

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

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 09-00296-02-CR-W-FJG  
)  
ERIC BURKITT, )  
)  
Defendant. )

**OBJECTIONS BY DEFENDANT ERIC BURKITT TO MOTION FOR  
CONTINUANCE OF TRIAL SETTING, WITH SUGGESTIONS**

Comes now defendant Erick Burkitt, by and through his undersigned attorney, and moves this Court to deny the pending motion to continue the present trial setting in this case from its December 7, 2009 trial date and in support thereof states the following:

1. That the defendant was charged by an indictment filed in the Western District of Missouri on September 24, 2009 (Doc. No. 12) charging him with the Class A felony offense of conspiring with others to distribute: (1) a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in an amount of five hundred (500) grams or more: and (2) cocaine, a Schedule II controlled substance; and (3) marijuana, a Schedule I controlled substance contrary to the provisions of Title 21, United States Code, § 841(a)1) and 841(b)(1)(A) all in violation of Title 21, United States Code, § 846.

2. That on October 1, 2009, a hearing was conducted before the Court based on the government's Motion to Detain defendant pending all further proceedings; that the Court at that hearing sustained the government's Motion and defendant was ordered detained pending trial notwithstanding the arguments of counsel suggesting that appropriate conditions could be set in order to assure the appearance of Mr. Burkitt at all future court proceedings as well as to assure the safety of the general public.

3. That although the matter was previously set for trial on the Court's Criminal Trial Docket scheduled to commence on November 2, 2009, it was continued after consultation with all parties at that time to December 7, 2009; that although the

undersigned was disappointed with the Court's ruling concerning pretrial release, he was nevertheless committed to being prepared to try this case in December and advised the defendant of that commitment.

4. That it is the desire of Mr. Burkitt and the undersigned that the matter proceed to trial on that newly scheduled date and it is believed that the government evidence in this case will consist primarily of testimony from cooperating witnesses who most likely will not cooperate with counsel for the various defendants as they have cooperated with counsel for the government anyway, and thus the need for substantially more time to prepare while Mr. Burkitt sits in jail awaiting trial is not warranted.

5. That there is no one more respectful of the problems faced by his colleagues in the field of criminal defense (and even the prosecutors in such cases) than the undersigned. However, given Mr. Burkitt's present custodial situation and the fact that as a result of the government's requesting that there be an attorney appointed on behalf of Mr. Burkitt in this case many months ago, Mr. Burkitt, who, as previously noted was at liberty all those months, and the undersigned have been preparing for this inevitable indictment as well as this trial for a long time now and will be ready to proceed at the scheduled trial date!

WHEREFORE, Mr. Burkitt through counsel prays that this Honorable Court deny any request for a continuance of the trial date presently set in this matter.

Respectfully submitted,

LAW OFFICES OF F.A. WHITE, JR., P.C.

/s/ F.A. White, Jr.  
F.A. (AL) WHITE, JR. – MO #22565  
Three Oaks Building  
5440 North Oak Trafficway  
Kansas City, Missouri 64118  
1-816-454-5300  
1-816-455-6011 – Fax

ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served upon the following via the Court's electronic filing system and a copy electronically served on all parties this 16th day of October 2009. .

/s/ F.A. White, Jr. \_\_\_\_\_

F.A. (Al) White, Jr.