

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 November of 2010, until the joint criminal trial docket commencing in January of 2011.

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. Defense counsel filed a Motion to Dismiss the Indictment (Document 154) on June 14, 2010. The Motion to Dismiss was heard by Magistrate Judge Maughmer on August 3, 2010. The court's ruling on the motion will directly impact the issue of the trial as certain counts of the Indictment

may be dismissed. Trial strategy may change and certain issues will need to be discussed with the defendant depending on the court's holding.

3. Although detained pending trial, Defendant consents to this continuance request, and waives his rights under the Speedy Trial Act. Defendant is currently serving a federal sentence on a prior case.
4. Counsel for the government does not object to this request for continuance.
5. 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).
6. 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 November of 2010, until the joint criminal jury trial docket commencing in January of 2011.

Respectfully submitted,

/s/Jacquelyn E. Rokusek
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August, 2010, a copy of the
aforementioned entry of appearance was sent via electronic filing to:

AUSA Bruce Rhoads

/s/Jacquelyn E. Rokusek #16308