

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

UNITED STATES OF AMERICA            )  
  )  
                                  Plaintiff    )  
  )  
                          v.                    )    No. 10-00320-17-CR-W-DGK-17  
  )  
GILBERT LUPERCIO                    )  
  )  
                                  Defendant    )

MOTION TO EXTEND TIME FOR FILING PRETRIAL MOTIONS

COMES NOW Defendant Gilbert Lupercio, by and through counsel, and respectfully requests that this Honorable Court schedule him and extension of time from May 2, 2011 through June 1, 2011 to file pretrial motions in the above-styled matter. In support of his Motion to extend time, Defendant states as follows:

1. On February 24, 2011, Magistrate Judge Robert E. Larson entered an order that all pretrial motions in this matter be due by May 2, 2011, with responses by the Government due May 23, 2011.
2. Defendant Lupercio was charged on November 18, 2010, in a two count Indictment against multiple Defendants, 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; and with conspiring to conduct financial transactions involving proceeds of unlawful drug activity in violation of Title 18, USC 1956(a)(1)(A)(i) and (h).
3. This matter is set for trial on September 12, 2011.
4. Counsel for Defendant requires additional time to complete review of the voluminous discovery and supplemental documentation with Defendant in order to adequately prepare to file

pretrial motions.

5. This request for an extension of time is in the interests of justice and is not made for the purpose of delaying this matter, but rather to ensure Defendant's right to effective assistance of counsel are met in accordance with his rights under the Sixth Amendment to the Constitution of the United States.

6. That granting this request would not serve to disadvantage the Government and counsel for Defendant has spoken with Bruce Rhoades, Assistant United States Attorney, who advised counsel that he has no objection to the Court's granting of this motion.

WHEREFORE, Gilbert Lupercio requests this Court enter an order extending the deadline to file pretrial motions from May 2, 2011 through June 1, 2011 or for such time and date as the Court deems just and proper.

Respectfully submitted,

/s/ Anthony J. Sicola  
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ATTORNEY FOR DEFENDANT LUPERCIO

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of April, 2011, in accordance with Rule 49(a), (b), and (d), Fed.R.Crim.Pr., and Rule 5(b), Fed.R.Civ.Pr., one copy of the foregoing Entry of Appearance was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing by email to Mr. Bruce A. Rhodes, Asst. United States Attorney, 400 East 9<sup>th</sup> Street, Kansas City, Missouri 64106, Attorney for Plaintiff, and to all Counsel for each associated defendant.

/s/Anthony J. Sicola  
Attorney for Defendant Gilbert Lupercio