

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 10-00162-06-CR-W-FJG
)	
NARICCO T. SCOTT,)	
)	
Defendant.)	

**MOTION FOR CONTINUANCE
WITH SUGGESTIONS**

COMES NOW the defendant, Naricco T. Scott, by and through his counsel, Laine Cardarella, 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)(7)(A) and (B), to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on August 1, 2011.

SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE

1. On May 10, 2010, the defendant was charged by criminal complaint with violations of Title 18, United States Code, Sections 841(a) and (b)(1)(A).
2. On May 10, 2010, the Office of the Federal Public Defender was appointed to represent Mr. Scott.
3. On May 13, 2010, a preliminary and detention hearing was held before the Honorable Robert E. Larsen, United States Magistrate Judge.
4. On May 26, 2010, the defendant was charged by indictment with violations of Title 18, United States Code, Sections 841(a) and (b)(1)(A).

5. On May 26, 2010, a superceding indictment was filed charging defendant in counts one, nine, ten, sixteen and seventeen with violations of Title 18, United States Code, Sections 841(a)(1), (b)(1)(A), (b)(1)(C) and 924(c)(1)(A).

6. On June 10, 2010, an arraignment was held before the Honorable Robert E. Larsen, United States Magistrate Judge.

7. The discovery in this case is over 10,000 pages when printed. This includes the transcript of several hundreds of hours of phone calls in which Mr. Scott is allegedly a conversant. Restrictions on how discovery is shared with a defendant and undersigned counsel's current caseload have combined to cause preparation of trial in this to take longer than expected. In addition, undersigned counsel has begun to research whether there is any suppression motion she could file on behalf of Mr. Scott regarding the recorded phone calls. Again because of counsel's caseload, this research is not yet complete and no motion has yet been prepared. Additional time is needed to continue to review and digest the discovery, locate and interview defense witnesses, interview the cooperating witnesses whom the government will produce but not identify, and otherwise prepare for trial.

8. The government has no objection to this continuance request.

9. Counsel has contacted all the attorneys in this matter and has received the following responses: Phil Gibson (representing Roberson), Melanie Morgan (representing Velo), John Osgood (representing Campbell), Ron Partee (representing Byndom), Susan Hunt (representing R. Johnson), Susan Dill (representing Wiggins), Dana Altiere (representing Gaye), Eugene Harrison (representing R. Brown) and Nick Zotos (representing Hale, have no objection to the requested continuance. In fact, as noted at the scheduling conference in this matter, Ms. Morgan anticipates being engaged in a trial in another district for 8-10 weeks beginning the end of April, 2011. That trial has not been

continued and Ms. Morgan does not anticipate a continuance. She will be out of the country for much of January thru March, 2011 taking depositions in that case, and does not believe she could possibly have this case prepared for trial before the August 1, 2011 trial docket.

10. The 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)(7)(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).

11. Under the provisions of 18 U.S.C. §3161(h)(7)(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, Naricco T. Scott, respectfully requests this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence February 14, 2011, and to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on August 1, 2011.

Respectfully submitted,

/s/Laine Cardarella
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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 one copy of the foregoing motion was electronically filed and sent to Brent Venneman, Assistant United States Attorney, this 14th day of December, 2010.

/s/Laine Cardarella

Laine Cardarella