

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 10-4032-03-CR-C-NKL
	)	
KEVIN RAY HUNTER,	)	
	)	
Defendant.	)	

**ORDER**

On July 14, 2010, the Grand Jury returned a two-count indictment charging defendants Adam Louie Coronado, Anthony Christopher Coronado and Kevin Ray Hunter in Count One with violation of 21 U.S.C. § 846, and charging defendants Coronado in Count Two with violation of 21 U.S.C. § 841(a)(1). The indictment also contains a forfeiture allegation in violation of 21 U.S.C. § 853.

On November 16, 2010, defendant Hunter filed a motion for continuance in the above-captioned case. Defendant requests a continuance of the December 6, 2010 trial setting.<sup>1</sup> Defendant states the United States Attorney has indicated the Government has no objection to the granting of the requested continuance.

In any case in which a plea of not guilty is entered, the defendant's trial shall commence within seventy days from the filing of the information or indictment or the date of defendant's first appearance, whichever comes last. 18 U.S.C. § 3161(c)(1) (Speedy Trial Act). However, in computing the time within which trial of any offense must commence, any period of delay which results from a continuance granted by a judge at the request of defendant or his or her counsel, which serves the end of justice, shall be excluded from computing the time. 18 U.S.C. § 3161(h)(8)(A). The Speedy Trial Act requires that the court set forth its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of

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<sup>1</sup>Defendant has filed a waiver of his rights under the Speedy Trial Act.

the public and the defendant in a speedy trial. Factors which this court shall consider in determining whether to grant a continuance include whether the failure to grant such a continuance would be likely to result in a miscarriage of justice and whether or not the case is so complex that it is unreasonable to expect adequate preparation for trial within the time limit established.

Defendant states the continuance is sought so that he may be afforded due process of law under the Fifth Amendment to the United States Constitution by receiving adequate time to prepare this case for trial or negotiate an alternate resolution with the Government.

Failure to grant the continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial. The motion for continuance of the December 6, 2010 trial setting will be granted and the case will be reset for jury trial on the Joint Criminal Docket which commences on Monday, February 14, 2011.

All defendants are charged in Count One with conspiracy. In granting the motion for continuance, there is no violation of the rights of the co-defendants to a speedy trial. United States v. Thomas, 774 F.2d 807 (2d Cir. 1985).

The court, in ordering this case removed from the joint criminal jury trial docket which will commence December 6, 2010, is not doing so because of congestion of the court's calendar, in accordance with 18 U.S.C. § 3161(h)(8)(c).

IT IS ORDERED that defendant Kevin Ray Hunter's motion for continuance of the December 6, 2010 trial setting is granted. [32] It is further

ORDERED that the above-captioned case is reset for jury trial on the Joint Criminal Trial Docket which commences on Monday, February 14, 2011. It is further

ORDERED that a pretrial conference is reset for February 1, 2011, at 2:00 p.m. It is further

ORDERED that the additional period of delay in commencing defendant's trial caused by this continuance shall be excluded in computing the time within which this trial shall commence under the Speedy Trial Act.

Dated this 18<sup>th</sup> day of November, 2010, at Jefferson City, Missouri.

/s/ *Matt J. Whitworth*

MATT J. WHITWORTH  
United States Magistrate Judge