

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 09-00112-01-CR-W-ODS
	)	
CLIFTON D. TAYLOR,	)	
	)	
Defendant.	)	

**MOTION FOR CONTINUANCE  
WITH SUGGESTIONS**

COMES NOW the defendant, Clifton D. Taylor, by and through his counsel, Travis D. Poindexter, Assistant Federal Public Defender for the Western District of Missouri, in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, and moves this Court, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B), to remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence December 7, 2009, and to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on January 11, 2010.

**SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE**

1. On March 13, 2009, a Criminal Complaint was filed in the Western District of Missouri charging defendant with one count of bank robbery in violation of 18 U.S.C. § 2113(a). That same day, the Federal Public Defender’s Office was appointed to represent Mr. Taylor.
  
2. On March 18, 2009, defendant appeared before the Honorable Robert E. Larsen, United States Magistrate Judge for preliminary and detention hearings. After hearing evidence and argument, the Court found probable cause and Ordered that Mr. Taylor be detained.

3. On April 8, 2009, defendant was charged by Indictment with one count of bank robbery.
4. On April 15, 2009, defendant appeared for an arraignment and entered a plea of not guilty through counsel.
5. On August 6, 2009, counsel requested a competency examination of Mr. Taylor. On October 26, 2009, a report and recommendation (R&R) was issued to find Mr. Taylor competent to stand trial. On November 9, 2009, the R&R was adopted by the District Court. Mr. Taylors case is currently set on the December 7, 2009, criminal trial docket.
6. To date, counsel has received discovery that includes:
  - a. Investigative narratives from the F.B.I;
  - b. Investigation reports from the Kansas City, Missouri Police Department;
  - c. Narrative of statements made by Mr. Taylor;
  - d. Copy of 911 recordings;
  - e. Copy of video recordings; and
  - f. Results of DNA analysis conducted by KCPD Crime Lab.
7. The final results and data underlying the DNA testing were provided by the Government on November 9, 2009. Counsel has requested an independent forensic review of the DNA testing and analysis and will need additional time for this to be completed. Counsel will also need time to attempt to address the results with Mr. Taylor. Defendant has filed one previous continuance motion that was granted by the Court.
8. Leena Ramana, Special Assistant United States Attorney, has indicated that she has no objection to this continuance request.
9. This continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. §3161(h)(8)(A) and (B)(iv), it is submitted that

the above-stated reasons for a continuance outweigh the best interests of the public and the defendant to a speedy trial, which is required by 18 U.S.C. §3161(c)(1).

10. Under the provisions of 18 U.S.C. §3161(h)(8)(A) the period of time until the next criminal trial docket should be excluded in computing the period of time in which the defendant should be brought to trial under the provisions of the Speedy Trial Act.

WHEREFORE, the defendant, Clifton D. Taylor, respectfully requests this Court, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B), to remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence December 7, 2009, and to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on January 11, 2010.

Respectfully submitted,

/s/ Travis D. Poindexter  
TRAVIS D. POINDEXTER  
Assistant Federal Public Defender  
818 Grand, Suite 300  
Kansas City, MO 64106  
(816) 471-8282

ATTORNEY FOR DEFENDANT

#### **CERTIFICATE OF SERVICE**

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that on November 12<sup>th</sup>, 2009, one copy of the foregoing motion was electronically delivered to Leena Ramana, Special Asst. U.S. Attorney, 400 E. 9<sup>th</sup>, Kansas City, MO 64106.

/s/ Travis D. Poindexter  
Travis D. Poindexter