

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

**CHASIB HAFEDH SAADOON AL
FAWADI,**

Defendant.

Criminal No. 5:20-CR-241 (TJM)

Order

The Court hereby adopts and incorporates into its findings and into this Order the stipulation signed by government counsel on July 8, 2021, and by counsel for defendant Chasib Al Fawadi in this criminal case.

Based on the facts described in the stipulation, as well as the files and records of this case, the deadline for filing pretrial motions is continued until August 31, 2021, and trial is now set for on October 18, 2021 , at 10:00 a.m. in Binghamton, N.Y. before the Honorable Thomas J. McAvoy. Further, all pretrial submissions, including motions in limine, shall be filed on or before October 4, 2021 . The time from July 6, 2021 to August 31, 2021, is hereby ordered excluded from the period within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161, *et. seq.*

The ends of justice served by taking the action described above action outweigh the best interest of the public and the defendants in a speedy trial. This conclusion is supported by the complex factual and legal questions that this case presents; the voluminous discovery that has been produced by the government, much of it in a foreign language; the fact that English is not defendant Al Fawadi's native language making it preferable for defense counsel to communicate with him with the assistance of an interpreter, and the impediments to trial preparation and defense

mitigation investigation caused by the COVID-19 pandemic, as well as the need for defense counsel to investigate mitigating evidence.

In support of this “ends of justice” conclusion, the Court agrees with the parties that the failure to grant such a continuance in the proceeding would result in a miscarriage of justice because of the need of the defendant to prepare for trial or other resolution of this case and the need of the defendant to investigate mitigation evidence. Further, this case is so unusual and so complex, due to the nature of the prosecution, and the existence of novel questions of fact or law that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by 18 U.S.C. § 3161. And, in any event, the failure to grant the above-described continuance would unreasonably deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

SO ORDERED THIS 19th DAY OF JULY, 2021.



THE HONORABLE THOMAS J. McAVOY
Senior United States District Court Judge