

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-00121-01-CR-W-DGK
)	
GILBERTO LARA-RUIZ,)	
)	
Defendant.)	

**MOTION OF DEFENDANT GILBERTO LARA-RUIZ
FOR CONTINUANCE OF TRIAL SETTING,
WITH SUGGESTIONS IN SUPPORT**

COMES NOW Defendant Gilberto Lara-Ruiz, by and through his undersigned attorney, and moves the Court to continue the above-captioned cause from the trial setting of June 8, 2009, until the joint criminal jury trial docket commencing on November 2, 2009.

IN SUPPORT of this Motion, Defendant states as follows:

1. Defendant is charged in fourteen of the fifteen counts in a 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 first appeared on May 7, 2009, and was not eligible for bond since he is serving a federal sentence. His arraignment was held on May 14, 2009.

2. Defense counsel has been advised there is a significant amount of discovery as to this defendant. Counsel needs sufficient time to meet with defendant after reviewing the extensive discovery to discuss the charges and possible defenses, the sentencing guidelines applications, and make a decision whether this case is for plea or trial.

3. Several co-defendants have already requested continuances of their trial dates, and this matter has been scheduled for trial on the docket commencing November 2, 2009. (Docs. 55 and 69).

4. Defendant, although detained pending trial, consents to this continuance request, and waives his rights under the Speedy Trial Act.

5. Counsel for the government has stated he does not object to this request for a continuance.

6. This continuance is not sought for the purpose of delay, but is sought so that defendant may be afforded due process of law under the Fifth Amendment and effective assistance of counsel under the Sixth Amendment to the U.S. Constitution. It is submitted these reasons outweigh the interest of the public and defendant to a speedy trial under 18 U.S.C. Sec. 3161©)(1).

7. The delay in trial resulting from this motion should be excluded in computing the period of time within which defendant should be brought to trial under the Speedy Trial Act.

WHEREFORE, Defendant prays that this Court continue the above-captioned cause from the trial setting of June 8, 2009, until the joint criminal jury trial docket commencing on November 2, 2009.

/s/Ronald E. Partee
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Attorney for Defendant Gilberto Lara-Ruiz

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2009, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system, which will send notification to the following: Bruce Rhoades, Assistant United States Attorney, and all counsel of record.

/s/ Ronald E. Partee