

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 11-00157-03/04-CR-W-HFS
)
 TONY P. CASTRO, et al.,)
)
 Defendants.)

ORDER

Before the court is Defendant Castro's motion for continuance. In support of the motion, defense counsel states as follows:

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 plead or are about to may be witnesses against him, Mr. Castro 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 to explore cannot be accomplished prior to the April 23rd pending trial date and that it is in the best interests of both defendant and the government (and the public interest the government is charged with representing) that a continuance to the June regular docket be granted.

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 April 23, 2012, and granting a continuance until the joint criminal jury trial docket commencing June 4, 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 April 23, 2012, 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 April 23, 2012. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket commencing June 4, 2012. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h), the time between the date of this order and June 4, 2012, shall be excluded in computing the time within which the trial of this criminal action must commence. It is further

ORDERED that the pretrial conference is continued pending further order.

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

Kansas City, Missouri
April 4, 2012