

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 10-00320-18-CR-W-DGK
 MARGOT CHARLENE DAVIDSON,)
)
 Defendant.)

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court is a motion to continue filed by defendant Margot Davidson. In support of the motion, defendant states as follows:

1. This case is currently set for jury trial on October 22, 2012. Counsel was appointed to represent the defendant on October 15, 2012.
2. Counsel has not had an opportunity to obtain or review the discovery on this case. Counsel has not yet spoken to the defendant on this case. Due to the volume of discovery and the fact that counsel does not yet have the discovery, counsel is requesting a continuance to the March¹ of 2013 trial docket. This continuance would allow counsel time to review the discovery, discuss the case with the defendant and make necessary legal decision.
3. AUSA Rhoades was contacted and he has no objection to this request.

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 taking 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.

In light of the circumstances described above, I find that the ends of justice served by

¹Due to trial schedule conflicts, the parties subsequently agreed on an April 2013 trial setting.

removing this criminal action from the joint criminal jury trial docket which will commence October 22, 2012, and continuing the trial until the joint criminal jury trial docket which will commence April 22, 2013, outweigh the best interest of the public and the defendant in a speedy trial.

In accordance with § 3161(h)(7)(C), congestion of the court's calendar was not considered in deciding to remove this case from the joint criminal jury trial docket which will commence October 22, 2012.

In light of the circumstances described above, it is

ORDERED that this criminal action is removed from the joint criminal jury trial docket which will commence October 22, 2012. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence April 22, 2013. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7), the time between the date of this order and April 22, 2013, shall be excluded in computing the time within which the trial of this criminal action must commence. It is further

ORDERED that the trial of Ms. Davidson's co-defendants will proceed as scheduled on October 22, 2012.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
October 15, 2012