Trial For Iowa Slaughterhouse Raid Could Be Moved

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CEDAR RAPIDS, Iowa (AP) — A federal judge on Monday delayed the trial of four former top managers at an Iowa slaughterhouse where 389 people were arrested last year in what was the largest immigration raid in U.S. history at the time.

U.S. District Court Judge Linda Reade agreed to an Oct. 13 trial date as she considers whether to move the trial out of Cedar Rapids, about 75 miles from where the kosher Agriprocessors Inc. operated in Postville. Defense attorneys want it moved to another state.

The trial was scheduled to begin Sept. 15, but Reade said she would grant a one-time delay after defense attorney Montgomery Brown said he and fellow attorney Guy Cook work "12 to 15-hour days, seven days a week" and still need more time.

"I'm here to tell the court that I'm not ready yet," Brown said. "This is a monster."

Former manager Sholom Rubashkin asked Reade to dismiss all 163 charges against him. His attorneys said prosecutors abused the grand jury process by interviewing witnesses multiple times about facts they had already used to file charges.

The judge, who has twice refused a change of venue, said she would issue decisions on both requests within days.

U.S. Customs and Immigration Enforcement agents found hundreds of illegal immigrants working at the meatpacking plant on May 12, 2008. The plant struggled to meet demand after the raid and eventually filed for bankruptcy in October. It was sold in July to SHF Industries.

Prosecutors dropped the company from the federal indictment on Monday, saying they couldn't penalize a company that no longer had assets.

Rubashkin and his three co-defendants Brent Beebe, Hosam Amara and Zeev Levihave have pleaded not guilty to a long list of charges, mostly immigration and financial fraud. Rubashkin appeared during the 90-minute hearing Monday in a black suit and black yarmulke. He smiled and shook hands with reporters outside the courtroom but declined to comment.

When Reade asked whether Sioux City, on the other side of the state in far western Iowa, would be an acceptable for trial, Cook made clear he wanted it out of the state. Cook said potential jurors throughout Iowa have been tainted by pretrial publicity.

Cook, who spoke by phone from Des Moines, cited "extensive, inflammatory, corrupting publicity," pointing to an editorial written by Gov. Chet Culver, comments by a Des Moines radio host and child-labor hearings in the Iowa Legislature. Those and other factors made it impossible for Rubashkin to get a fair trial in Iowa, Cook said.

Cook also noted the results of 19-page questionnaire approved by both prosecutors and defense attorneys issued to 510 potential jurors in northeast Iowa. It found that more than 40 percent of respondents had already decided Rubashkin's guilt and more than 60 percent had a negative opinion of Rubashkin or Agriprocessors.

"It's more clear than ever that this case should be transferred to a different venue," Cook said.

Assistant U.S. Attorney Pete Deegan noted that potential jurors were also critical of the government's raid. He also criticized the wording of some questions. He said 27 potential jurors intended to say they could put aside personal prejudice and decide the trial fairly but checked the wrong answer.

To satisfy the defense, Deegan said the prosecution would give it additional strikes of jurors, and would bring in 10 potential jurors at a time during jury selection to minimize the chance that one juror's answers tainted the opinions of the rest of the pool.

Reade has severed immigration charges in the indictment from financial charges, and she said Monday that the immigration and financial trials will likely be held in the same place. The financial trial will be held first, with the immigration trial to follow it.

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