

Ralls & Wille, P.C.
 314 South Sixth Avenue
 Tucson, Arizona 85701
 (520) 884-1234
 (520) 884-9687 fax
 clarissa@rallslawoffice.com
 Attorney for Panousopoulos
 Clarissa M. Todd, AZ Bar #038486

UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Constantine Panousopoulos, et al.,

Defendant.

CR-22-00820-JCH-LCK-2

Motion to Continue Trial

Sixth Request

It is expected that excludable delay under Title 18, U.S.C. 3161(h)(1)(C), (7)(A), (7)(B)(ii), will occur as a result of this motion or an order based thereon.

Constantine Panousopoulos, through counsel, respectfully moves to continue the “placeholder trial date” [ECF 465], currently set for Tuesday, September 2, 2025, by one hundred and eighty (180) days to a new placeholder date of Monday, March 2, 2026. The Government does not object to this request. This motion is made for the following reasons.

This Court found that a special agent from the Federal Bureau of Investigation “acted in reckless disregard for the truth in omitting certain information” when submitting a sworn warrant application for a wiretap and that, absent those misrepresentations, the wiretap would never have issued. [ECF 493, 1.] In turn, this Court ordered the suppression of: “all wiretap recordings;” “Fuentes’s cooperation, and any statements or evidence generated because of that cooperation;” “Fuentes’s live testimony;” “[t]he testimony of Manuel Flores and any evidence or testimony regarding his pretrial interviews;” all “evidence derived from the leads that Fuentes gave the agents;” “evidence derived from

any witness interviewed after the wiretaps and Fuentes’s agreement to cooperate;” “all evidence obtained from search warrants and 2703(d) orders executed after the wiretaps and Fuentes’s agreement to cooperate,” and “the interrogation of Mr. Panousopoulos.” [*Id.*, 10, 13, 14, 16-20.]

The Government has recognized that it cannot proceed to trial without the suppressed evidence. [*See id.*, 17.] Accordingly, the Government filed an interlocutory appeal to the Ninth Circuit Court of Appeals seeking to overturn this Court’s suppression order. [*See* ECF 487 (amended notice of interlocutory appeal).] The Court set a “placeholder” trial date of September 2, 2025. [ECF 465, 1.] The parties understood that this date would almost certainly be continued due to the time needed to litigate the appeal.

On August 28, 2025, the Ninth Circuit Court of Appeals reset the briefing schedule in the appeal.¹ The Circuit Court set the following deadlines:

- October 9, 2025 – Opening brief due;
- November 10, 2025 – Answering brief due; and
- 21 days after service of the answering brief – Optional reply brief due.

The parties anticipate that the Ninth Circuit will need several months after the briefs are completed to issue a decision. On this basis, the parties have agreed to set a placeholder trial date of Monday, March 2, 2026, and to coordinate with one another and this Court if an additional placeholder date or a firm trial date becomes necessary.

For the foregoing reasons, the Defense requests the trial date be continued.

Respectfully submitted this August 29, 2025.

s/ Clarissa M. Todd
CLARISSA M. TODD
Attorney for Panousopoulos

¹ The briefing schedule was reset after the Defense voluntarily agreed to the dismissal of its cross-appeal due to lack of pretrial jurisdiction over this Court’s decision not to dismiss the indictment in this case. The order denying dismissal would only be appealable if the Circuit reversed this Court’s suppression order and if Mr. Panousopoulos were also convicted at trial.

Certificate of Service

I hereby certify that on August 29, 2025, I electronically transmitted/hand delivered the attached document to the Clerks' Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing/or hand delivered the following CM/ECF registrants:

Attorneys for the Government
Gordon Davenport
Alexandre Dempsey
Supriya Prasad

Attorney for Flores
Peter Keller

By: Stephanie Felix
5993/ Sixth M2 Continue Trial 8/29/2025