

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-40068-01-RDR

TERRI L. MORRIS,

Defendant.

O R D E R

This case is before the court upon defendant's motion to extend time for filing motions. Doc. No. 10. The court shall assume that the motion is unopposed. The current motions deadline is November 14, 2011. This is the second request for an extension of time to file motions.

Defendant is charged in a 3-count indictment alleging embezzlement and making false statements in violation of 18 U.S.C. §§ 641 and 1001(a)(3). There is also a forfeiture count in this case. Defendant asks for at least 30 more days to file motions on the grounds that defendant and counsel need more time to acquire and inspect defendant's mental health records.

In the order granting the first request for an extension of time to file pretrial motions, the court discussed the factors the court should consider before determining that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial. Doc. No. 9. After

another review of those factors, the court is convinced that the denial of the requested extension of time may deprive defendant of the time necessary for her counsel to effectively prepare to file pretrial motions and to adequately evaluate possible plea proposals in this matter, taking into account the exercise of due diligence. The court believes that the requested continuance is in the interests of the public and the parties because it may save trial time and money and facilitate a fair, just and efficient resolution of this matter. Defendant is not detained pending trial. However, 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 granted in this order constitutes excludable time under 18 U.S.C. § 3161(h)(7).

Defendant's motion shall be granted and the court shall extend the deadline for filing pretrial motions to December 14, 2011. Responses to pretrial motions shall be filed by December 22, 2011. A hearing upon pretrial motions shall be scheduled for January 5, 2012 at 10:00 a.m.

IT IS SO ORDERED.

Dated this 22nd day of November, 2011 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge

