

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	10-00320-04-12-14-CR-W-DGK
PETER FLORES,	)	
DESHAUN CERUTI,	)	
and	)	
RAFAEL ZAMORA,	)	
	)	
Defendants.	)	

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court is a motion to continue<sup>1</sup> filed by defendant DeShaun Ceruti. In support of the motion, defendant states in part as follows:

3. Defense counsel for Mr. Ceruti currently is experiencing health-related complications that may impinge upon her duty to represent Mr. Ceruti within the next two weeks at trial effectively.

4. Defense counsel has consulted with Mr. Ceruti and the latter agrees that it is best to move for continuance of the current trial setting.

5. Defense counsel also has spoken to counsel for the government, AUSA Bruce Rhoades, and he is not opposed to the request for continuance.

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 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

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<sup>1</sup>Defendant moved for a six-month continuance; however, defense counsel simultaneously filed a motion to withdraw. The case will be continued for one docket to allow substitute counsel time to determine how long it will take to prepare for trial and to file another motion to continue if necessary.

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 October 22, 2012, and continuing the trial until the joint criminal jury trial docket which will commence November 26, 2012, outweigh the best interest of the public and the defendant 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 October 22, 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 October 22, 2012. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence November 26, 2012. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7), the time between the date of this order and November 26, 2012, shall be excluded in computing the time within which the trial of this criminal action must commence.

  
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ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
October 19, 2012