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7 PCC: 28132/STATE: 001506

8 Attorney for: Defendant

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 **UNITED STATES OF AMERICA,**)
12) **Case No. CR07-1428-TUC-RCC-(CRP)**
13 **Plaintiff,**)
14 **v**)
15) **MOTION TO CONTINUE**
16 **Sylvia Estela Moreno,**) **PLEA DEADLINE AND TRIAL**
17) **DATES**
18 **Defendant.**)
19 _____)

20 **Excludable delay under 18 U.S.C. 3161 (h)(1)(F) and (8)(A) will occur as a result of this**
21 **motion and any order based thereon.**

22 **The plea deadline is presently set for September 28, 2007 and the trial is set for October 10,**
23 **2007, at 9:30 a.m.**

24 **It is moved that the plea deadline and trial be continued for thirty (30) days for the reason**
25 **that additional time is necessary to prepare for trial because counsel has several facts that he**
needs to investigate and to obtain additional disclosure.

There is no objection to this continuance by the Assistant U.S. Attorney, Patrick Barry.

DATED this 24th day of September, 2007.

Arthur J. Hutton
Arthur J. Hutton
Attorney at Law

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Copy of the foregoing electronically mailed September 24, 2007, to:

**Patrick Barry
Assistant U.S. Attorney**

**U.S. District Court Judge
Raner C. Collins**

Copy mailed this 24th day of September, 2007, to:

**Sylvia Estela Moreno
USM 97830-008
CCA
P.O. BOX 6300
Florence, AZ 85232**

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA,)
) **Case No. CR07-1428-TUC-RCC-(CRP)**
) **Plaintiff,**)
v)
) **ORDER**
) **Sylvia Estela Moreno,**)
) **Defendant.**)
_____)

This matter is presently set for trial on October 10, 2007.

The defendant filed a motion to continue and for the reasons set forth therein additional time is required to adequately prepare for trial. The government has no objection to a continuance.

The Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant is a speedy trial because failure to grant the continuance is likely to result in a miscarriage of justice if the defendant is required to go to trial on the present trial date because of the reasons set forth hereinbefore.

IT IS ORDERED as follows:

- 1. The deadline for a plea in the case is _____ . The only plea that the**

Court will accept after said date will be a plea to the entire Indictment. Counsel will not be reminded by the Court of this plea deadline and the deadline will be strictly enforced.

THE PLEA MUST BE TAKEN BEFORE THE MAGISTRATE JUDGE ON OR BEFORE THE PLEA DEADLINE.

2. That this matter is RESET for trial on_____. Counsels are to be present at _____.

3. Excludable delay under 18 U.S.C. 3161 (h)(8) is found to begin on _____ and end on _____. Such time shall be in addition to other excludable time under Speedy Trial Act and shall commence as of the day following the day that would otherwise be the last day for commencement of trial.

4. That any and all subpoenas previously issued shall remain in full force and effect through the new trial date.

DATED this 24th day of September, 2007.

Copy of the foregoing electronically mailed this 24th day of September, 2007, to:

**Patrick Barry
Assistant U.S. Attorney**

**U.S. District Court Judge
Raner C. Collins**



