

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :

vs.

NO. [REDACTED]

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**DEFENDANT'S MOTION FOR
LEAVE TO FILE LATE**

The Defendant, through his undersigned attorney, moves to file late a motion and memorandum of law to suppress the fruits of a vehicle stop and search of the Defendant, conducted by Durham police officers on October 20, 2006. In support of this motion, the undersigned submits the following:

1. The offense conduct occurred on October 20, 2006, in Durham, N.C. The Defendant was taken into custody immediately following the stop and search, so the facts of the incident were then known. Further, the Defendant is currently in state custody in Durham, N.C.

2. The instant federal indictment was returned on January 29, 2007.

3. The undersigned was appointed on February 28, 2007, and an arraignment was held on March 5, 2007. At arraignment, the scheduling order imposed a deadline of March 14, 2007, to file motions.

4. Because of an unusually heavy workload, the undersigned was unable to investigate the case and to file motions within the

time allotted. Should the Court request, a more detailed explanation will be provided.

5. The responsible Government attorney, Mr. Michael DeFranco, does not object to the Defendant filing his motions late.

Accordingly, the Defendant respectfully requests leave to file late the motion to suppress with memorandum. Draft orders will be submitted.

Respectfully submitted, December 27, 2010.

LOUIS C. ALLEN III
Federal Public Defender

/s/ William S. Trivette
Assistant Federal Public Defender
North Carolina State Bar No. 21490
301 N. Elm St., Suite 410
Greensboro, NC 27401
Telephone: (336) 333-5455
E-mail: william_trivette@fd.org

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CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Mr. Michael DeFranco.

Respectfully submitted, December 27, 2010.

LOUIS C. ALLEN III
Federal Public Defender

/s/ William S. Trivette
Assistant Federal Public Defender
North Carolina State Bar No. 21490
301 N. Elm St., Suite 410
Greensboro, NC 27401
Telephone: (336) 333-5455
E-mail: william_trivette@fd.org

