

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

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	No. 11-00157-CR-W-SOW
)	
TONY P. CASTRO,)	
)	
Defendant.)	

UNOPPOSED MOTION TO CONTINUE THE TRIAL SETTING
TO THE JUNE REGULARY SCHEDULED CRIMINAL DOCKET
WITH SUGGESTIONS IN SUPPORT

COMES NOW, defendant Tony P. Castro and hereby moves the Court to continue the trial of this matter to the regularly scheduled June trial docket. As grounds, defendant submits:

1. AUSA Ambrose has no objection to this request. Defendant Lombardo entered a guilty plea on March 27, 2012. Defendant Sanchez is scheduled to tender a plea of guilty on April 18, 2012. Counsel for defendant Edmunds has no objection to a continuance and indicates that there is a high probability of a settlement in his case short of trial.
2. As the only remaining defendant in the case and the probability that others who have pled or are about to may be witnesses against him, Mr. Casto

has made some strategic decisions in the case that now require additional time to evaluate various options prior to trial that cannot be fully explored and accomplished prior to the April setting. It is likely that Mr. Sanchez and the other co-defendants may well be potential witnesses against defendant Castro in the event of a trial. In as much as Mr. Sanchez's plea is scheduled only five days out from trial, the parties will need additional time to take into consideration anything Mr. Sanchez might have to say or offer in the event Mr. Castro proceeds to trial.

3. Defendant submits that these various tasks set out above and the things he wishes explore cannot be accomplished prior to the April 23rd pending trial date and that it is in the best interests of both the defendant and the government (and the public interest the government is charged with representing) that a continuance to the June regular docket be granted.
4. Counsel submits that defendant is entitled to a continuance under the provisions of Title 18, United States Code, Section 3161(h)(8)(B), in that: 1) trial on the current April setting would result in a miscarriage of justice by exposing defendant Castro to possibly a greater period of incarceration than he might otherwise face if given a continuance and time to consider all his options; 2) the case is significant in terms of the outcome because of the serious nature of the charges and mandatory minimum punishment involved; 3) failure to grant a continuance would likely prevent undersigned counsel and his client

from being able to adequately complete vital work that needs to be done at this point in light of the current overall posture of the case; and, 4) the government has no objection and believes that the continuance will not adversely impact on the rights of the public at large whose interests the government is charged with protecting and representing.

WHEREFORE, defendant moves the court to strike this matter from its current April 23, 2012 setting and continue it to the June regularly scheduled criminal trial docket.

/s/

John R. Osgood
Attorney at Law, #23896
Commercial Fed Bnk- Suite 305
740 NW Blue Parkway
Lee's Summit, MO 64086
Email: jrosgood@earthlink.net
Office Phone: (816) 525-8200
Fax: 525-7580

Counsel for TONY P CASTRO

CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been caused to be served on the Assistant United States Attorney for Western District of Missouri and other ECF listed counsel through use of the Electronic Court Document Filing System on Tuesday, April 03, 2012.

/s/

JOHN R. OSGOOD