue #170  
Sacramento, CA 95825  
3 Telephone: (916) 569-0663  
blocke@mosslocke.com

4 JOHN BALAZS, Bar #157287  
5 Attorney At Law  
916 2nd Street, 2nd Floor  
6 Sacramento, California 95814  
Telephone: (916) 447-9299  
7 john@balazslaw.com

8 Attorneys for Defendant  
AMR MOHSEN  
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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 03-95-WBS  
15 )  
16 Plaintiff, ) DEFENDANT AMR MOHSEN'S MOTION TO  
17 v. ) CONTINUE AND TO CONSOLIDATE THE  
18 AMR MOHSEN and ALY MOHSEN, ) POST-TRIAL MOTION HEARING WITH  
19 Defendants. ) SENTENCING ON OCTOBER 20, 2006  
20 ) AND ~~PROPOSED~~ ORDER  
21 ) [No Hearing Requested]  
22 ) Hon. William B. Shubb

21 Defendant AMR MOHSEN, through his attorneys Bruce Locke and John  
22 Balazs, moves the Court to continue and consolidate the post-trial  
23 motion hearing set for September 15, 2006, with the sentencing hearing  
24 set for October 20, 2006, at 10:00 a.m. The government opposes this  
25 request and wants the post-trial motion hearing to be held before  
26 sentencing.

27 Defense counsel so requests because he believes it will be more  
28 efficient to handle both post-trial motions and sentencing in a single

1 hearing in San Francisco on October 20, 2006. Further, undersigned  
2 counsel starts a 2-3 week trial on September 5, 2006, in federal court  
3 in Sacramento in United States v. Luong, No. 96-350-WBS, and has a  
4 trial scheduled for September 12, 2006, in Sacramento Superior Court in  
5 People v. Saechao, No. 06F02268, which is set to trail and begin after  
6 the Luong trial. Although neither trial will be in session on  
7 September 15, 2006, counsel desires to use that day to prepare for  
8 these trials. Finally, undersigned counsel researched and drafted the  
9 vast majority of the Rule 29 motion briefs in this case and has  
10 previously prepared to argue the motions for a prior hearing. Thus,  
11 counsel does not believe it would be wise to hand off argument of the  
12 motion to Mr. Mohsen's other counsel, Bruce Locke.

13 For all these reasons, Mr. Mohsen requests that the September 15,  
14 2006 post-trial motions hearing be continued to and consolidated with  
15 the sentencing hearing on October 20, 2006. He does not requests a  
16 hearing on this motion.

17 DATED: September 5, 2006

18 Respectfully submitted,

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21 JOHN BALAZS  
22 Attorney for Defendant  
23 AMR MOHSEN  
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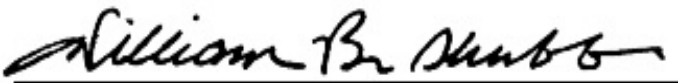
ORDER

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2 The court appreciates that Mr. Balazs has worked hard on the  
3 pending motions and that he would like to be as fully prepared as  
4 possible for oral argument on the motions. However, because Rules 29  
5 and 33 require that motions for judgment of acquittal and motions for  
6 new trial be filed within seven days after the verdict, it is  
7 contemplated that these motions be heard and resolved promptly after  
8 trial. However, the motions have been fully briefed and ready for oral  
9 argument for three months now. In this court's view, that is already  
10 too long. The Leong case will not be in trial on September 15, 2006,  
11 because the undersigned will be the presiding judge in that case.  
12 Either Mr. Balazs or Mr. Locke should be fully ready and capable of  
13 arguing the motions on the date set, September 15, 2006.

14 The court does not believe it is a good practice to hear  
15 motions for acquittal or new trial on the same date as judgment and  
16 sentence. Such a practice tends to presuppose that the court has  
17 prejudged the motions and does not allow sufficient time to consider  
18 the motions if the court decides not to rule from the bench.

19 For the foregoing reasons, IT IS HEREBY ORDERED that defendant  
20 Mohsen's motion to continue and consolidate the post-trial motions  
21 hearing with the sentencing hearing on October 20, 2006, at 10:00 a.m.  
22 is hereby DENIED.

23 Dated: September 5, 2006

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26 WILLIAM B. SHUBB  
27 UNITED STATES DISTRICT JUDGE  
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