

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

UNITED STATES,)	
)	
Plaintiff,)	
)	
vs.)	No. 10-00320-CR-W-DGK
)	
)	
JUAN MARRON,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE OF TRIAL SETTING

COMES NOW Defendant, by and through appointed counsel, and hereby requests this Honorable Court to Continue the current trial setting until the trial docket in September 2011.

SUGGESTIONS IN SUPPORT OF MOTION

1. On November 18, 2010 a two count Indictment was filed against multiple Defendants including Defendant Marron. Defendant Marron is charged in Count One, with Conspiring to Distribute 5 kilograms grams or more of cocaine, a Schedule II controlled substance, 50 grams or more of cocaine base, a Schedule II controlled substance and 100 kilograms or more of marihuana, a Schedule I controlled substance, in violation of Title 21 USC 841 and 846.

Count Two charges Defendant Marron with money laundering in violation of Title 18, USC 1956.

2. Defendant is being detained pending resolution of this case.

3. On December 15, 2010, counsel received discovery in this case. That discovery consists of one disc containing 430 pages of law enforcement reports. There are two discs containing 24,000 intercepted phone calls and text messages from the three wiretaps in this case. Those discs also contain transcripts of some, but not all of the intercepted phone calls. Some of the phone calls are in Spanish and an interpretator is needed to translate those calls. Finally, there are 23 discs of recordings, pictures and other information relating to this case. Missing from the discovery are any documents pertaining to the three wiretaps including the affidavits, orders and the reports. Counsel has discussed the discovery with AUSA Bruce Rhodes, and he has stated this wiretap information, along with some additional arrest reports is forthcoming.

4. Due to the voluminous number of intercepted telephone calls, counsel needs additional time to listen to these calls and review all the discovery in this case. Counsel also needs time to review all the wiretap documents when they are produced. Because of the nature and amount of discovery in this case, a trial setting in January 2010 is not feasible.

5. Counsel sent an e-mail to all attorneys of record in this case trying to get a consensus on when this case could be ready for trial. Counsel for the following defendants responded to that e-mail and the consensus is a trial setting in September, 2011:

David Hernandez-Montoya;

Mario Marron,

Robert Joseph Olvera,

Benito Castillo Gutierrez,

John Gasca, Jr.,

Jason Richardson,

Armando Mendez,

Rafael Zamora,

Joseph Michael Lopez,

Frank Michael Alvarez,

Margot Charlene Davidson

In addition, AUSA Bruce Rhodes was contacted and has no objection to a September 2011, trial setting.

6. This request for a continuance of the trial date is not the result of procrastination or a desire for delay on the part of the defense, but for the simple

fact that Defendant needs additional time to review the discovery, research and file appropriate pre-trial motions and prepare for trial. As a result, this request for a continuance of the trial date is necessary to insure that Defendant receives the effective assistance of competent counsel, as mandated by the Sixth Amendment to the United States Constitution. *See, e.g. Powell v. Alabama*, 287 U.S. 45, 58, (1932).

7. In accordance with 18 U.S.C. Section 3161(h)(8)(A) and (B)(iv), it is submitted that the above-stated reasons for continuance outweigh the best interests of the public and the Defendant to a speedy trial, which is required by 18 U.S.C. Section 3161 (c)(1). Under the provisions of 18 U.S.C. Section 3161(h)(8)(A), the period of time until the next criminal trial docket 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 for the above stated reasons, Defendant respectfully requests this Honorable Court grant his request and continue the trial of this case until the September 2011, trial docket.

Respectfully submitted,

/s/

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I hereby certify that on December 21, 2010, the forgoing was filed in the Court's electronic filing system and a copy electronically served on all parties.

/s/

Susan M. Hunt