

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	
	)	No. 10-0162-16-CR-W-FJG
THEODORE WIGGINS,	)	
	)	
Defendant.	)	

**ORDER**

Pending before the Court is Defendant Theodore Wiggins' Motion for Continuance of Trial Setting (Doc. No. 604). Defendant Wiggins requests a continuance of the February 21, 2012 trial setting because co-defendant Shawn Hampton pled guilty on January 19, 2012, and this late plea has changed defendant Wiggins' trial strategy and has left him "virtually no time to file Motions in Limine" or other pretrial motions. Doc. No. 604, p. 2.

The government responds as follows: (1) the matter has already been pending for approximately 20 months; (2) initial discovery was made available to all defendants on July 14, 2010, and since then the government has provided discovery in an ongoing matter, including proffer statements of cooperating defendants; (3) defendant Shawn Hampton pled guilty on January 19, 2012, and statements from his proffer session were provided to counsel for remaining defendants on January 23, 2012; (4) defendants in multi-defendant cases routinely plead guilty as trial approaches, and it is unreasonable that this co-defendant's guilty plea would change the landscape of trial preparation to necessitate a continuance; and (5) Wiggins' counsel refers to new issues re admissibility of intercepted phone calls between Wiggins and Hampton, but the issue of the constitutionality of the

wiretap has nothing to do with the plea agreement with Hampton, and is instead an issue that ought to have been raised in a timely suppression motion, which Wiggins did not file.

See Response, Doc. No. 609.

After considering the issues raised in defendant Wiggins' motion and the government's response, the Court finds that the Motion to Continue (Doc. No. 604) should be **DENIED**. Trial remains set for February 21, 2012.

**IT IS SO ORDERED.**

Date: February 3, 2012  
Kansas City, Missouri

**S/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge