

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

UNITED STATES OF AMERICA,)
 PLAINTIFF,)
vs.) Case No.
) 10-00162-12-CR-W-FJG
ANTAR H. ROBERTS,)
 DEFENDANT.)

MOTION FOR EXTENSION OF TIME TO FILE
NOTICE OF APPEAL FOR EXCUSABLE NEGLIGENCE

COMES NOW, Defendant, Antar Roberts, by and through his attorney and respectfully moves the Court in accordance with FRAP 4 for an extension of time for filing a notice of appeal because of excusable neglect. As grounds therefore, the Defendant states:

1. Defendant appeared for sentencing on November 21, 2011. Judgment was entered on the same date and the ecf notice of judgment was entered on November 22, 2011.

2. Defendant is and was detained at the St. Clair County Jail in Osceola, Missouri.

3. Pursuant to FRAP 4, the notice of appeal was due within 14 days of the final judgment on December 5, 2011. However, upon a finding of excusable neglect or good cause, the district court may, before or after the time has expired, with or without motion and notice, extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this rule. Therefore, the deadline may be extended by the District Judge to January 4, 2012. Defendant sent a pro se letter to the District Judge which was filed on ecf on December 29, 2011.

4. On behalf of defendant, counsel asks for an extension of 30 days after expiration of the 14 day period for filing a timely notice of appeal because of excusable neglect. Further, counsel asks that the letter filed as document 575 through the ecf docket system be determined to be a notice of appeal by defendant and that it be considered timely filed by the District Court.

WHEREFORE, Defendant through counsel, moves the Court for a finding of excusable neglect and a 30 days extension of time for filing a notice of appeal to the Judgment entered on November 21, 2011.

Respectfully submitted,

/s/
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a copy of the above foregoing document was electronically filed this 23rd day of January, 2012.

/s/
Lisa G. Nouri