

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-00157-01-CR-W-SOW
)	
GARLAND D. HANKINS,)	
)	
Defendant.)	

**MOTION OF DEFENDANT GARLAND D. HANKINS
FOR CONTINUANCE OF TRIAL SETTING,
WITH SUGGESTIONS IN SUPPORT**

COMES NOW Defendant Garland D. Hankins, by and through his undersigned attorney, and moves the Court to continue the above-captioned cause from the trial setting of December 7, 2009, until the next available joint criminal jury trial docket.

IN SUPPORT of this Motion, Defendant states as follows:

1. During a status conference on October 14, 2009, it was generally agreed that all defendants who were not going to enter guilty pleas could be ready for trial on the December, 2009, trial docket. Counsel for defendant Hankins is also attorney for Robert Stewart in the matter of United States v. John Angell, No. 09-00296-01/06-CR-W-FJG. On November 12, 2009, a motion to continue that case from the December trial docket was denied, largely due to objections by those defendants in custody who desired an early trial.

2. Defendant Robert Stewart is definitely for trial. It is estimated that trial will last one week. While the government indicated it would prefer the second week of the December trial docket, as of this filing the Angell trial is still scheduled to commence December 7, 2009.

3. Defendant Hankins consents to this continuance request, and waives his rights under the Speedy Trial Act. Hankins has been unable thus far to resolve his case by plea agreement, and can be ready for trial by the next available trial docket. Plea discussions are ongoing.

4. This continuance is not sought for the purpose of delay, but is sought so that defendant may be afforded due process of law under the Fifth Amendment and effective assistance of counsel under the Sixth Amendment to the U.S. Constitution. It is submitted these reasons outweigh the interest of the public and defendant to a speedy trial under 18 U.S.C. Sec. 3161(c)(1).

5. The delay in trial resulting from this motion should be excluded in computing the period of time within which defendant should be brought to trial under the Speedy Trial Act.

WHEREFORE, Defendant prays that this Court continue the above-captioned cause from the trial setting of December 7, 2009, until the next available joint criminal jury trial docket.

/s/Ronald E. Partee
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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2009, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system, which will send notification to the following: Bruce Rhoades, Assistant United States Attorney, and all counsel of record.

/s/ Ronald E. Partee