

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 10-00320-12-CR-W-DGK
)	
DESHAUN L. CERUTI,)	
)	
Defendant.)	

MOTION TO RECONSIDER ORDER CONTINUING CURRENT TRIAL SETTING

COMES NOW Defendant DeShaun L. Ceruti, by and through counsel, and, pursuant to the Speedy Trial Act of 1974, moves this Court to reconsider its Order continuing the current trial setting with regard to his case. In support thereof, Mr. Ceruti shows:

PROCEDURAL BACKGROUND

1. Mr. Ceruti is charged with charges related to conspiracy to distribute cocaine, crack cocaine and marijuana by Indictment filed November 8, 2010, along with eighteen co-defendants.
2. He currently is incarcerated while awaiting the trial of this matter.
3. On February 29, 2012, counsel for co-defendant Richardson contacted the other defense attorneys to inform them of his intention to request a continuance, citing client health issues as his main reason for the request; counsel asked if any of the defendants opposed the motion.
4. Defense counsel for Mr. Ceruti informed counsel for co-defendant Richardson that Mr. Ceruti was opposed to the continuance since he is ready for trial and has been incarcerated since his arrest on the Indictment.

5. On March 1, 2012, co-defendant Richardson, filed a Motion to Continue Trial Setting, and listed Mr. Ceruti among three co-defendants who objected to the request. *See Doc. 405, ¶8.*
6. The Court scheduled an Attorney Conference to address this issue. *See Doc. 406.*
7. Thereafter, the Court granted co-defendant Richardson's Motion to Continue Trial Setting. *See Doc. 412.*

ARGUMENT

The Court should deny the Motion and set aside the Order with regard to Defendant DeShaun Ceruti. Mr. Ceruti has been in custody since December 16, 2010. Without the current instance, this matter has been continued on one previous occasion since Mr. Ceruti has been involved in the case. *See Doc. 310.*

The Speedy Trial Act of 1974 requires that a criminal defendant must be brought to trial within seventy days of his initial appearance date. Mr. Ceruti asserts that the provisions that allow continuance pursuant to 18 U.S.C. §3161 do not apply and he should be allowed to proceed to trial in a timely manner. He has not consented to the continuance request. He has prepared his defense with his attorney and is ready to begin the trial.

CONCLUSION

WHEREFORE, Mr. Ceruti prays the Court will grant his Motion and order any further relief it finds fair and just. Should the Court deny Mr. Ceruti's request, he prays, alternatively, that this Court will grant him a signature bond or other such just relief.

Respectfully submitted,

/s/ Kelly M. Connor-Wilson
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion was served on AUSA Bruce Rhoades and all defense attorneys of record by CM/ECF this 13th day of March, 2012.

/s/ Kelly M. Connor-Wilson
Kelly M. Connor-Wilson