

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

UNITED STATES OF AMERICA,                    )  
  )  
  )                    Plaintiff,  
  )                    v.                    Criminal Action No.  
  )                    09-00296-01/3,05/06-CR-W-FJG  
JOHN B. ANGELL, et al.,                        )  
  )  
  )                    Defendants.

ORDER CONTINUING CURRENT TRIAL SETTING

On September 23, 2009, the grand jury returned an indictment against the defendants. Defendants Burkitt and Stewart were arraigned on September 30, 2009, and the case was placed on the November 2, 2009, joint criminal jury trial docket. Defendant Larson was arraigned on October 1, 2009. Defendants Angell and Donkersloot were later arraigned on October 5, 2005.

The Speedy Trial Act of 1974, as amended, mandates the commencement of the trial of a defendant not sooner than 30 days and not later than 70 days from the defendant’s first appearance with counsel 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. A reasonable period of delay occurring when a defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted is excludable. See 18 U.S.C. § 3161(h)(7).

“All defendants who are joined for trial generally fall within the speedy trial computation of the latest codefendant.” Henderson v. United States, 476 U.S. 321, 322 n.2

(1986). Therefore, the seventy-day period for Defendants Burkett, Stewart and Larson will be measured with respect to Defendants Angell and Donkersloot's speedy trial computations.

Because Defendants Angell and Donkersloot cannot be tried on November 2, 2009, due to the 30-day limitation in the Speedy Trial Act, it is

ORDERED that this criminal action is removed from its current setting on the joint criminal jury trial docket commencing November 2, 2009. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence December 7, 2009. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h), the time between the date of this order and December 7, 2009, shall be excluded in computing the time within which the trial of Defendants Burkitt, Stewart and Larson must commence. It is further

ORDERED that Defendant Stewart's Motion for Continuance (Doc. No. 36) is denied as moot.

*/s/ Robert E. Larsen*  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
October 5, 2009