UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, et al.,

Plaintiff,

vs.

JULIE DIANE FARMER,

Defendant.

_____/

CASE NO. CR F 11-0026 LJO

ORDER ON DEFENDANT FARMER'S REQUEST TO DELAY TRIAL
(Doc. 271.)

This Court has reviewed defendant Julie Farmer's Request for Trial Continuance. The basis of the request is that the defense wishes to compel former co-defendants to testify, but that while the former co-defendants have pled guilty, they have not yet been sentenced. Further, they will not be sentenced until after the upcoming trial.

The defense concedes that some of the co-defendants have entered into plea agreements that include an obligation to testify in the upcoming trial, and that they legitimately will not be sentenced until after the testimony (to make certain the former co-defendants have completed their plea agreement obligations). The others who have not entered into a plea agreement that includes testifying, according to the defense, cannot be compelled to testify until after their Fifth Amendment rights have been extinguished "after they are sentenced" (*see* doc. 271, page 2, lines 22-23, Request for Continuance). This inability to call former co-defendants, according to the defense, is "unfair to the defense and puts the defense at a severe disadvantage." (doc. 271, page 2, lines 27-28).

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The premise of the Request for Trial Continuance is incorrect. The Fifth Amendment rights are not lost as a result of conviction, or sentencing (imprisonment or probation). *Minnesota v Murphy*, 465 U.S. 420, 426 (1984).

This Court DENIES the request to continue trial.

IT IS SO ORDERED.

Dated: **December 5, 2013**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE