

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 10-00162-25-CR-W-FJG
	)	
TAISHA RUSSELL,	)	
	)	
Defendant.	)	

**DEFENDANT'S MOTION FOR CONTINUANCE**

COMES NOW defendant, Taisha Russell, by and through her counsel of record, pursuant to Rule 12 of the Federal Rules of Criminal Procedure, and hereby respectfully moves the Court for a continuance of the trial setting in this matter. This case is currently set for trial on the two-week criminal docket commencing August 1, 2011. Ms. Russell requests a trial date in February 2012. As grounds for this Motion, counsel submits the following Memorandum in Support.

**MEMORANDUM IN SUPPORT**

1. Ms. Russell is charged in Count One of a 17-count Second Superseding Indictment with conspiracy to distribute cocaine and crack cocaine in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(A). The Second Superseding Indictment was filed on June 7, 2011 and unsealed on June 10, 2011. The undersigned counsel was appointed to represent Ms. Russell on June 14, 2011. Arraignment was held before the magistrate judge on June 16, 2011. At arraignment, Ms. Russell entered a plea of not guilty to the count of the Second Superseding Indictment applicable to her. She was ordered released on a continuing bail bond.

2. In any case in which a plea of not guilty is entered, the trial of a defendant charged in an indictment shall commence within seventy days from the filing date and making public of the indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, which ever last occurs. 18 U.S.C. § 3161(c)(1). Trial may be delayed, however, based on a continuance granted by any judge on the judge's own motion or at the request of the defendant or defendant's counsel, or at the request of the attorney for the government, if the judge grants such continuance on the basis of his findings that "the ends of justice served by taking such action outweigh the best interest of the public and defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). The factors, among others, which a judge shall consider in determining whether to grant a continuance include whether failure to grant continuance would result in a miscarriage of justice, whether case is so unusual or complex that it is unreasonable to expect adequate preparation within certain time limits, and whether the failure to grant continuance would deny counsel the reasonable time necessary for effective preparation after taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B).

3. Undersigned counsel has had less than a week to review the substantial discovery and asserts that this instant case requires further factual and legal investigation that necessitates the granting of a continuance. Counsel has met with Ms. Russell twice and intends to meet with client numerous times prior to trial. The additional time is necessary to allow the defendant and her counsel to become completely prepared for trial. In counsel's humble opinion, failure to grant a continuance in this case would deny counsel the reasonable time necessary for effective preparation after taking into account the exercise of due diligence.

4. Ms. Russell acknowledges and waives her right to a speedy trial. This motion is not made to harass this Court, and it is in the interest of justice that it be granted in that the ends

of justice served by granting such continuance outweigh the best interests of the public and the defendants in a speedy trial pursuant to 18 U.S.C. § 3161(h)(8).

5. The undersigned counsel has spoken by telephone with Assistant United States Attorney Brent Venneman, and explained the necessity for this continuance. Mr. Venneman has no objection to this Motion for Continuance or the proposed February 2012 trial setting.

6. Undersigned counsel has corresponded via email with Mr. David J. Guastello, counsel for Mr. Terrance Blewett; Mr. Kurt D. Marquart, counsel for Mr. Calah D. Johnson; and Mr. Michael Walker, counsel for Mr. Theodore S. Wiggins. On behalf of their respective clients, there is no objection to this Motion for Continuance or a February 2012 trial setting.

7. Undersigned counsel corresponded via email with Mr. Daniel J. Ross, counsel for Mr. Shawn Hampton. Mr. Ross stated that he is in trial this week and will have difficulty reaching Mr. Hampton. Mr. Ross anticipates, however, that Mr. Hampton will object to any continuance. Mr. Ross noted that he could confirm his client's position the next time he is able to visit with Mr. Hampton.

8. Undersigned counsel has corresponded via email with Ms. Laine Cardarella, "stand by" counsel for Mr. Naricco T. Scott. While "stand by" counsel cannot voice an opinion with respect to this motion, Ms. Cardarella stated that she is under the impression that Mr. Scott, who is *pro se*, will object to any continuance. Undersigned counsel has not made any attempt to contact the *pro se* co-defendant, Mr. Scott.

9. Undersigned counsel has corresponded with Mr. Alex S. McCauley, counsel for Mr. Mylin D. Smith. While Mr. McCauley was unable to reach his client today to ascertain Mr. Smith's position on this instant motion, Mr. McCauley stated that he is under the impression that

Mr. Smith will object to any continuance. That is, Mr. Smith desires to move forward with trial this August 2011.

WHEREFORE, the defendant, Taisha Russell, by and through counsel, respectfully requests a continuance and a new trial setting commencing in February 2012.

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: 

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*Attorneys for Defendant Taisha Russell*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 20th day of June 2011, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to Brent Venneman, Esquire, Assistant United States Attorney and to all counsel of record.



Willie J. Smith  
Attorney for Defendant Taisha Russell