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UNITED STATES DISTRICT COURT MAR 16 PM 1:48

MIDDLE DISTRICT OF FLORIDA U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION ORLANDO, FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 6:08-cr-118-Orl-DDD-DAB

JUDE LACOUR,

Defendant.

_____ /

MOTION TO CONTINUE TRIAL FOR GOOD CAUSE

COMES NOW the Defendant, JUDE LACOUR, an inmate at Orange County Correctional Facility, acting in Pro Se capacity, and pursuant to Title 18 U.S.C. Section 3161 (h)(8)(A),(B) moves this Court for entry of its Order continuing the trial in the above cause, and shows as follows:

- 1 A continuance of the trial is not for unnecessary delay, but to ensure a fair trial that the undersigned is entitled to.

- 2 The undersigned was arrested at his residence in Portland, Oregon on May 9, 2008, and

transferred to Seminole County Correctional Facility on or about June 9, 2008.

Immediately upon his arrival to Florida, the undersigned was assigned a Court appointed attorney who was essentially discharged within a week or two for refusing to file appropriate motions and notices.

3 From June of 2008 to September of 2008, the undersigned represented himself in Pro Se and wrote numerous letters and notices informing the Court and the prosecutor that he was seeking a speedy trial and respectfully requested that he be provided with his discovery, that was exceeding 300,000 pages. At the present time the discovery has risen to over 400,000 pages.

4 At a June 23, 2008, court appearance, the prosecutor informed the Court (Magistrate Judge, David A. Baker) that the government provided all of their discovery on CDs, consisting of approximately 300,000 pages, notwithstanding electronic evidence and hard copied documents that were not scanned and or converted to PDF format. The undersigned informed the Court that he will need access to a computer, causing Magistrate Judge Baker to respond; ".....you've got a due process right to review these documents, we're going to make sure of that....I mean it's a significant disadvantage of representing yourself..."

5 During the above hearing, this Pro Se inmate informed the Court that unlike other defendants he did not want to waive his speedy trial and Magistrate Baker reassured him

that while the Court can make certain exceptions, the waivers by other defendants didn't waive his rights.

6 At a July 22, 2008, hearing the undersigned again raised the issue with the Court and argued that he needed a computer to review 300,000 pages of discovery. At some point, the Court graciously informed this inmate that he could be brought to the courthouse in the morning and set him up with a computer for as many days as he needed. The Court went even further, recognizing that Lacour's requests were not unreasonable and that the Court would see to it that he got an adequate opportunity to defend himself.

7 Even the prosecutor, Ms. Gable joined in and informed the Court that she had communicated with the Sheriff and the attorney representing the Sheriff, and she was advised that "...they do have a computer for Mr. Lacour to use at the Seminole County jail and that they would make it available to him...."

8 Unfortunately, the Court's and Ms. Gable's good intentions were never materialized and Lacour's request to review his discovery continued unabated. Mr. Lacour's letters, notices and or motions were stricken for not comporting with local rules and or federal forms and it was apparent to this inmate that he would never be permitted to review his discovery and or obtain a speedy and fair trial.

- 9 On or about September 3, 2008, Mr. Lacour was forced to retain a private attorney, a former federal prosecutor, who falsely promised he would file all appropriate motions and see to it that the undersigned would be able to review all his discovery. It turned out the private attorney was acting more like a prosecutor than a defense attorney and his intentions were to impede every motion and this inmates repeated requests to review his discovery.
- 10 As the Court is aware, my Investigative Consultant signed a declaration under penalty of perjury concerning attorney William Bryan who was forced to withdraw his representation of Jude Lacour, on or about March 13, 2009. (See March 13, 2009, declaration by Bill Pavelic)
- 11 As of today's date, March 15, 2009, the undersigned has not had an opportunity to review his discovery. At a hearing held on March 13, 2009, Magistrate Judge David Baker has authorized the Marshal's Office, for the first time, to permit this inmate to review his 400,000 pages of discovery. The protocol has not yet been worked out and it will take several more days before this inmate can examine the government's discovery and commence his defense.
- 12 It was previously noted that this is unusual and complex case, involving Detective Harry Oakley and the Volusia Bureau of Investigation, the FBI and other law enforcement entities. I am informed that the case is so voluminous as to be essentially unmanageable

without a team of experts. It's been communicated to me that not all recently provided desktop or laptop computers had been mirror-imaged for electronic information and none had been forensically analyzed by the defense. Further, my conflicted "defense" attorney, William Bryan, ignored repeated requests to inspect the evidence and deliberately failed to serve SDT's on various governmental witnesses and entities. The undersigned is still waiting for his file in possession of attorney William Bryan.

