

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

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	No. 09-00157-06-CR-W-DW
)	
BLAKE FOLSOM,)	
)	
Defendant.)	

MOTION BY DEFENDANT FOLSOM FOR A CONTINUANCE WITH
SUGGESTIONS IN SUPPORT

COMES NOW defendant **BLAKE FOLSOM** by and through undersigned counsel and hereby moves the court for a continuance of the trial setting in this case with a request that trial be set on the regularly scheduled trial docket for the Month of January 2010. As grounds therefore, undersigned counsel submits:

1. Defendant is charged by federal indictment with serious drug felony violations that will result in substantial incarceration upon conviction. Undersigned counsel has just recently entered his appearance and will need to review discovery which will likely be voluminous, conduct investigation in the case, and explore various significant legal options on behalf of the client.

2. Counsel has not had adequate opportunity to consult with the defendant as much as counsel deems necessary. Counsel and his client need additional time to work together on the

discovery, legal issues, evidentiary matters, and possible disposition, germane to the defense case.

3. The indictment in this matter lists 11 named defendants. The docket indicates that some are in custody and some have yet to appear before the court for initial appearance and arraignment. The number of defendants alone suggests that the case is complex and will require a good deal of work by all counsel that cannot possibly be completed between now and the current trial setting. There is also some indication, based on press reports, that this case may be related in some manner to another indictment filed on the same date charging nine individuals. See *United States v. James Robert Everson, Jr., et al.*

4. Defendant **FOLSOM** hereby waives his constitutional and statutory right to speedy trial and understands that this request is being made at his request and for his benefit.

5. Counsel submits that defendant is entitled to a continuance under the provisions of Title 18, United States Code, Section 3161(h)(8)(B), in that: 1) trial on the current docket would result in a miscarriage of justice; 2) the case is significant in terms of the outcome for the reasons stated in the preceding paragraphs and it is unreasonable to expect counsel and the defendant to be ready for trial by the currently scheduled date; and, 3) failure to grant the continuance would likely

prevent undersigned counsel from being able to adequately prepare and present the defense case.

6. This request is not made with intent to gain tactical advantage over the prosecution and counsel is unaware of any prejudice that might result to either the prosecution or the defense if this request is granted.

WHEREFORE, Defendant, through counsel, moves the Court to strike this matter from the current trial setting and reset the matter for the requested date or a date to be determined by the court convenient to all parties in the case.

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was caused to be served on all defense attorneys of record via electronic filing system on Thursday, May 28, 2009, and on counsel for the government:

Bruce A. Rhoades
US Attorney's Office
400 East 9th Street
Kansas City, MO 64106

Atty for United States

/s/
JOHN R. OSGOOD