

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DIMITRIOS N. KESARI,

Defendant.

No. 4:15cr0103-JAJ

ORDER

This matter comes before the court pursuant to a telephonic status conference conducted in this matter on November 3, 2015. At the conference the government was represented by Jonathan Kravis and Richard Pilger. Defendant Kesari was represented by Jesse Binnall.

This case was tried to a jury commencing October 13, 2015. The jury was unable to reach a verdict on three counts against defendant Kesari. The government requested that the jury deliberate longer. The court found the jury to be hopelessly deadlocked and declared the jury to be hung as to Counts 1, 3 and 4.


The government retains the ability to re-indict defendants Tate and Benton on Counts 1 through 4 of the original indictment. These counts were dismissed by the court as a sanction for breach of proffer agreements with these defendants. In the event that the government seeks and obtains a new indictment, trial would most likely be set on February 8, 2016.

The Speedy Trial Act requires that retrial of the counts against defendant Kesari for which the jury was hung be set within seventy (70) days of the declaration of mistrial. Accordingly, the court sets a date of December 14, 2015 for the retrial with the understanding that a superseding indictment against Benton and Tate or additional pretrial motions filed in this matter will cause time to be excluded from the Speedy Trial Act calculation and make the December 14, 2015 trial date unlikely.

Upon the foregoing,

IT IS ORDERED that retrial of defendant Kesari on the three counts for which the jury hung is set for December 14, 2015 at 9:00 a.m. in Des Moines, Iowa.

DATED this 3rd day of November, 2015.



JOHN A. JARVEY, Chief Judge
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA