

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Criminal Action No.
) 10-00320-12-18-CR-W-DGK
 DESHAUN CERUTI, and)
 MARGOT DAVIDSON,)
)
 Defendants.)

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court are motions to continue filed by defendants DeShaun Ceruti and Margot Davidson. In support of his motion, defendant Ceruti states in part as follows:

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.

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 removing this criminal action from the joint criminal jury trial docket which will commence April 22, 2013, and continuing the trial until the joint criminal jury trial docket which will commence September 16, 2013, outweigh the best interest of the public and the defendants 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 April 22, 2013.

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 April 22, 2013. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence September 16, 2013. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7), the time between the date of this order and September 16, 2013, shall be excluded in computing the time within which the trial of this criminal action must commence.

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

Kansas City, Missouri
April 18, 2013