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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WAI KAM HO,

Defendant.

CRIMINAL CASE NO. 11-00082

ORDER

Before the court is the parties' stipulated motion to vacate the trial date. *See* ECF No. 477. For the reasons stated herein, said motion is hereby **GRANTED**.

On March 24, 2014, counsel for defendant informed the court that his client will not be present at the pretrial conference despite this court ordering his presence. *See* Orders, ECF Nos. 430 and 466. Defense counsel represented to the court that the reason for defendant's absence is due to his client's spouse's scheduled surgery on the same day as the pretrial conference. Counsel further represented to the court that his client will return to the island the following week, which would be around April 1, 2014. Based on these representations made by counsel and to ensure that the trial will proceed as scheduled, this court ordered defendant to submit to the court documentation, no later than March 25, 2014, showing his return flight to Guam on or before April 1, 2014 (*see* Order, ECF No. 475). However, as defendant had previously ignored this court's order to be present at the pretrial conference, he had once again refused to comply

1 with the court's order to submit by March 25, 2014, proof that he will be returning to Guam in
2 time for his jury trial on April 8, 2014. Defendant also failed to comply with this court's order to
3 submit proof that defendant's spouse underwent surgery on March 24, 2014.

4 There was no motion for continuance to extend the deadline of the required
5 documentation and during the chamber teleconference held on March 26, 2014, defense counsel
6 himself is unable to state with certainty that his client will be present at the jury trial set for April
7 8, 2014. This uncertainty is also evidenced by defense counsel stipulating to the United States'
8 motion to vacate the April 8, 2014 trial date. *See* Mot., ECF No. 477.

9 Based on defendant's repeated and blatant disregard of this court's orders, it is unknown
10 at this point whether defendant will be returning to Guam for his trial. Accordingly, the court
11 hereby **VACATES** the trial date of April 8, 2014.¹ The court further **VACATES** the due dates of
12 the filing of trial documents.² Upon execution of the arrest warrant issued on March 25, 2014,
13 defendant shall be immediately brought before the undersigned judge.

14 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Mar 27, 2014

24 ¹ The speedy trial clock is tolled pursuant to 18 U.S.C. §3161(h)(3) (unavailability of defendant).

² The court will set a trial date and issue new dates for the filing of trial documents at a later time, when defendant is arrested.