

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 5:12-cr-06001-GAF
)
CHRISTOPHER ESCOBAR,)
)
Defendant.)

MOTION FOR CONTINUANCE
WITH SUGGESTIONS

COMES NOW the Defendant, Christopher Escobar, through counsel, David J. Guastello, and moves the court, pursuant to 18 U.S.C. §3161(h)(7), to continue this case to the Accelerated Joint Criminal Trial Docket in October 2013.

SUGGESTIONS IN SUPPORT

- 1) This case is presently on the May trial docket. Based on its voluminous discovery and present caseload, counsel needs more time to prepare an adequate defense in this case. Specifically counsel for Mr. Escobar is currently in trial in the Western District of Missouri on *U.S. v. Hawkins*, et.al. which is expected to last through May 13th.
- 2) Counsel has discussed this matter with Assistant U.S. Attorney Jess Michaelsen regarding this request. The government has no objection to a continuance.
- 3) This continuance is sought not for the purpose of dilatory delay, but is sought in truth and fact that Mr. Escobar may be afforded due process of law under the Fifth Amendment to the U.S. Constitution and afforded effective assistance of counsel under the Sixth Amendment to the U.S. Constitution. In accordance with 18 U.S.C. §§ 3161(h)(7), the above-stated reasons for a continuance outweigh the best interest of the public and Mr. Escobar to a speedy trial. Under the

provisions of 18 U.S.C. § 3161(h)(7), the period of time until the next criminal trial docket should be excluded in computing the period of time in which the defendant should be brought to trial pursuant to the Speedy Trial Act.

WHEREFORE, the Defendant, Christopher Escobar requests the court to remove this case from the criminal trial docket scheduled for May 28, 2013, and to continue the case to the October 2013 criminal trial docket.

Respectfully submitted,

/s/ David J. Guastello

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was electronically filed on this 26th day of April, 2013 and that a copy was e-mailed to each party pursuant to the Electronic Case Filing system.

/s/ David J. Guastello