

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.) No. 10-04032-03-CR-C-NKL
)
KEVIN RAY HUNTER,,)
)
 Defendant.)

MOTION FOR CONTINUANCE

Comes now defendant, Kevin Ray Hunter, by counsel Troy Stabenow, and moves this Court, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B), to remove this case from the scheduled trial docket and to continue this case until the April, 2011 trial docket.

SUGGESTIONS IN SUPPORT

1. Mr. Hunter is currently on bond and awaiting trial.
2. On January 28, 2011, Mr. Steven Berry, Special Assistant United States Attorney, indicated as the government representative that the United States does not oppose a delay.
3. This continuance is not sought for purpose of dilatory delay, but in truth and fact so that the defendant 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.

4. In accordance with 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), it is submitted that a continuance outweighs the best interests of the public and the defendant to a speedy trial, which is required by 18 U.S.C. § 3161(c)(1). Under the provisions of 18 U.S.C. § 3161(h)(8)(A), the period of time until the requested criminal trial docket setting should be excluded in computing the period of time in which the defendant should be brought to trial under the provisions of the Speedy Trial Act.

WHEREFORE, defendant, Kevin Ray Hunter, respectfully requests this Court, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B), to continue this case until April, 2011 trial docket, or to any other subsequent date which this Court deems appropriate.

Respectfully submitted,

/s/ Troy K. Stabenow
TROY K. STABENOW, # 57067
Assistant Federal Public Defender
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Attorney for Defendant

January 28, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants in this case, and a copy was mailed, via the United States Postal Service, to all non-CM/ECF participants.

/s/ Troy K. Stabenow
TROY K. STABENOW