

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 08-00026-03/05-CR-W-FJG
vs.)	
)	
DELMON L. JOHNSON,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE WITH SUGGESTIONS

COMES NOW, Defendant, Delmon Johnson, by and through counsel, Darren E. Fulcher, in accordance with Federal Rule of Criminal Procedure 47, 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 continue this case from the current Pretrial Conference date and continue for trial the trial date from the November 2, 2009 Criminal Trial docket.

SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE

1. On or about February 06, 2008 Mr. Johnson was indicted and charged with criminal count one for Conspiracy to Distribute Controlled Substances; all in violation of Title 21, United States Code, Section 841 (a)(1).
2. On or about February 06, 2008 Mr. Johnson was indicted and charged with criminal count two for Conspiracy to Commit Promotional/ Concealment Money Laundering; all in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and (B)(i)

3. On or about February 06, 2008 Mr. Johnson was indicted and charged with criminal count seven through ten for Distribution of Controlled Substances; all in violation of Title 21, United States Code, Section 841(a)(1), 841(b)(1)(D), 841 (b)(2) and 841 (b)(3), and Title 18, United States Code, Section 2.
4. On or about September 10, 2009, attorney Darren Fulcher was appointed to represent Mr. Delmon Johnson
5. On April 2, 2008 an arraignment hearing was held in which Mr. Johnson, entered a plea of not-guilty and trial was originally set for September 29, 2008.
6. This matter has been continued on at least three previous occasions.
7. It is Counsels understanding that discovery is voluminous.
8. Defendant asks the Court for a continuance so that he and his attorney may review the discovery documents, conduct additional discovery as is necessary, conduct independent legal and factual investigation and meet with the government, if necessary.
9. The Government has indicated they do not object to this request for a continuance, as well as Defendant Rostie by and through Counsel John Osgood.
10. This continuance is sought not for purpose of dilatory delay, but is sought only so 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), 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.
11. Under the provisions of 18 U.S.C. §3161(h)(8)(A) the period of time until the next scheduling conference 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, Defendant, Delmon Johnson, respectfully requests that this Court pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B), a future trial docket convenient for all parties.

Respectfully Submitted,

Fulcher & Brooks, L.L.C.

/s/Darren E Fulcher

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on September 16, 2009, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsels of record.

/s/ Darren E. Fulcher
Darren E. Fulcher