

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 10-00320-09-CR-W-DGK
	)	
JUAN MARRON, et al.,	)	
	)	
Defendant.	)	

**DEFENDANT JASON RICHARDSON'S  
MOTION TO CONTINUE TRIAL SETTING**

COMES NOW Jason Richardson, by and through appointed counsel, and pursuant to Rule 47, Fed. R. Crim. P., and Rule 7.1(b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, and moves this Honorable Court to remove this case from the joint criminal jury trial docket scheduled to commence on March 19, 2012, in support of which is offered the following:

1. Defendant is among nineteen defendants charged by way of a November 8, 2010, indictment with charges related to a conspiracy to distribute controlled substances.
2. This matter is currently set on the March 19, 2012, joint criminal jury trial docket.
3. Undersigned counsel spoke to Mr. Richardson on February 29, 2012, regarding serious health issues that have been a concern for the past couple months. In January 2012, Mr. Richardson first notified counsel of potential treatment and the fact that said treatment may conflict with his ability to assist in the preparation for and to attend trial.
4. During the conversation on February 29, Mr. Richardson advised counsel that his condition has worsened and that he is scheduled to see a specialist on March 5, 2012, to consult regarding a procedure that must be performed to address his disease.

5. Mr. Richardson advised that he expects the procedure to be scheduled within a couple weeks of the consult, and he will be required to attend training in the interim concerning the functioning and maintenance of a medical device that will be implanted during the procedure.

6. This case was previously continued in August 2011. At that time, undersigned counsel advised the Court (Document 308) that he is scheduled for trial the week of March 12, 2012, in Jackson County, Missouri. At that time, counsel stated that he hoped the Jackson County case would be resolved prior to the March docket; however, the case has not been resolved and may yet interfere with counsel's ability to prepare for trial in this case during its current setting.

7. Undersigned counsel drafted two e-mails to the attorneys for all parties concerning this request and followed it up with telephone calls and voicemails to certain attorneys. All attorneys except for co-defendant Robert Olvera responded, but Mr. Olvera is already scheduled for change of plea on March 7, 2012, and is not affected by this request.

8. Attorneys Charles McKeon (Flores), Kelly Connor-Wilson (Ceruti), and Kurt Marquart (Rollie) stated that their clients oppose this request.

9. Attorneys Angela Hasty (Mursia) and Anthony Sicola (Lupercio) are still attempting to communicate the request to their clients and cannot respond at this time.

10. Attorneys other than those mentioned in the preceding paragraphs are not opposed to the continuance request, with the following additional information provided to inform the Court's decision:

(a) Various attorneys specifically responded that they cannot be available for dockets in April (1 attorney), June (2 attorneys), July (3 attorneys), August (1 attorney), and September (3 attorneys); although the several attorneys who requested dockets in August

and September or later presumably requested these dockets because they, too, are not available during earlier months.

(b) Attorney Eugene Harrison (Zamora) agrees to the continuance request, but stated a preference that the case not be continued beyond the August docket. However, attorney Adam Crane (Maria Marron) will be out of the country during the August docket, so he cannot be available then.

(c) A table summarizing responses is attached at Exhibit A to this motion. Where attorneys stated a docket preference, that information is included in the table.

11. The continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth and Sixth Amendments to the United States Constitution. In accordance with 18 U.S.C. §§3161(h)(8)(A) and (b)(iv), it is submitted that the above-stated reasons for a continuance outweigh the best interests of the public and the defendant to a speedy trial, which is required by 18 U.S.C. §3161(c)(1).

12. Under the provisions of 18 U.S.C. §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, defendant Jason Richardson respectfully prays that this Honorable Court remove this case from the joint criminal jury trial docket scheduled to commence March 19, 2012, and continue it until a trial date consistent with the responses of the parties and convenient to the Court.

Respectfully Submitted,

/s/ John G. Gromowsky

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ATTORNEY FOR DEFENDANT  
JASON RICHARDSON (09)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served electronically via the Court's CM/ECF Filing System, this 1st day of March, 2012, upon counsel for all parties.

/s/ John G. Gromowsky

Attorney for Defendant Richardson