

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 12-06001-09-CR-SJ-GAF
)	
JULIO LLANAS-RODRIGUEZ,)	
)	
Defendant.)	

**MOTION OF DEFENDANT JULIO LLANAS-RODRIGUEZ
FOR CONTINUANCE OF TRIAL SETTING,
WITH SUGGESTIONS IN SUPPORT**

COMES NOW Defendant Julio Llanas-Rodriguez, by and through his undersigned attorney, and moves the Court to continue the above-captioned cause from the trial setting of March 19, 2012, until the joint criminal jury trial docket commencing in November, 2012.

IN SUPPORT of this Motion, Defendant states as follows:

1. Defendant is charged in twelve counts of a forty-count Indictment returned January 10, 2012, along with thirteen other defendants, with engaging in a conspiracy to transport illegal aliens in violation of 18 U.S.C. §1324(a)(1)(A)(ii), to unlawfully produce identification documents in violation of 18 U.S.C. §1028(a)(1), to unlawfully transfer the means of identification of another person in violation of 18 U.S.C. §1028(a)(7), and to commit social security fraud in violation of 42 U.S.C. §408(a)(7). The Indictment adds a Forfeiture Allegation, and seeks a monetary judgment of at least \$5,250,000.

2. Defendant was arrested in Texas and will make his initial appearance in this District and be arraigned on February 8, 2012. Undersigned counsel was appointed to represent

defendant on February 2, 2012. A Scheduling Conference is set for February 23, 2012.

3. Defense counsel has been advised there is a significant amount of discovery in this case, which should be provided in the near future, and includes: investigative reports, audio files from intercepted calls, surveillance photographs and videos, search warrant and wiretap documents, Missouri DOR records, postal records, bank and money transfer company records, and telephone records. Counsel needs sufficient time to meet with defendant after reviewing the extensive discovery to discuss the charges and possible defenses, any pretrial motions, the sentencing guidelines applications, and make a decision whether this case is for plea or trial. These tasks cannot be accomplished before the March, 2012, trial setting.

4. Defendant will consent to this continuance request, and waive his rights under the Speedy Trial Act.

5. Counsel for the government and all defense counsel contacted state they do not object to this request for a continuance, and request a new trial date on the October or November, 2012, trial dockets. Counsel for this defendant has a specially set trial in state court in October, and accordingly requests the November docket.

6. This continuance is not sought for the purpose of delay, but is sought so that defendant may be afforded due process of law under the Fifth Amendment and effective assistance of counsel under the Sixth Amendment to the U.S. Constitution. It is submitted these reasons outweigh the interest of the public and defendant to a speedy trial under 18 U.S.C. Sec. 3161(c)(1).

7. The delay in trial resulting from this motion should be excluded in computing the period of time within which defendant should be brought to trial under the Speedy Trial Act.

WHEREFORE, Defendant prays that this Court continue the above-captioned cause from the trial setting of March 19, 2012, until the joint criminal jury trial docket commencing in November, 2012.

/s/Ronald E. Partee
Ronald E. Partee, MoBar No.23898
606 West 39th Street
Kansas City, MO 64111
TEL: (816) 531-3500
FAX: (816) 753-3234
EMAIL: rpartee@pn-law.com
Attorney for Defendant Julio Llanas-Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2012, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system, which will send notification to the following: Jess Michaelson, Assistant United States Attorney, and all counsel of record.

/s/ Ronald E. Partee