

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 11-00046-01/09-CR-W-ODS
 JAMES ALLEN JACOBS, JR.,)
 JOHNNY ERWIN SMITH,)
 AMANDA LYNN SCATES,)
 LINDSEY NICOLE HILLYARD,)
 JEFFERY MARSHALL JONES,)
 TERRY WAYNE THOMAS,)
 WILLIAM CHESTER GARRETT,)
 TIM MICHAEL WILSON,)
 RICHARD MARK GANGEL,)
)
 Defendants.)

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court is a motion to continue the case to the October 24, 2011, trial docket, filed by defendant James Allen Jacobs, Jr. In support of the motion, defendant states in part as follows:

2. Defendant stands charged by indictment with five counts: conspiracy to distribute methamphetamine and conspiracy to distribute heroin, in violation of 21 U.S.C. 841(a)(1) and (b)(1)(A) and (B) and 846, possession of a firearm during and in relation to and in furtherance of a drug trafficking crime, in violation of 18 U.S.C. 924(c)(1)(A)(I), felon in possession of a firearm, in violation of 18 U.S.C. 922(g)(1) and 924(a)(2) and Section 2, and conspiracy to launder money, which was proceeds of unlawful activity, in violation of 18 U.S.C. 1956(a)(1)(A)(I) and (h).

3. This request for continuance is made for the following reasons: Counsel for defendant has conferred with the majority of counsel for co-defendants [counsel has been unable to contact counsel for defendant, Amanda Lynn Scates], his client and with Bruce Rhoades, Assistant U.S. Attorney. There are several hundred pages of discovery,

with media, to review and investigate in order to prepare an adequate defense to the charges. The discovery is being made available to all defendants on March 30, 2011, in the form of computer discs. Due to the large amount of discovery and the seriousness and complexity of the charges, defendant needs additional time to conduct investigation into the charges, locate potential witnesses for the defense and to fully identify and investigate any potential suppression or other pretrial motion issues.

4. Defendant is in custody and does not object to this request.

5. The Government does not object to this request.

6. This request is not made for any purpose of undue delay or to gain strategic advantage but only for the reasons stated herein. Granting this request will serve the ends of justice and ensure that defendant has sufficient time and opportunity to prepare for trial.

The Speedy Trial Act of 1974, as amended, mandates the commencement of the trial of a defendant within 70 days from the defendant's first appearance before a judicial officer of the court in which the charge is pending. In computing the 70-day time period, the periods of delay set forth in 18 U.S.C. § 3161(h) are to be excluded. Any period of delay resulting from a continuance granted at the request of a defendant is excludable if the court finds the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, provided the court sets forth the reason for such finding.

In light of the circumstances described above, I find that the ends of justice served by removing this criminal action from the joint criminal jury trial docket which will commence April

25, 2011, and continuing the trial until the joint criminal jury trial docket which will commence October 24, 2011, outweigh the best interest of the public and the defendant in a speedy trial.

In accordance with § 3161(h)(7)(C), congestion of the court's calendar was not considered in deciding to remove this case from the joint criminal jury trial docket which will commence April 25, 2011.

In light of the circumstances described above, it is

ORDERED that this criminal action is removed from the joint criminal jury trial docket which will commence April 25, 2011.

It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence October 24, 2011. It is further

ORDERED that the pretrial conference set for April 13, 2011, is continued pending further order of the court. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7), the time between the date of this order and October 24, 2011, shall be excluded in computing the time within which the trial of this criminal action must commence.

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
March 30, 2011