

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

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No.11-00223-09-CR-W-ODS
)	
MARK MURRAY,)	
)	
<i>Defendant.</i>)	

DEFENDANT’S MOTION TO CONTINUE TRIAL SETTING

COMES NOW defendant, Mark Murray, by and through counsel, and hereby respectfully moves the Court to continue the initial trial setting of November 28, 2011, to the joint criminal trial docket commencing in April 2012, or a date sometime thereafter convenient with the court and parties. In support hereof, defendant states as follows:

MEMORANDUM IN SUPPORT OF MOTION

1. On September 21, 2011, the United States charged defendant Murray and 13 other defendants with conspiracy to defraud the United States in violation of 18 U.S.C. § 286, and filing false claims for tax refunds in violation of 18 U.S.C. §§ 287 and 2. On September 22, 2011, Mr. Murray appeared in court in the Middle District of Alabama and was released on a \$25,000.00 bond. On October 6, 2011, Mr. Murray appeared in this Court and entered a plea of not guilty. He was released on the same bond conditions as set by the Middle District of Alabama.

2. The Court set this case for trial to commence November 28, 2011.

3. This is a complex matter. The case preparation will be extensive. There is voluminous discovery which will need to be reviewed, analyzed and understood prior to the trial of this cause. Understanding the discovery will be critical to effective representation. In addition, there will be other types of discovery that must also be reviewed in order to be effectively prepared for the trial of this matter

4. In light of the factors discussed above, the undersigned represents to the Court that as to defendant, the benefits of excluding the requested continuance for purposes of the Speedy Trial Act exceed the costs to defendant of not excluding such time. Furthermore, defendant does not oppose such exclusion.

5. Undersigned counsel has discussed this motion with Assistant U.S. Attorneys Tom Larson and Dan Nelson, who have no objection to the granting of this motion. Undersigned counsel does not anticipate an objection to this motion from counsel for the other defendants as other defendants have filed their own motions to continue the trial setting.

6. In sum, the defendant's interests, the public's interests and the government's interests in granting the requested extension outweigh the best interests of the same parties in not excluding such time pursuant to 18 U.S.C. § 3161(h)(8)(A). The defendant understands that by virtue of his filing of this motion, any period of delay granted by the Court shall be excluded in calculating the time within which his trial must commence pursuant to 18 U.S.C. § 3161(h)(1)(F) and hereby acknowledges and waives his right to a speedy trial.

WHEREFORE, based upon the foregoing, the defendant respectfully requests an Order from this Court granting his motion for continuance of the current trial setting of November 128 2011, to the joint criminal trial docket commencing in April 2012, or to a later date convenient with the court and parties, and for any further relief deemed just and proper in the premises.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of November, 2011, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record.

s/ James R. Hobbs
Attorney for Defendant Murray