

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
KANSAS CITY DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	Case No. 4:11-cr-00157-02-HFS
)	
DANNY SANCHEZ,)	
Defendant.)	

MOTION TO CONTINUE JURY TRIAL

COMES NOW, Defendant Danny Sanchez, by and through undersigned counsel, and moves for a continuance of the jury trial in the above captioned matter from September 12, 2011 to a date convenient to the Court on or after March, 2012. In support of this motion, Defendant states to the Court as follows:

1. Jury trial is scheduled to begin September 12, 2011. This is an initial setting.
2. The indictment, filed July 13, 2011, charges four (4) defendants with participating in a conspiracy to distribute a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii), and 846. Additionally, Defendant Sanchez is charged in counts eight (8) through ten (10) with distribution of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 18 U.S.C. § 2.
3. Discovery has not been received but the government has confirmed it is forthcoming.
4. Undersigned has discussed this request with the defendant, Mr. Sanchez, and he fully understands the ramification of such a request, and agrees to the continuance of the trial in accordance with the motion.

5. Defendants Danny Sanchez (Def. 2), Tony P. Castro (Def. 3) and Carl E. Edmunds (Def. 4) are released on bond and Defendant Peter J. Lombardo (Def. 1) is detained pending trial. Undersigned conferred with defense counsel in this case and all state there is no objection to the granting of this continuance.

6. Counsel have conferred regarding this matter, and believe additional time is necessary in order to adequately research and prepare for a jury trial and explore the potential of a non-tried resolution. All parties believe it would be possible to either try this case on the March, 2012 trial docket or reach a non-tried resolution prior to that date.

7. Assistant United States Attorney, Chuck Ambrose has been contacted and advised the government has no objection to the requested continuance of the trial.

8. This continuance is not sought for the purpose of dilatory delay, but is sought so that the defendants 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. In accordance with 18 U.S.C. § 3161(h)(8)(A) & (B)(IV), it is submitted that these reasons outweigh the interest of the public and the defendants to a speedy trial under 18 U.S.C. § 3161(c)(1).

9. 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 Danny Sanchez, requests this case be removed from the trial docket beginning September 12, 2011 and continued to a date convenient to the Court on or after March, 2012.

Respectfully submitted,

s/ Alex McCauley
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Certificate of Service

I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court on July 29, 2011 by using the CM/ECF system, which will send a notice of electronic filing to all Counsel of Record.

s/ Alex McCauley
Alex McCauley, MO Bar No. 52632