

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

UNITED STATES OF AMERICA,                     )  
Plaintiff,   )  
   )  
VS.   )                     NO. 09-00121-11-CR-W-DGK  
   )  
CODY S. GARDNER, et al.,                     )  
Defendant.   )

**MOTION TO CONTINUE TRIAL**

Defendant Cody S. Gardner, by and through counsel Cynthia M. Dodge, hereby moves the court for a continuance pursuant to 18 U.S.C. §3161(h)(8)(A) and (B) of the trial in this matter, now scheduled for June 8, 2009, until a criminal docket as jointly agreed to by the parties, and in support states:

1. On April 9, 2009, Mr. Gardner was indicted, with eleven (11) other co-defendants, in a multi-count drug conspiracy case.
2. Counsel for Mr. Gardner was appointed to represent Mr. Gardner on April 13, 2009.
3. On April 15, 2009, Mr. Gardner was arraigned and the court set a scheduling conference for April 29, 2009.
4. This is Mr. Gardner's first trial continuance request.
5. On April 23, 2009, the Assistant United State's Attorney Bruce Rhoades, informed counsel that the discovery is not available as IVISE is processing the materials.
6. Counsel for Mr. Gardner needs additional time to adequately investigate and prepare for the charges against Mr. Gardner.

7. Counsel has contacted counsel for each co-defendant via email, and no one has stated an objection to this continuance.
8. Mr. Rhoades has no objection to this continuance request.
9. Co-defendants Kala Rose and Bruce Bish have also requested trial continuances.
10. Mr. Gardner recognizes that pursuant to 18 U.S.C. 3161 (h)(8)(A) and (B), no time delay resulting from this request for a continuance will be considered for purposes of the Speedy Trial Act.

For the foregoing reasons, Mr. Gardner prays the court continue this matter from the current setting of June 8, 2009 to a future criminal docket as jointly agreed to by the parties.

Respectfully submitted,

/S/ CYNTHIA M. DODGE

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ATTORNEY FOR DEFENDANT

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 April 27, 2009 upon the filing of the foregoing document.

/s/ Cynthia M. Dodge

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CYNTHIA M. DODGE