

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 04-40134-01-RDR

ALEJANDRO M. TRUJILLO,

Defendant.

O R D E R

This case is before the court upon defendant's unopposed motion to continue the jury trial currently set for February 6, 2012. Defendant's motion states that defendant and his counsel need additional time to review discovery and discuss the matter with the prosecuting attorney.

Previously, the court extended the time to file pretrial motions at defendant's request. This is the first motion to continue the trial setting.

In the order extending time to file pretrial motions, the court reviewed the Speedy Trial Act factors. As regards the instant motion, the court finds that the denial of the requested continuance may deprive counsel and defendant the time necessary to adequately consider the discovery in this case and to engage with the prosecuting attorney on matters which, the court assumes, include a possible non-trial resolution of the matter. The court believes that the requested continuance is in the interests of the

public and the parties because it may save time and money and facilitate a fair, just and efficient resolution of this matter. Defendant is detained pending trial. The court has no grounds to believe that defendant is a threat to the public pending the resolution of this case.

In sum, the court finds that the continuance requested is in the interests of justice which outweigh the interests of the public and the defendant in a speedy trial. Therefore, the continuance requested constitutes excludable time under 18 U.S.C. § 3161(h)(7).

Defendant's motion shall be granted and the trial of this case shall be continued to March 6, 2012 at 9:30 a.m.

IT IS SO ORDERED.

Dated this 9th day of January, 2012 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge