

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-CR-W-HFS
)
TONY P. CASTRO,)
)
Defendant.)

ORDER

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

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 plead . . . 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[] 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 is in the best interests of both the defendant and government (and the public interest the government is charged with representing) that a continuance to the next 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 June 4, 2012, and granting a continuance until the joint criminal jury trial docket commencing July 9, 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 June 4, 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 June 4, 2012. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket commencing July 9, 2012. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h), the time between the date of this order and July 9, 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
May 21, 2012