- 13 The amount of work that is needed to competently defend this case is astonishing. A simple unscientific calculation reveals the following:

- 14 If there are 400,000 pages to be examined (without the benefit of the multiple binders or multi giga bites contained in nine computers or servers), a diligent review of three minutes per page at a rate of six hours per day, would take over 3000 days or approximately ten years to simply review the documents. If only 25% of the documentation was material and relevant to a particular Defendant's endeavor, it would still take several years.

- 15 The state and federal government, with all of its resources, both in "person power" and financial expenditure, has spent well over eight years in the preparation of this case and the undersigned, through no fault of his own, is being forced to go to trial without examining a single page of discovery.

This Pro Se inmate certifies that this motion is made in good faith and not for unnecessary or improper delay, but to prepare for trial.

WHEREFORE, the Defendant respectfully requests that this Court enter its Order continuing the trial for a sufficient period of time to reasonably accommodate the preparation and obligations as set forth above.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 15, 2009 I filed the foregoing with the Clerk of the Court and Assistant U.S. Attorney by using the Orange County Correctional Facility delivery system.

ADDRESS:

- 1. Clerk's Office, U.S. District Court
Middle District of Florida, Orlando Division
United States Courthouse, Suite 1200
401 West Central Boulevard
Orlando, FL 32801**
- 2 Karen L. Gable, Assistant U.S. Attorney,
501 W. Church St., Ste. 300, Orlando, FL,**

Respectfully,

A handwritten signature in black ink, appearing to read "Jude T. Lacour". The signature is written in a cursive style with a horizontal line underneath the name.

Jude T. Lacour Pro Se Federal Inmate

March 15, 2009

DECLARATION OF ZVONKO "BILL" PAVELIC

Bill Pavelic declares that:

This Declaration is based upon my personal knowledge and personal participation in the events described. If called to testify as a witness, I could and would testify competently as follows:

I retired from the Los Angeles Police Department in December of 1992. During my tenure with the Los Angeles Police Department I had never been suspended for misconduct and I was a recipient of over 200 commendations and letters of appreciation from private and governmental institutions, including the United States Department of Justice.

I obtained my BA degree from San Jose State University and MA degree from Pepperdine University.

As the Court is aware, Mr. Jude Lacour was arrested on May 9, 2008 in Portland, Oregon, and made his Court appearance in front of Magistrate Judge Karla R. Spaulding, on or about June 11, 2008. At this hearing Mr. Lacour indulged the court on whether he can represent himself in pro se and the Court responded in the affirmative, informing Mr. Lacour that he would be responsible for handling everything in the case, presenting witnesses, cross-examining witnesses, and that Mr. Ivy would be available to consult with and have the attorney as an adviser.

On or about June 23, 2008, Mr. Lacour sought to disqualify his court appointed attorney to represent himself in pro se due to Mr. Ivy's unwillingness to file notices and motions on his behalf, including prosecutorial misconduct motion, severance motion, Grand Jury motion, and so on.

From June of 2008 to September of 2008, Mr. Lacour represented himself in pro se and filed numerous letters and or notices which were struck for various reasons, mainly, that he did not comport with local procedural rules and for not using appropriate federal forms.....that are unavailable to federal inmates at the Seminole Correctional Facility.

Unable to file needed notices and motions, on or about September 3, 2008, Mr. Lacour retained the services of William Bryan, a former federal prosecutor. When asked if he was in conflict with any attorney's representing the co-defendants, Mr. Bryan's reply was a resounding "no". Mr. Bryan was informed of the complex nature of this case and he agreed that he would file multiple motions on behalf of his client, including but not limited to; discovery motion, bond motion, confidential informant motion, severance motion, prosecutorial misconduct motion, suppression motion, and the speedy trial motion. It was all a sham.

