

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

UNITED STATES OF AMERICA,)
Plaintiff,)
)
VS.)
)
CODY S. GARDNER, et al.,)
Defendant.)

NO. 09-00121-11-CR-W-DGK

MOTION TO EXTEND TIME TO RESPOND TO PRESENTENCE REPORT

Defendant Cody Gardner, by and through counsel Cynthia M. Dodge, hereby moves the court to extent the time for the defendant to review and respond to the presentence report (PSR) originally due by August 3rd, 2010 until August 18, 2010, and in support states:

1. Mr. Gardner's sentencing is not yet scheduled and is currently detained at CCA in Leavenworth, Kansas.
2. On July 20, 2010, counsel received Mr. Gardner's presentence report (PSR) through electronic mail.
3. As of late, counsel has been out of town and unable to consult with Mr. Gardner regarding his PSR.
4. At the defendant's request, counsel received Mr. Gardner's PSR copy and therefore, Mr. Gardner has yet to receive or review the PSR.
5. Counsel needs additional time to consult with Mr. Gardner to discuss the client's legal options and any possible objections to his PSR.

For the foregoing reasons, Mr. Gardner's request the court continue and extend the time for reviewing and responding to the presentence report until August 18, 2010.

Respectfully submitted,

/S/ CYNTHIA M. DODGE

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CERTIFICATE REGARDING SERVICE

I hereby certify that it is my belief and understanding that counsel for plaintiff, and counsel for the co-defendants in this matter are participants in the Court's CM/ECF program and that separate service of the foregoing document is not required beyond the Notification of Electronic Filing to be forwarded on July 29, 2010 upon the filing of the foregoing document.

/s/ Cynthia M. Dodge

CYNTHIA M. DODGE