


U N I T E D S T A T E S	)	ARTICLE 32 INVESTIGATION
	)	
v.	)	DEFENSE REQUEST FOR
	)	CONTINUANCE
DAVID I. EICKENHORST	)	
XXX XX 3370	)	02 SEP 2011
MAJOR	)	
U.S. MARINE CORPS	)	

1. The defense requests a continuance in this case until 29 September 2011. The reason for this request is that Major Eickenhorst has retained Mr. Haytham Faraj as his civilian counsel and wants his representation at the Article 32 hearing.

2. Next week, Mr. Faraj has a series of depositions in a civil case that had been postponed a number of times. He will be deposing five police officers and two plaintiffs during that week. On the weekend beginning the 9th, Mr. Faraj has an official function that he is committed to attend on the 9th. He and his partner have a business meeting scheduled for that weekend in Michigan. On the 12<sup>th</sup> of September, Mr. Faraj has a hearing in state court that cannot be changed. On the 13<sup>th</sup>, Mr. Faraj has a mandatory day-long seminar for CJA attorneys in the Eastern District of Michigan. On the 14th Mr. Faraj will be traveling to Wyoming to teach a trial skills course that begins on the 15th and ends on the evening on the 24th. He is already on the syllabus for that course and is under contract to be there. On the 27<sup>th</sup> of September, Mr. Faraj again has to be in Michigan for day two of the mandatory CJA seminar. On the 28<sup>th</sup>, Mr. Faraj plans to travel to San Diego for the Article 32 on the 29th.

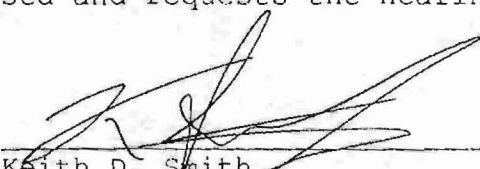
3. The defense agrees that this delay constitutes excludable delay for purposes of Article 10 and R.C.M. 707.

  
\_\_\_\_\_  
MERIDITH L. MARSHALL  
Major, U.S. Marine Corps  
Senior Defense Counsel

Counsel for the government, in response to the above motion:

\_\_\_\_\_ Does **not oppose and agrees** to the date proposed.

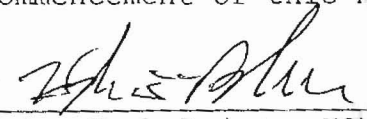
Opposes the date proposed and requests the hearing  
be held on 8 Sep 11.

  
\_\_\_\_\_  
Keith D. Smith  
Major, U.S. Marine Corps

\*\*\*\*\*

All delay from the date of this request until the date of the Article 32 hearing is excludable under R.C.M. 707, Article 10, UCMJ, and any other applicable speedy trial authorities.

Pursuant to the appointing order, all parties shall appear before the court at 0800 on 29 Sep 11 for the commencement of this Article 32 hearing.

-   
\_\_\_\_\_  
Major Hugh Redman, USMC  
Investigating Officer

2 SEP 11  
Date