

**IN THE UNITED STATES DISTRICT COURT,
FOR THE WESTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,)

Plaintiff,)

)

vs.)

Case No. 08-00297-11-CR-W-FJG

)

MARK WHITNEY JACKSON,)

Defendant.)

MOTION TO CONTINUE JURY TRIAL

COMES NOW defendant, Mark Whitney Jackson, by and through undersigned counsel, and moves for a continuance of the jury trial in the above-captioned matter. In support of this motion defendant states as follows:

1. Jury trial is scheduled to begin January 5, 2009. This is an initial setting.

2. The indictment in this case, filed October 29, 2008, charges seventeen (17) defendants with participation in a complicated mortgage fraud scheme. Initial discovery has been provided by the government and consists of nearly 70,000 pages. A motion to declare the case extended and complex has been filed by one of the defendants (Doc. 79) and is not opposed by any of the parties.

3. Undersigned counsel has conferred with government counsel regarding a realistic firm trial setting in this case. Additionally, all defense counsel have been requested by email to provide their input as to a firm trial date. The consensus of those counsel who have responded to that request is that the earliest realistic firm trial date for this matter would be the October 2009 Joint Accelerated Criminal Trial Docket.

4. In light of the large amount of discovery, the complexity of the issues, and the large number of defendants in this case, undersigned counsel requests that trial of this case be continued to October 2009. Counsel believes that this is the earliest setting by

which all counsel will have an opportunity to review the discovery, research possible motions, explore the possibility of non-tried resolutions, and prepare for jury trial if necessary. Government counsel does not oppose this request.

5. Defendant acknowledges that any delay caused by this continuance shall be excluded from speedy trial calculations for purposes of 18 U.S.C. § 3161(h)(1)(F).

WHEREFORE, defendant respectfully requests the Court grant a continuance of the jury trial in this matter to the October 2009 trial docket.

Respectfully submitted,

s/ John Jenab
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Certificate of Service

I certify that on December 18, 2008, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this case.

s/ John Jenab
John Jenab