

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

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MOTION TO CONTINUE TRIAL AND TO ESTABLISH CORRESPONDING
DEADLINES FOR PRETRIAL MOTIONS AND RESPONSES

The Defendant, by and through counsel, hereby moves to continue the trial of this matter until the [REDACTED] Criminal Term, and to establish corresponding deadlines for pretrial motions and responses. In support thereof, counsel states as follows:

1. The Defendant is one of two defendants charged in a four-count indictment, returned [REDACTED]. Count One charges both defendants with a violation of 21 U.S.C. §§ 841(b)(1)(B) and 846, Count Two charges Defendant [REDACTED] with a violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2), and Counts Three and Four charge Defendant York with violations of 18 U.S.C. § 924(c)(1)(A)(I).

2. Defendant [REDACTED] was arraigned [REDACTED], and pled not guilty to all counts. His case was assigned to the [REDACTED] Criminal Term. Defendant [REDACTED] was arraigned [REDACTED], and pled not guilty to all counts. Her case was assigned to the May 2010 Criminal Term.

3. The charges against the defendants, both of whom are former [REDACTED], appear on their face to be relatively straightforward. However, the factual background is

complex, and involves assorted allegations regarding both the defendants and other personnel with the [REDACTED] Office. Those allegations have been the subject of considerable pretrial publicity, and an extensive investigation by the [REDACTED] [REDACTED]. The discovery provided to date by the Government consists of over 1000 pages, including approximately 50 witness interviews. Counsel has not yet had sufficient time to review the discovery, conduct additional investigation, consult with the Defendant, and otherwise assess the need for pretrial motions. Given the nature of the case, and the amount of discovery involved, it further appears that counsel would not be able to properly prepare for trial in time for the [REDACTED] [REDACTED] Term.

4. Government counsel, Assistant United States Attorney [REDACTED] [REDACTED], advises that the Government does not object to the proposed continuance.

5. The Defendant submits that the ends of justice are best served by granting this continuance, and that they outweigh the interest of the public and the Defendant in a speedy trial. Accordingly, the Defendant agrees that any delay occasioned by the granting of this continuance should be excluded in computing the time within which the trial of this matter must commence. See Title 18, United States Code, Section 3161(h)(8)(A).

WHEREFORE, the Defendant hereby moves for an order continuing the trial of this matter until the May 2010 Criminal Term, and

establishing corresponding deadlines for pretrial motions and responses.

Respectfully submitted this the 24th day of March, 2010.

[REDACTED]
Federal Public Defender

/s/ [REDACTED]
[REDACTED]
Assistant Federal Public Defender
Arkansas State Bar No. [REDACTED]
North Carolina State Bar No. [REDACTED]
301 N. Elm Street, Suite 410
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Phone: (336) 333-5455
E-mail: [REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2010, I electronically filed the foregoing Motion to Continue Trial and to Establish Corresponding Deadlines for Pretrial Motions and Responses with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: [REDACTED] [REDACTED] [REDACTED] [REDACTED], Assistant United States Attorney, 101 South Edgeworth Street, Greensboro, NC 27401.

Respectfully submitted,

/s/ [REDACTED]
[REDACTED]
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