

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

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

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court is a motion to continue filed by defendant Clifton Taylor. In support of the motion, defendant states in part as follows:

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. Taylor's 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.

The Speedy Trial Act of 1974, as amended, mandates the commencement of the trial of a defendant within 70 days from the defendant's first appearance before a judicial officer of the court in which the charge is pending. In computing the 70-day time period, the periods of delay set forth in 18 U.S.C. § 3161(h) are to be excluded. Any period of delay resulting from a continuance granted at the request of a defendant is excludable if the court finds the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, provided the court sets forth the reason for such finding.

In light of the circumstances described above, I find that the ends of justice served by removing this criminal action from the joint criminal jury trial docket which will commence December 7, 2009, and continuing the trial until the joint criminal jury trial docket which will commence January 11, 2010, outweigh the best interest of the public and the defendant in a speedy trial.

In accordance with § 3161(h)(8)(C), congestion of the court's

calendar was not considered in deciding to remove this case from the joint criminal jury trial docket which will commence December 7, 2009.

In light of the circumstances described above, it is

ORDERED that this criminal action is removed from the joint criminal jury trial docket which will commence December 7, 2009. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence January 11, 2010. It is further

ORDERED that the pretrial conference set for November 18, 2009, is continued pending further order of the court. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(3), the time between the date of this order and January 11, 2010, shall be excluded in computing the time within which the trial of this criminal action must commence.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
November 12, 2009