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United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 10-00384 LEK-01,-02
)	
Plaintiff,)	MOTION FOR RECONSIDERATION/
)	CLARIFICATION OF THIS
)	COURT'S BENCH RULING
ROGER CUSICK CHRISTIE,	(01)	THAT DEFENDANTS MAY RELY
SHERRYANNE L. CHRISTIE,	(02)	UPON THEIR RELIGIOUS BELIEFS
formerly known as)	VIS A VIS INTENT TO
"Sherryanne L. St. Cyr",)	DISTRIBUTE; MEMORANDUM OF
SUSANNE LENORE FRIEND,	(03)	LAW; EXHIBITS "1" & "2";
TIMOTHY M. MANN,	(04)	CERTIFICATE OF SERVICE
RICHARD BRUCE TURPEN,	(05))
WESLEY MARK SUDBURY,	(06))
DONALD JAMES GIBSON,	(07))
ROLAND GREGORY IGNACIO,	(08))
PERRY EMILIO POLICICCHIO,	(09))
JOHN DEBAPTIST BOUEY, III,	(10))
MICHAEL B. SHAPIRO,	(11))
also known as "Dewey",)	
AARON GEORGE ZEEMAN,	(12))
VICTORIA C. FIORE,	(13))
JESSICA R. WALSH, also	(14))
known as "Jessica Hackman",)	
)	
Defendants.)	
)	

**MOTION FOR RECONSIDERATION/CLARIFICATION OF THIS COURT'S BENCH
RULING THAT DEFENDANTS MAY RELY UPON THEIR RELIGIOUS
BELIEFS VIS A VIS INTENT TO DISTRIBUTE**

The United States of America, by and through its undersigned counsel, hereby asks this Honorable Court to reconsider and/or clarify its bench ruling issued at the status conference on July 31, 2013, to the effect that pursuant to United States v. Martines, 903 F.Supp.2d 1061 (D. Hawaii 2012), defendants Roger Christie and Sherryanne Christie may rely upon their religious beliefs to counter the element of "intent to distribute" in the 21 U.S.C. 846 and 841(a)(1) charges alleged against them in the First Superseding Indictment.

This motion is based upon the attached Memorandum of Law and the Record and files herein.

DATED: Honolulu, Hawaii, August 5, 2013

FLORENCE T. NAKAKUNI
United States Attorney

/s/ Michael K. Kawahara
By _____
MICHAEL K. KAWAHARA
Assistant U.S. Attorney