On or about September 18, 2008, the prosecutor in the instant case filed a "Notice of Possible Conflict of Interest", informing the court that William Bryan may be in conflict. Mr. Lacour demanded a conflict free attorney and requested a "clean bill of health" from both the prosecutor and Mr. William Bryan. The prosecutor essentially represented that she was unaware of any conflict involving Mr. Bryan and or other defense attorneys and that her notice was procedural.

However, when I reviewed Ms. Gable's other cases I noticed that while she would file the notice she did not identify the attorneys, unless they were in potential conflict.

During the course of this proceeding, I became aware that Mr. William Bryan was renting his law office from Rick Jancha's law firm and that Mr. Jancha, a former high level prosecutor, supervised Ms. Gable at the time she was investigating Jude Lacour. I was concerned with this "arrangement" because of Ms. Gable's absolute misconduct in the execution of the April 19, 2005, search warrant and her use of the Grand Jury subpoena to falsely obtain Mr. Lacour's corporate files from the Akerman-Senterfitt law firm.

A review of U. S. Attorney's Manual revealed that Mr. Jancha's involvement in this case constituted a crime. Further research revealed that this was not the first time Mr. Jancha and or his office represented client(s) who were investigated during Mr. Jancha's tenure and "defended" by his law firm after his retirement. Even more disturbing to me was when I learned that Rick Jancha's law firm was implicated in money laundering and drug trafficking....a matter that was reported to DEA.

This public corruption misconduct was brought to the attention of Mr. Bryan who became very defensive because of his friendship with Rick Jancha and Karen Gable. Mr. Bryan stated that he did not want to "sandbag" his friend (Rick Jancha) and that he would move out of Rick Jancha's law firm. It was a lie. During this discussion, Mr. Bryan concluded that the prosecutor and the Orlando judiciary knew or should have known of this arrangement with Rick Jancha. Mr. Bryan had to be reminded that Ms. Gable was already on record saying she knew of no conflict involving the defense attorneys and the only way to resolve this matter was for William Bryan to contact an ethics attorney and obtain a legal opinion.

Mr. Bryan reluctantly agreed and when he contacted a very reputable Assistant U.S. Attorney from the Southern District of Florida, his worst fears were realized. Unfortunately for Jude Lacour, Mr. Bryan took the Rick Jancha's criminal misconduct personally and retaliated against Jude Lacour by not accepting his calls and by deliberately opting not to file motions that he initially agreed to do. Mr. Lacour's defense was being undermined and Mr. Bryan was asked time and again to seek an ethics opinion and to ascertain if his relationship with Rick Jancha was interfering with his defense of Jude Lacour. Mr. Bryan ignored the requests for an ethics opinion and continued to undermine Jude Lacour. However, when Mr. Bryan was informed that Rick Jancha would be called as a potential witness in the instant case, Mr. Bryan followed up by filing a motion to withdraw.

As of today's date, March 13, 2009, Mr. Lacour was not permitted to use a computer to review his discovery that exceeds 400,000 pages. His reciprocal discovery containing exculpatory evidence was deliberately not turned over to the government and Mr. Bryan has not prepared and or served a single SDT that he promised to do months ago. Any attempt by Mr. Bryan that the subpoenas were delayed for lack of payment would be an absolute lie. The subpoenas were not served in order to protect the government, Rick Jancha and Karen Gable. For that same reason, Mr. Bryan consciously opted not to file timely motions while deceiving Jude Lacour that the motions would be prepared in few days. The days turned into weeks and weeks turned into

months. In the end, it became apparent that William Bryan never left the prosecutor's office and is impersonating a defense attorney.

In closing, much of what I had alleged in this declaration is contained in multiple emails that were exchanged between myself and Mr. Bryan, as well as, a 30 plus page prosecutorial misconduct report that I prepared for Mr. Bryan on or about February 12, 2009. I am currently in the process of finalizing a complaint that I will file with the Office of Professional Responsibility and or other components of the criminal justice system.

I swear under the penalty of perjury under the laws of the state of Florida that all of the foregoing is true and correct.

Executed March 13, 2009 in Lake Mary, Florida.

Zvonko "Bill" Pavelic