

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

UNITED STATES OF AMERICA,            )  
  )  
                                  Plaintiff,    )  
  )  
                                  v.            ) Criminal Action No.  
  ) 10-00320-01/04-06/19-CR-W-DGK  
JUAN MARRON, et al.,                 )  
  )  
                                  Defendants.    )

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court is a motion to continue filed by defendant Jason Richardson. In support of his motion, defendant states in part as follows:

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 . . .

I held a conference with all of the attorneys<sup>1</sup> on March 6, 2012, and discussed the continuance request and counsels' availability for a trial.

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

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<sup>1</sup>Adam Crane who represents defendant Maria Marron did not appear for the conference. However, co-counsel indicated he does not object to an October trial setting.

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 March 19, 2012, and continuing the trial until the joint criminal jury trial docket which will commence October 22, 2012, 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 March 19, 2012.

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 March 19, 2012.

It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence October 22, 2012. It is further

ORDERED that the pretrial conference set for March 7, 2012, is continued pending further order of the court. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7), the time between the date of this order and October 22, 2012, 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  
March 6, 2012