

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

AUG - 2 2002

Alexandria Division

UNITED STATES OF AMERICA )

v. )

JAMES R. NIBLOCK )

CRIMINAL NO. 02-722-M

JOINT MOTION TO EXTEND TIME TO FILE INDICTMENT

The United States of America and the defendant, by and through their undersigned counsel, hereby move this Honorable Court for an extension of the time within which to file an indictment, pursuant to 18 U.S.C. § 3161(h)(8)(A), through Thursday, October 22, 2002. A proposed order is being filed simultaneously herewith. The basis for this motion is:

1. On July 9, 2002, defendant Damaia was arrested based on a complaint, which had been approved by Magistrate Judge Barry R. Preetz and filed on July 9, 2002. The complaint alleged a violation of 21 U.S.C. §1343, i.e., wire fraud.

2. A Rule 5 hearing was held on July 10, 2002. A preliminary hearing was held on July 12, 2002, and at which probable cause was found.

3. The Speedy Trial Act (18 U.S.C. § 3161 et seq.) requires the filing of an indictment by August 9, 2002, which includes excludable time.

4. The parties in this matter have been diligently exploring the possibility of resolving the case prior to indictment. Counsel for both parties have exchanged important information, which is necessary to determine an appropriate disposition of the case.

5. The defendant has discussed this motion with his counsel, who has explained his rights under the Speedy Trial Act. Counsel represents that the defendant's waiver of rights is knowing, informed, and voluntary.

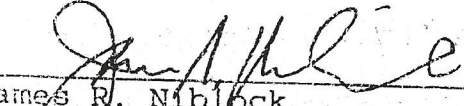
6. This extension will serve the best interests of both the United States and the defendant.

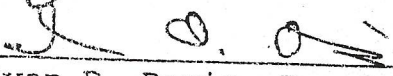
WHEREFORE, the undersigned respectfully request that this Court extend the time period for filing an indictment through October 24, 2002.

COUNSEL FOR THE UNITED STATES



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DEFENDANT

  
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