

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-40084-01-RDR

ALFREDO SALAZAR,

Defendant.

O R D E R

This case is before the court upon defendant's unopposed motion to continue the trial in this matter currently set for May 29, 2012. Defendant is detained pending trial on a charge of possession with intent to distribute cocaine. This is the third motion to continue deadlines in this case. A prior motion stated that defendant has consented to waive his right to a speedy trial.

Defendant asks for a continuance on the grounds that his counsel is the lead attorney in a reappportionment case which is very complicated and which has been placed upon an expedited schedule.

Upon review, the court shall grant defendant's motion to continue the trial. The court has previously reviewed the relevant factors under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), and will not repeat that discussion here.

The indictment in this case contains a single drug charge. This does not appear to be a complex case. However, given the

schedule of defense counsel it appears that additional time should be granted so that counsel can effectively represent his client, 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 will permit defendant to obtain consistent, competent and effective representation. Defendant is detained pending trial and will not be 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 July 24, 2012 at 9:30 a.m. The court discourages any further motions to continue in this matter.

IT IS SO ORDERED.

Dated this 25th day of May, 2012 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge