

JUDGE RICHARD A. JONES

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                           |   |                        |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | ) | No. CR15-029-RAJ       |
|                           | ) |                        |
| Plaintiff,                | ) |                        |
|                           | ) | UNOPPOSED MOTION TO    |
| v.                        | ) | CONTINUE TRIAL AND     |
|                           | ) | PRETRIAL MOTIONS DATES |
| BRIAN FARRELL,            | ) |                        |
|                           | ) |                        |
| Defendant.                | ) |                        |

Brian Farrell, through his attorney, Assistant Federal Public Defender Nancy Tenney, respectfully requests a continuance of the trial date from November 30, 2015, to April 25, 2015. For the reasons set forth below, Mr. Farrell also requests a discovery deadline of December 4, 2015, and a deadline for the defense to file a motion to compel, if necessary, by December 11, 2015. This motion is made for the following reasons.

Mr. Farrell is charged with conspiracy to distribute cocaine, heroin, and methamphetamine. The charge carries a ten-year mandatory minimum term of imprisonment. The Indictment alleges that Mr. Farrell participated in a large drug conspiracy by virtue of his employment with the online black market website known as "Silk Road 2.0." According to the government, Silk Road 2.0 offered buyers and sellers of drugs and other illegal commodities an anonymous platform upon which to transact business.

1 On October 13, 2015, the government provided defense counsel a letter  
2 indicating that Mr. Farrell's involvement with Silk Road 2.0 was identified based on  
3 information obtained by a "university-based research institute" that operated its own  
4 computers on the anonymous network used by Silk Road 2.0. In response to this letter,  
5 undersigned counsel requested additional discovery from the government to determine  
6 the relationship between the "university-based research institute" and the federal  
7 government, as well as the means used to identify Mr. Farrell on what was supposed to  
8 operate as an anonymous website. To date, the government has declined to produce  
9 any additional discovery.

10 On November 1, 2015, this Court held a hearing in *United States v. Peterson-*  
11 *Siler*, CR 15-00118 RAJ, in which the defense requested the same discovery requested  
12 in this matter. At that hearing, this Court continued the trial and set a new date for the  
13 government to disclose additional discovery, as well as a briefing schedule to address a  
14 motion to compel disclosure should that become necessary. Given that these two cases  
15 present identical issues, Mr. Farrell respectfully requests that his trial be continued and  
16 that he be allowed to follow the briefing schedule set in *Peterson-Siler*.

17 For these reasons, the parties ask the Court to find that:

18 (a) taking into account the exercise of due diligence, a failure to grant a  
19 continuance would deny counsel for the defendant the reasonable time necessary for  
20 effective preparation, due to counsel's need for more time to review newly-disclosed  
21 evidence, consider possible defenses, and gather evidence material to the defense, as set  
22 forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

23 (b) a failure to grant a continuance would likely result in a miscarriage of justice,  
24 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

1 (c) the additional time requested is a reasonable period of delay, as the defendant  
2 has requested more time to prepare for trial, to investigate the matter, to gather evidence  
3 material to the defense, and to consider possible defenses; and

4 (d) the case is sufficiently complex that it is unreasonable to expect adequate  
5 preparation for pretrial proceedings or the trial itself within the current trial schedule, as  
6 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

7 (e) the ends of justice will best be served by a continuance, and the ends of  
8 justice outweigh the best interests of the public and the defendant in any speedier trial,  
9 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

10 (f) the additional time requested between the current trial date of November 30,  
11 2015, and the new trial date is necessary to provide counsel for the defendant  
12 reasonable time to prepare for trial considering all of the facts set forth above.

13 Mr. Farrell has executed a speedy trial waiver, which will be filed forthwith.

14 Assistant United States Attorney Thomas Woods has no objection to the  
15 continuance.

16 Therefore, the parties respectfully request a continuance of the trial date to April  
17 25, 2015. The parties also request a discovery deadline of December 4, 2015 and a  
18 deadline of December 11, 2015 for a motion to compel, if necessary. The parties further  
19 ask the Court to exclude the time period from the date of the Court's order to the new  
20 trial date for purposes of computing the time limitations imposed by the Speedy Trial  
21 Act.

22 DATED this 5th day of November, 2015.

23 Respectfully submitted,

24 *s/ Nancy Tenney*  
25 Assistant Federal Public Defender  
26 Attorney for Brian Farrell

**CERTIFICATE OF SERVICE**

I certify that on November 5, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all registered parties.

*s/ Charlotte Ponikvar*  
Paralegal

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26