

**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 NEXT 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 from its present setting to the next regularly scheduled trial docket.

As grounds, defendant submits:

1. AUSA Ambrose is presently out of the office on medical leave and will not return prior to May 29, 2012; however prior to his hospitalization he informed counsel that he has no objection to this request and agreed that one more continuance is probably prudent. At this juncture, defendant Castro is the sole remaining defendant who has not resolved his case short of trial.

2. As stated in his prior motion to continue, “as the only remaining defendant in the case and the probability that others who have pled . . . 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 [current] setting.” The latter still holds true. Mr. Sanchez and the other co-defendants may well be potential witnesses against defendant Castro in the event of a trial. Mr. Sanchez’s only recently entered his plea and defendant is still looking into how that will impact his decision as to trial.
3. Defendant submits that there are various additional strategic decisions he wishes to explore that cannot now be accomplished prior to the current 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 next 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 setting and continue it to the next regularly scheduled criminal trial docket.

/s/

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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 May 21, 2012.

/s/

JOHN R. OSGOOD