

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**FABIAN DUNBAR AND EDWARD CARVIN,**

**Defendants.**

**CRIMINAL ACTION**

**No. 10-20149-01-02-KHV**

**MEMORANDUM AND ORDER**

This matter is before the Court on Edward Carvin's Motion For Extension Of Time To File Pretrial Motions (Doc. #25) and Fabian Dunbar's Motion For Extension Of Time (Doc. #26) both filed December 20, 2010. Defendants are both currently in custody.

Defendants seek an extension of time from December 20, 2010 to January 17, 2011 to file pretrial motions. Government counsel does not oppose this request.

The Court finds that the ends of justice served by granting this continuance outweigh the interests of the public and defendants in a speedy trial. Based on the circumstances as set forth in defendants' motions and reflected in the record, the Court finds that the requested continuance is necessary to allow counsel reasonable time to prepare the case. See 18 U.S.C. § 3161(h)(7)(B)(iv).

Specifically, the Court finds that the following points justify the continuance:

1. On December 20, 2010, the government provided defendants with voluminous discovery. Competent representation requires that defense counsel have a reasonable period of time to review the discovery.
2. Counsel need adequate time to investigate the case and assess the need for pretrial motions.
3. Defendants agree with the filing of the motions.

The Court finds that defendants' interests in preparing a full and adequate defense, including an extension of time to allow defense counsel to review discovery and formulate a defense, outweigh the interests of the public and defendants in a speedy trial.

**IT IS THEREFORE ORDERED** that Edward Carvin's Motion For Extension Of Time To File Pretrial Motions (Doc. #25) and Fabian Dunbar's Motion For Extension Of Time (Doc. #26) both filed December 20, 2010 be and hereby are **SUSTAINED**.

The deadline for filing pretrial motions is January 17, 2011. The response deadline is January 24, 2011. The motion hearing set for February 1, 2011 at 1:30 p.m. Trial is continued to March 7, 2011 at 9:30 a.m.

**IT IS FURTHER ORDERED** that the delay caused by this continuance – December 20, 2010 to January 17, 2011 – shall be excludable pursuant to 18 U.S.C. § 3161(h)(7).

Dated this 22nd day of December, 2010 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
Kathryn H. Vratil  
United States District Judge