

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 10-00320-02-CR-W-DGK
)
DAVID HERNANDEZ-MONTOYA,)
)
 Defendant.)

**MOTION OF THE UNITED STATES FOR
CONTINUANCE OF A DETENTION HEARING**

Comes now the United States of America, by the United States Attorney for the Western District of Missouri, and does hereby move the Court for its order granting a continuance of the detention hearing as provided by Section 3142(f), Title 18, United States Code.

SUPPORTING SUGGESTIONS

Title 18, United States Code, Section 3142(f) provides that the appropriate judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in Section 3142(c) will reasonably assure the appearance of a defendant as required and the safety of any other person and the community when the attorney for the government moves for a detention hearing provided by said subsection, or upon the appropriate judicial officer's own motion, also as provided by Section 3142(f).

Subsection (f) of Section 3142 provides: "The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the government seeks a continuance. Except for good cause, a continuance on motion of the person

may not exceed five days, and a continuance on motion of the attorney for the government may not exceed three days. During a continuance, the person shall be detained"

The United States desires the continuance to facilitate the acquisition of additional information regarding the above defendant, to evaluate the said information, and to prepare for the hearing.

Respectfully,

Beth Phillips
United States Attorney

By */s/ Bruce Rhoades*

Bruce Rhoades #88156 (AR)
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East 9th Street, Fifth Floor
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was hand-delivered to the United States Marshal with instructions to serve on defendant when taken into custody.

/s/ Bruce Rhoades

Bruce Rhoades
Assistant United States Attorney