

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
07-80138-CR-MARRA/VITUNAC(S)

UNITED STATES OF AMERICA

v.

FRANK SARCONA,

Defendant.

UNITED STATES UNOPPOSED MOTION TO CONTINUE

COMES NOW THE UNITED STATES OF AMERICA, by and through the undersigned Assistant United States Attorney, unopposed by defendant Sarcona, and moves to continue the trial of this matter until February 11, 2008, and states as follows:

The calendar call of the above case is set for January 18, 2008 with a proposed trial date of January 22, 2008.

The government's co-counsel, SAUSA Jason Hedges, and the government's primary case agent as to the fraud counts, FDA Special Agent Kim Ward, are also involved in prosecution of United States v. Vanmoor, case number 06-60064-cr-Gonzalez. That case involves the sale of an unapproved cancer cure drug. Vanmoor, who has been extradited from the Netherlands, has been specially set for trial by Judge Gonzalez for January 14, 2008 (Docket entry 40). The undersigned has been advised that the Vanmoor, case will last approximately 2 weeks.

In addition to the obvious trial conflict, the United States is making this motion at this time because of the need to make arrangements for the testimony of Dr. Maya. Dr. Maya is a Mexican citizen who lives and works in Mexico. Moreover, both parties are still engaged in an ongoing discovery process and this continuance will give both sides need time to complete

the process. As was discussed in Court at the status conference, there is an enormous quantity of material which the defense needs to review (the United States has turned over thousands of documents and computer files). In addition, there is an outstanding motion to sever counts.

Finally, after consultation with defense counsel, it is estimated that this trial will last approximately 2 weeks; both sides anticipate extensive stipulations as to the introduction of evidence. As was noted above, this request is unopposed by the defendant.

WHEREFORE the United States, unopposed by the defendant, moves this Court to continue the trial of this matter until February 11, 2008 and for any and all further relief as this Court deems appropriate.

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 7, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/
KERRY S. BARON
ASSISTANT UNITED STATES ATTORNEY