

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.)
)
)
)
DANNY SANCHEZ,)
)
 Defendant.)

Criminal Action No.
11-00157-01/04-CR-W-HFS

ORDER

Before the court is Defendant’s motion for continuance. In support of the motion, defense counsel states 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, Tony P. Castro, and Carl E. Edmunds are released on bond and Defendant Peter J. Lombardo 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.

The Speedy Trial Act of 1974, as amended, mandates the commencement of the trial of a defendant within 70 days from the defendant's first appearance 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. Any period of delay resulting from a continuance granted at the request of a defendant is excludable if the court finds the ends of justice served by the taking of such action outweigh the best interest of the public and the defendant in a speedy trial, provided the court sets forth the reason for such finding.

The court finds that, in light of the circumstances set out above, the ends of justice served by removing this criminal action from the joint criminal jury trial docket commencing September 12, 2011, and granting a continuance until the joint criminal jury trial docket commencing March 19, 2012, outweigh the best interest of the public and the defendants in a speedy trial.

The court, in ordering this case removed from the joint criminal jury trial docket which will commence September 12, 2011, is not doing so because of congestion of the court's calendar, in accordance with § 3161(h)(8)(c).

It is

ORDERED that this criminal action is removed from the joint criminal jury trial docket commencing September 12, 2011. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket commencing March 19, 2012. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h), the time between the date of this order and March 19, 2012, shall be excluded in computing the time within which the trial of this criminal action must commence.

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

Kansas City, Missouri
August 1, 2011