

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action No.
) 11-00157-01/04-CR-W-HFS
)
TONY P. CASTRO, et al.,)
)
Defendants.)

ORDER

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

1. AUSA Ambrose and counsel for Lombardo, Sanchez, and Edmunds have no objections to a one docket continuance. Counsel for Lombardo and Edmunds have indicated that a resolution of the case short of trial is anticipated but the additional month is needed to finalize negotiations with the government. Counsel for defendant Sanchez also hopes to resolve the matter short of trial but his position at this point is not quite as sure as that of the other two co-defendants and he absolutely needs more time to confer with his client and work out additional details.
2. Because of the high probability of the resolution of the aforesaid three co-defendant prosecutions and the matters revealed in discovery, defendant Castro is in the process of re-evaluating whether proceeding to trial would be prudent and in his overall best interest.
3. In light of the foregoing, counsel for defendant Castro needs additional time to arrange for likely meetings with the government, discussion of the case, and the exploration of alternative solutions to Mr. Castro's pending case. This will require preliminary additional meetings with the client followed by likely meetings with the prosecution followed by probable negotiations intended to resolve Mr. Castro's case short of actual trial.
4. The parties all agree that these various tasks set out above cannot be accomplished prior to the March 19th 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 April 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 March 19, 2012, and granting a continuance until the joint criminal jury trial docket commencing April 23, 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 March 19, 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 March 19, 2012. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket commencing April 23, 2012. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h), the time between the date of this order and April 23, 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
March 1, 2012