

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action No.
) 10-00162-01/07-09/11-14/23-CR-W-FJG
)
ALFONSO VELO,)
RICARDO NEVAREZ,)
SHAWN HAMPTON,)
BRICE HALE,)
DELBERT ROBERSON,)
NARICCO SCOTT,)
CALAH JOHNSON,)
RAY JOHNSON,)
JASON CARTER,)
JUSTIN CAMPBELL,)
RONNELL BROWN,)
MYLIN SMITH,)
THEODORE WIGGINS,)
ANDREYA JONES,)
STERLING BYNDOM,)
MARCUS GAY,)
KEIYATIE WHITE,)
DOROTHEA CAIN,)
ADRIAN BARRETT,)
and)
ALEJANDRO HOLGUIN-BONILLA,)
)
Defendants.)

ORDER CONTINUING CURRENT TRIAL SETTING

Before the court is a motion to continue filed by defendant Naricco T. Scott (document number 245). In support of the motion, defendant states in part as follows:

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 [Altieri] (representing [Gay]), 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 [through] 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.

Counsel for all of the defendants were contacted and all expressed no objection to this case being placed on the August 1, 2011, criminal trial docket.

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 February 14, 2011, and continuing the trial until the joint criminal jury trial docket which will commence August 1, 2011, outweigh the best interest of the public and the defendants in a speedy trial.

In accordance with § 3161(h)(7)(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 February 14, 2011.

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 February 14, 2011. It is further

ORDERED that this criminal action is set for trial on the joint criminal jury trial docket which will commence August 1, 2011. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7), the time between the date of this order and August 1, 2011, shall be excluded in computing the time within which the trial of this criminal action must commence.

/s/Fernando J. Gaitan, Jr.
FERNANDO J. GAITAN, JR.
United States District Judge

Kansas City, Missouri
December 22, 2010