

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	Case No. 12-40036-01-RDR
)	
DUSTON RAY YOUNG,)	
Defendant.)	
_____)	

ORDER

NOW on this 19th day of April, 2012, the above-entitled matter comes before the Court on the motion of counsel for the accused for an order granting two (2) weeks' additional time to file motions herein. The Court, after reviewing the motion and being fully advised in the premises, finds that there exists good cause for the motion, and that the motion should therefore be sustained.

The Court finds that defense counsel's office is working at half staff due to the retirement of one Assistant Federal Public Defender and the transfer of another to the Kansas City office. The two remaining attorneys have had to handle an influx of new cases, and take over the cases that were not resolved at the time of Ms. Trubey's retirement. Counsel for the government has no objection to the continuance.

The Court further finds that failure to grant the additional time would result in a miscarriage of justice and deny the defendant due process.

The Court further finds that due diligence has been exercised by defense counsel, and failure to grant the motion would deny counsel for the defendant the reasonable time necessary for effective preparation.

The Court further finds that the period of delay resulting from the additional time granted pursuant to this Order shall be excludable time as provided for in 18 U.S.C. 3161(h)(7)(A) in that

the ends of justice served by the granting of such continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED that the defendant shall have until May 1, 2012 to file motions herein, and the government shall have until May 8, 2012 to file responses. The hearing on said motions is hereby rescheduled to May 18, 2012 at 10:00 a.m. The period of delay resulting from such continuance shall be excludable time as provided for by the Speedy Trial Act, 18 U.S.C. 3161(h)(7)(A).

s/Richard D. Rogers
United States District Judge