

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

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 v.) No. 09-00296-CR-W-FJG
)
ROBERT E. STEWART)
)
 Defendant.)

**DEFENDANT STEWART’S MOTION FOR CONTINUANCE
WITH SUGGESTIONS IN SUPPORT**

COMES NOW defendant and moves the Court to continue the trial of this case from its present trial setting of November 2, 2009 to the next regularly scheduled trial docket following the November docket. As grounds defendant submits:

1. Defendant and his allege co-conspirators all face serious felony drug charges that could result in substantial incarceration upon conviction. As of this filing, defense counsel has informally been told that there are a substantial number of witness statements, probable prior testimony from other proceedings, telephone record print outs, physical evidence, and other information which must be reviewed in preparation for trial. The full extent of the discovery is yet to be determined or fully disclosed by the government; however, counsel has reason to believe it is extensive and voluminous.
2. Counsel needs additional time to review discovery, consult with the client,

conduct any necessary investigation, and prepare for trial. Based on past experience with other multi-defendant cases of this type, counsel believes it is impossible to accomplish these necessary tasks in the short time between now and the scheduled trial date of November 2, 2009.

3. Counsel submits that defendant is entitled to a continuance under the provisions of Title 18, United States Code, Section 3161(h)(8)(B), in that: a) trial on the current docket would result in a miscarriage of justice; b) the case is significant in terms of the outcome for the reasons stated in the above paragraphs; c) it is unreasonable to expect counsel and the defendant to be ready for trial by the currently scheduled trial date; and, d) failure to grant the continuance would likely prevent undersigned counsel from being able to adequately prepare and present the defense case for his client.

4. This request is not made with intent to gain tactical advantage over the prosecution and counsel is unaware of any prejudice that might result to the prosecution if this request is granted. Counsel has also met with and discussed the necessity for at least one continuance with the client and the client is in agreement, has no objections, and believes it to be in his best interest.

WHEREFORE, defendant moves the Court to strike this matter from its present setting and reschedule the matter for the April 2009 regular trial docket.

Respectfully submitted,

/s/
John R. Osgood
Attorney at Law, #23896
Commercial Fed Bnk- Suite 305
740 NW Blue Parkway
Lee's Summit, MO 64086

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been caused to be served on the Assistant United States Attorney for Western District of Missouri and other ECF listed counsel through use of the Electronic Court Document Filing System on 10/1/2009.

/s/
JOHN R. OSGOOD
Office Phone: (816) 525-8200
Fax: 525-7580