

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 12-06001-01/19-CR-SJ-GAF
	)	
SHERRI GUTIERREZ,	)	
	)	
Defendant.	)	

MOTION FOR CONTINUANCE  
WITH SUGGESTIONS IN SUPPORT

COMES NOW the defendant, Sherri Gutierrez, by and through her counsel, Nick Seacord, in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, and moves this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to continue this case until the May, 2013 criminal trial docket.

SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE

1. On or about January 10, 2012, a grand jury, sitting in the Western District of Missouri, returned a forty count indictment charging the Defendant, Sherri Gutierrez, as well as thirteen other defendants, with multiple criminal infractions including Conspiracy, Transporting Illegal Aliens, Unlawful Production of Identification Documents, Unlawful transfer of the Means of Identification of Another, Social Security Fraud, and Aggravated Identity Theft.
2. On January 12, 2012, Nick Seacord was appointed by this Court to represent Ms. Gutierrez.
3. On January 24, 2012, Ms. Gutierrez appeared before this Court and entered a not guilty plea to all charges.

4. Following Scheduling Conferences for all defendants, this Court set this matter for the November 26, 2012 criminal trial docket.

5. Ms. Gutierrez has remained on pretrial release, without incident.

6. On September 26, 2012, a superseding indictment was returned which added multiple new counts as well as five new defendants.

7. The discovery in this case is approximately 45,000 pages of photos, phone records, police reports, wiretap requests and witness statements.

8. On October 23, 2012, counsel for defendant Melissa L. Scallions filed a motion to continue this matter so that the new defendants had adequate time to prepare for trial.

9. Under the superseding indictment, Ms. Gutierrez is charged in an additional four counts. Specifically, Ms. Gutierrez is charged in an additional count of producing illegal documents and aggravated identity theft, and is also now accused of social security fraud and unlawfully transferring the means of identification of another.

10. Two of the defendants named in the government's superseding indictment are Ms. Gutierrez's children, who are accused of acting in concert with Ms. Gutierrez in the commission of the aforementioned charges.

11. While counsel for the defendant has had a chance to review the extensive discovery provided by the government, additional time will be needed to fully investigate the new counts and charges alleged in the superseding indictment.

12. The attorney for the United States, Jess Michaelson, has been contacted and has no objection to remaining original defendants being continued to the May, 2013 criminal trial docket.

13. Attorneys for Brenda Cruz, Martin Alejandro Llanas-Rodriguez, Julio Cesar Llanas-Rodriguez, Elder Enrique Ordonez-Chanas, and Luis Adalberto Felipe-Lopez have all been consulted regarding the defendant's motion and none have expressed any opposition to this case being continued until the May, 2013 criminal trial docket.

14. The continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. §3161(h)(7)(A) and (B)(iv), it is submitted that the above-stated reasons for a continuance outweigh the best interests of the public and the defendant to a speedy trial, which is required by 18 U.S.C. §3161(c)(1).

15. Under the provisions of 18 U.S.C. §3161(h)(7)(A) 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 under the provisions of the Speedy Trial Act.

WHEREFORE, the defendant, Sherri Gutierrez, respectfully requests this Court, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), to remove this case from the November 26, 2012 criminal trial docket until the May, 2013 criminal trial docket.

Respectfully Submitted,

/s/ Nick Seacord

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 2nd, 2012 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the attorneys of record and mailed to any non-participating attorneys in Electronic Case Filing.

/s/ Nick Seacord