

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

UNITED STATES OF AMERICA,  
Plaintiff,

v

Case No. 10-00162-FJG

ALFONSO VELO,  
Defendant.

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**MOTION TO MODIFY ORDER (Doc. 418)**

Defendant Alfonso Velo by and through his attorney Melanie S. Morgan moves this Court for an Order modifying the Order granting defendant Russell's motion to continue the trial until the February 13, 2012 accelerated jury trial (Doc. 418). The following suggestions in support are offered:

1. Defendant Russell filed a motion to continue trial.
2. Defense counsel Melanie S. Morgan advised Ms. Carol Wilson that she had no objection to the continuance as Mr. Velo was set for a change of plea hearing on July 8, 2011.
3. The Court granted defendant Russell's motion. However, the Order pertained only to those defendants who had not been scheduled for a change of plea.
4. The change of plea hearing in Mr. Velo's case has been canceled and has not yet been rescheduled although that is anticipated. Mr. Velo's case continues to be joined with the remaining defendants, no motion for severance of any of the defendants has been granted and thus the time for which this case must be brought to trial is tolled pursuant to 18 U.S.C. 3161(h)(6).

Wherefore the reasons set forth herein, Mr. Velo requests that the Order previously entered be modified to include Mr. Velo.

Respectfully Submitted,

MORGAN PILATE LLC

/s/ Melanie S. Morgan  
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Attorney for Alfonso Velo

#### **CERTIFICATE OF SERVICE**

I, Melanie S. Morgan, do hereby certify that a true and accurate copy of the foregoing was served on opposing counsel and counsel of record by the ECF system on July 12, 2011.

/s/ Melanie S. Morgan