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7 Superior Court of California, 1111 3rd Street, Napa CA 95559

Master Calender Court of Judge Bennet

8 <http://www.napa.courts.ca.gov/> 707-299-1170 Chambers Court Admin: 707-299-1110

9 Criminal/ traffic fax 707 253-4673

10 County of Napa, Monique Langhorn, DDA,
11 Gary Leiberstein, elected prosecutor, 931
12 Parkway Mall Napa CA 94559 707 253 4211,
13 Fax: 707 253 4041 dba People of California
14 v
15 Buzz Owen Vieau, sui juris, incorrectly sued
16 as BUZZ OWEN VIEAU.

Case Number CR 112, 221
Prisoner Identification Number 1991 00 305-02
Document #5276

First Defense Document in this case.

**Motion for continuance of demurrer in order to
permit time to oppose prosecutions'
rebuttal received yesterday.**

**Declaration of Defendant re: Need for
continuance.**

**Conditional Waiver of time and grant of reciprocal
stipulation.**

Proof of service.

Date: 20 March 2003. Thursday

Time: 8:30 a.m.

Dept: E

18 **Notice of Motion for continuance of demurrer in order to permit time to oppose**
19 **prosecutions' rebuttal received yesterday.**

20 To Monique Langhorn, Deputy District Attorney and Gary Leiberstein, elected District Attorney:
21 Please be advised that at the venue indicated I will ask the court for a continuance as set forth below. I ask
22 that you stipulate to a continuance and, as indicated below, I promise in exchange to likewise stipulate to a
23 continuance should you request one. Also, as more fully set forth below, I waive my right to a speedy trial to
24 the extent required to continue this motion.

25 **Motion to Continue demurrer in order to permit time to oppose prosecution's rebuttal**
26 **which I received by mail Monday.**

27 Comes now defendant Buzz Vieau requesting a continuance to permit him to answer a rebuttal that
28 he received Monday - merely 72 hours prior to the time set for the hearing. This continuance is needed to
permit me, the defendant, due process and adequate opportunity to review the authorities that the prosecutor

1 listed in her rebuttal to my demurrer.

2 There is no prejudice to the prosecution by this continuance.

3 I ask for a continuance until **Thursday April 10th at 9 a.m.** in this court.

4 **Conditional Waiver of time and conditional grant of reciprocal stipulation.**

5 I hereby waive my speedy trial rights to the degree necessary to permit this continuance. I also agree
6 to stipulate to a continuance for the prosecution in the future conditioned upon her stipulating to this
7 continuance today. _____ Buzz Vieau

8 **Declaration of Defendant re: Need for continuance.**

9 Yesterday, Monday 17 March 2003 I received by mail a response to my demurrer that I personally
10 served on the prosecutor 26 days ago - on the 20th of February. I cannot possibly research and answer this
11 late rebuttal and be ready to argue this motion on the day previously set, March 20th. Furthermore, as I recall,
12 the rules require any response by me to be served 2 days before the hearing - which is merely 24 hours after
13 receiving the pleading from the prosecutor. The pleading would have to be filed today. I cannot perform that
14 much legal work and also perform the work at my job.

15 For 33 years I have been in the housing construction business. I have been a licensed contractor for
16 24 years. I work full time. Today I had work commitments. I could not abandon my clients today to devote
17 the entire day to research. I have a lawyer who helps me with legal research and writing but he, too, must
18 have adequate time to schedule and perform this work.

19 Even if the prosecutor had served the papers by personal delivery on Friday as I do to her, I would
20 likely have needed a continuance because I cannot always find legal assistance on the weekend.

21 I make this motion for a valid legal purpose, to wit: to preserve my right to Due Process which includes
22 adequate opportunity to be heard - which, in turn, includes adequate time to research and prepare a written
23 surrebutter. My purpose is not to delay this proceeding.

24 _____ - Buzz Vieau Thursday, Tuesday, March 18, 2003 (3:02pm)

25 **Proof of service.**

26 I, Buzz Vieau, declare the following under penalty of perjury: On Tuesday, March 18, 2003 at about
27 4 pm I personally served this motion upon the receptionist at the office of the prosecutor. Thereafter I
28 personally filed it with the clerk of this court. _____ Buzz Vieau. 18 March 03.