UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, et al.,

Plaintiff,

vs.

JENNIFER CRISP,

Defendant.

_____/

CASE NO. CR F 11-0026 LJO

ORDER TO SHOW CAUSE AND TO SET EVIDENTIARY HEARING

This Court has reviewed defendant Jennifer Crisp's ("defendant Crisp's") supplemental filings (dated February 24, 2014 and received by the clerk on February 27, 2014), including defense counsel's letter, defendant Crisp's letter, and attached exhibits. This Court in no way minimizes the right of the Government to respond, either in writing or orally at the below-scheduled hearing. Due to time constraints, this Court must give notice immediately.

This Court issues this ORDER TO SHOW CAUSE why this Court should not, sua sponte, set aside the change of plea that occurred on December 16, 2013 to Counts 21 and 43. The hearing for the order to show cause will be on Thursday, March 6, 2014 at 1:15 p.m. in Courtroom 4 on the 7th floor of the U.S. Courthouse, 2500 Tulare Street, Fresno, California 93721. The short notice is due to the timing of the trial of co-defendant Julie Dianne Farmer set for Tuesday, April 8, 2014, and defendant Crisp is scheduled to testify. Defendant Crisp must know her own legal status, especially as it pertains to the Fifth Amendment, before she

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

makes a decision whether to testify at trial, and whether she testifies may affect the preparation of all counsel in the Farmer trial.

Pursuant to F.R.Crim.P. 11(b)(3), before entering judgment on a guilty plea, "the court must determine that there is a factual basis for the plea." The materials provided to the Court in anticipation of the currently scheduled March 31, 2014 sentencing give this Court cause to believe that the "knowing" and/or the "intent to defraud" elements are absent.

This Court will entertain argument at the hearing and, prior to argument, will allow defendant Crisp to waive her Fifth Amendment rights, if she so desires, and to testify under oath. Her testimony would subject her to examination by her counsel, as well as cross examination by the Government and/or the Court on the issues outlined above.

The Clerk of the Court is DIRECTED to serve this Order on all counsel who remain in this action, and not just counsel/parties involved directly in the hearing.

IT IS SO ORDERED.

Dated: **February 28, 2014** **/s/ Lawrence J. O'Neill**
UNITED STATES DISTRICT JUDGE