

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

2012 FEB -7 A 8:32

Alexandria Division

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA)
)
 v.)
)
 JOHN KIRIAKOU,)
)
 Defendant.)

CRIMINAL NO. 1:12MJ33

**JOINT MOTION TO
EXTEND TIME PERIOD FOR INDICTMENT**

COMES NOW The United States of America, through its attorneys, Patrick J. Fitzgerald, Special Attorney to the Attorney General, and Lisa Owings, Assistant United States Attorney, and the defendant, JOHN KIRIAKOU, and his attorney, Mr. Plato Cacheris, and respectfully move this Honorable Court to extend until April 7, 2012, the time period for filing an indictment against the defendant. In support thereof, the parties state as follows:

1. On January 23, 2012, the defendant appeared in United States Magistrate Court in the Eastern District of Virginia for an initial appearance on a criminal complaint charging defendant with one count of disclosing information identifying a covert officer, in violation of Title 50, United States Code, Section 421(b), two counts of communicating national defense information, in violation of Title 18, United States Code, Section 793(d), and one count of false statement, in violation of Title 18, United States Code, Section 1001(a)(1), and was advised of the charges against him.
2. At the initial appearance, the defendant waived his right to a preliminary hearing and the court entered a finding of probable cause that the defendant had committed the

charged offenses. By agreement of the parties, the defendant was also ordered released on bond pending further proceedings.

4. The Speedy Trial Act, Title 18, United States Code, Section 3161(b), requires that any indictment against a defendant be filed within 30 days from the date on which defendant was arrested, or first appeared in Court, subject to excludable time under Title 18, United States Code, Section 3161(h). In this case, the government's estimate of the date by which the Speedy Trial Act requires the filing of an indictment is February 22, 2012.
5. Defense counsel has requested the opportunity to discuss the case with the government after reviewing the matter in greater depth and prior to an indictment being filed. The government does not object to a modest delay for this purpose.
6. In addition, significant portions of the anticipated discovery in this matter are classified. The process for defense counsel to obtain the requisite security clearances has been initiated. The government anticipates providing certain limited pre-indictment discovery once defense counsel obtains the requisite security clearances.
7. The parties agree that an extension of the deadline for time to indict is in the best interest of the defendant and the government and will provide the defense needed time to review the evidence in the case and, if appropriate, discuss the matter with the government prior to an indictment being filed.
8. The defendant hereby agrees to waive any objections under the Speedy Trial Act and to extend the Government's time to file an indictment in this case for an additional approximately forty-five days, through April 7, 2012. This waiver is made knowingly, intentionally, and voluntarily by the defendant, and with full knowledge of the provisions of the Speedy Trial Act, and with the advice and consent of counsel.

8. Counsel for the defendant represents that the defendant's waiver of rights is knowing, informed, and voluntary.
9. The defendant expressly understands that his waiver is not predicated upon any promises, agreements, or understandings of any kind between the government and the defense in this case, and that nothing contained herein shall be construed to preclude the government from proceeding against the defendant during or after the time period covered by this waiver.

WHEREFORE, the undersigned request that the time period for indicting the defendant be extended until April 7, 2012.

Respectfully submitted,

Patrick J. Fitzgerald
Special Attorney to the Attorney General

By:




Lisa Owings
Assistant United States Attorney

Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all my rights with respect to a speedy trial, including my right to be charged by indictment within 30 days of arrest or summons, as required by Title 18, United States Code, Section 3161(b). I have read this motion for an extension of time to be charged by indictment, and carefully reviewed every part of it with my attorney. I understand this motion and voluntarily agree to it.

Date: 2-3-12 
JOHN KIRIAKOU
Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's right to be charged by indictment within 30 days of arrest or summons. Specifically, I have reviewed the terms and conditions of Title 18, United States Code, Section 3161(b), and I have fully explained to the defendant the provisions that may apply in this case. To my knowledge, the defendant's decision to agree to an extension of time to be charged by indictment is an informed and voluntary one.

Date: 2-3-12 
Plato Cacheris, Esq.
Counsel for the Defendant