

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

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 10-00320-12-CR-W-DGK
)	
DESHAUN CERUTI,)	
)	
<i>Defendant.</i>)	

**DEFENDANT CERUTI'S MOTION
TO CONTINUE TRIAL SETTING**

COMES NOW defendant DeShaun Ceruti, by and through counsel, and respectfully joins in the Motion to Continue Trial Setting filed by co-defendant Davidson (Doc. 671) and moves this Honorable Court for a continuance of the trial setting in this matter currently scheduled for April 22, 2013, to the trial docket of September 2013. In further support of this motion, the defendant offers the following memorandum.

MEMORANDUM IN SUPPORT

1. Defendant Ceruti is charged by grand jury indictment with one count of conspiracy to distribute controlled substances in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and (B), and 846, one count of money laundering in violation of 18 U.S.C. § 1956(a)(1)(A)(I) and (h), and one criminal forfeiture allegation.

2. Defendant Ceruti was initially scheduled for a change of plea hearing in this matter on March 28, 2013. That hearing was delayed at the request of the

defendant. After consultation with the defendant following the March 28 hearing, another change of plea hearing was scheduled for April 18, 2013. It was anticipated that the defendant would enter a plea of guilty in this matter. The defendant has now elected not to enter a plea of guilty. As a result, neither the Government nor the undersigned are prepared to try this case on April 22.

3. The undersigned counsel is respectfully requesting a continuance from the April 2013 trial docket to the September 2013 trial docket. The undersigned counsel has conferred with the remaining parties in this case. On behalf of the United States, AUSA Bruce Rhoades does not object to a continuance and prefers a September 2013 trial setting. Counsel for Davidson, Jackie Rokusek, has filed a motion to continue on similar grounds and requested an August 2013 trial setting. Ms. Rokusek has confirmed that she also does not object to a September 2013 trial.

4. The undersigned counsel has also met and conferred with Mr. Ceruti regarding a continuance of this matter. Mr. Ceruti indicated that did not object to a continuance of the trial setting.

WHEREFORE, based on the foregoing, defendant Ceruti respectfully moves for a continuance of the current trial setting of April 22, 2013, to the Court's September 2013 trial docket, and for any further relief deemed proper in these circumstances.

Respectfully submitted,

GADDY WEIS LLC

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Counsel for Defendant Ceruti

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of April, 2013, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record, including the following:

Bruce Rhoades
Assistant United States Attorney
Charles Evans Whittaker Courthouse
400 E. Ninth Street, Fifth Floor
Kansas City, MO 64106

/s/ W. Brian Gaddy
Counsel for Defendant Ceruti