

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

UNITED STATES OF AMERICA,
Plaintiff,

Case No. 09-00121-01-DGK

Vs.

GILBERTO LARA-RUIZ,
Defendant.

MOTION OF DEFENDANT FOR CONTINUANCE OF TRIAL SETTING

COMES NOW Defendant Gilberto Lara-Ruiz, by and through his undersigned attorney, and moves the Court to continue the above-captioned case from the trial setting of April 26, 2010, until the joint criminal trial docket commencing on August of 2010.

IN SUPPORT of this Motion, Defendant states as follows:

1. Defendant is charged in a fifteen count multi-defendant Indictment returned April 9, 2009, with engaging in a continuing criminal enterprise, possessing with intent to distribute methamphetamine, money laundering, and firearms violations. Defendant is charged in fourteen of the fifteen counts of the Indictment. Defendant is not eligible for bond as he is serving a federal sentence. Defendant was arraigned on May 14, 2009.
2. There is a significant amount of discovery which must be reviewed prior to trial. Counsel needs sufficient time to review the discovery and discuss the potential defenses, the sentencing guidelines applications and other options available to the defendant.
3. Although detained pending trial, Defendant consents to this continuance request, and waives his rights under the Speedy Trial Act.

4. Defense counsel was appointed to represent defendant on March 3, 2010 due to a conflict of interest discovered by Defendant's prior attorney. Counsel has only briefly met with Defendant to discuss the issue of the continuance. Counsel needs sufficient time to review the discoverable materials and prepare for future hearings.
5. Defense counsel asserts that the co-defendant's were contacted via their counsel and all defendant's join in this request for continuance.
6. Counsel for the government does not object to this request for continuance.
7. This continuance is not sought for the purpose of delay, but is sought so that the defendant may be afforded due process of law under the Fifth Amendment and effective assistance of counsel under the Sixth Amendment to the United States Constitution. The aforementioned reasons for the continuance outweigh the interest of the public and defendant regarding speedy trial under 18 U.S.C. § 3161©(1).
8. The delay in trial resulting from this motion should be excluded in computing the period of time within which the defendant should be brought to trial under the Speedy Trial Act.

WHEREFORE, Defendant prays that this Court continue the above-captioned case from the trial setting of April 26, 2010, until the joint criminal jury trial docket commencing in August of 2010.

Respectfully submitted,

/s/Jacquelyn E. Rokusek
Jacquelyn E. Rokusek #16308

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March, 2010, a copy of the
aforementioned entry of appearance was sent via electronic filing to:

AUSA Bruce Rhoads

/s/Jacquelyn E. Rokusek #16308