

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-40042-01/02-RDR

LISA SHARP and
WAYNE SPENCER,

Defendants.

O R D E R

This case is before the court upon defendant Spencer's motion for a second extension of time to file pretrial motions. The government does not oppose an extension of time. The court is unaware of defendant Sharp's position.

The court has reviewed the background of this case and discussed the factors relevant to the Speedy Trial Act in a previous order granting defendants' first request for an extension of time. Doc. No. 17. Upon review of defendant Spencer's instant motion, the court finds that, given the exercise of due diligence, counsel for defendant Spencer requires additional time to determine whether to file pretrial motions in this matter and, if so, what type of pretrial motions to file. Additional time is also necessary to consider a non-trial resolution of this case which may be in the best interests of the parties and the public.

Upon consideration, the court finds that the motion for an extension of time should be granted and that both defendants be

granted time until September 16, 2011 to file pretrial motions. The government shall have time until September 23, 2011 to respond to the pretrial motions filed by defendants. A hearing upon the pretrial motions shall be scheduled for September 29, 2011 at 9:30 a.m. The court finds that the period of delay resulting from this order shall be considered in the interests of justice and excludable for the purposes of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B).

IT IS SO ORDERED.

Dated this 19th day of August, 2011 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge