

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-40044-09/13-RDR

ALBERTO VERASA-BARRON
and ONELIA AQUINO-ROSALES,

Defendants.

O R D E R

This case is before the court upon motions for an extension of the deadline for filing pretrial motions filed by counsel for defendant Onelia Aquino-Rosales and defendant Alberto Verasa-Barron. Doc. Nos. 233 and 239. No opposition to either motion has been filed as of this date.

Counsel for defendant Verasa-Barron asks for a 60-day extension because he was appointed to replace another attorney to represent defendant only a few days before the December 20, 2011 deadline for filing pretrial motions. Counsel for defendant Aquino-Rosales asks for a 90-day extension because his client suffered a "massive stroke" prior to being indicted and her health problems have "inhibited her ability to assist counsel in her defense."

Upon review, the court shall grant a 60-day extension of the deadline for filing motions. This extension shall apply to all defendants in this matter. This matter has been declared a complex

case. The court has reviewed the relevant Speedy Trial Act factors in prior orders. Sixty days is a reasonable extension to grant counsel just entering the case to permit him sufficient time to provide fair and effective representation, assuming the exercise of due diligence.

Because the court intends to try all the defendants in this case together, the court shall apply this extension to each defendant, including defendant Aquino-Rosales. Counsel for all remaining defendants, including Aquino-Rosales, are cautioned that the court will carefully scrutinize any further requests for an extension of time and that the court will be reluctant to grant additional requests for an extension of time to file motions.

The deadline for filing pretrial motions in this case shall be extended to February 21, 2012. The government shall have time to respond to the motions until March 2, 2012. A hearing upon the motions shall be scheduled for March 14, 2012 at 9:30 a.m. The extension of time granted by this order shall be considered excludable time for the purposes of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7).

IT IS SO ORDERED.

Dated this 29th day of December, 2011 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge