

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

UNITED STATE OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 07-00398-05-CR-W-GAF
-vs-)	
)	
HARLEY W. HARVEY JR.,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE OF SENTENCING HEARING AND SUGGESTIONS IN
SUPPORT

COMES NOW defendant, Harley W. Harvey, Jr., by and through his undersigned counsel, John L. Spencer, and hereby moves the Court for a continuance of the sentencing hearing in this case. As grounds therefore defendant states and alleges as follows:

1. This matter is currently scheduled on this Court's docket for June 22, 2009, at 9:00 a.m. for a sentencing hearing.
2. On or about May 19, 2009, a separate indictment was filed naming defendant with a number of other defendants in two separate counts. One count alleges an offense of conspiracy to manufacture and distribute a mixture of substance containing a detectable amount of methamphetamine, contrary to the provisions of Title 21, United States Code, Section 841 (a) (1) and (b) (1) (A), and in violation of Title 21, United States Code, Section 846. The second count alleges possession of a listed chemical, pseudoephedrine, with the intent to manufacture a controlled substance, contrary to the provisions of Title 21, United States Code, Section 841 (c) (1) and (2), in violation of Title 21, United States Code, Section 846.
3. Defendant hereby requests a continuance of defendant's sentencing hearing in an attempt to determine what, if any, impact defendant's pending sentence on the case-at-bar may have on defendant's newly indicted charges. Conversely, defendant would also like to determine what, if any, impact defendant's proceedings on the newly indicted matter may have on defendant's sentence in the case-at-bar.

4. The United States Government will not be prejudiced by this Court granting a continuance of defendant's sentencing hearing.

5. The undersigned counsel has discussed this motion with Assistant United States Attorney Jane Brown, and she has no objection to a continuance of the sentencing hearing.

6. Based on defendant's conversations with counsel, defendant does not oppose a continuance of defendant's sentencing, and although defendant is detained on this matter, defendant believes a continuance of the sentencing hearing is in defendant's best interest.

7. The ends of justice will be met by continuing the sentencing hearing in this matter.

WHEREFORE, defendant hereby moves this Court for its order continuing defendant's sentencing hearing in this matter and for such further orders as the Court deems just and proper in the premises.

Respectfully submitted,

JOHN L. SPENCER (33721)
1125 Grand, Suite 1125
Kansas City, Missouri 64106
(816)472-1997
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was duly electronically delivered this 5th day of June, 2009, to:

Jane Pansing Brown, Esquire
Assistant U.S. Attorney
Charles Whittaker Courthouse
400 East 9th Street, 5th Floor
Kansas City, Missouri 64106

United States Probation and Parole Office
400 East 9th Street, Suite 4510
Kansas City, Missouri 64106

JOHN L. SPENCER