

1 Mark J. Berardoni
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 Phoenix, Arizona 85003-2317
 3 (602) 257-1295
 Attorney for Defendant - *Robert Davis*

4 **IN THE UNITED STATES DISTRICT COURT**
 5 **DISTRICT OF ARIZONA**

6	United States of America,)	
7)	CR09-1548-001-PHX-FJM
8	Plaintiff,)	
9	v.)	MOTION TO CONTINUE TRIAL
10	Robert Davis,)	AND EXTEND TIME TO FILE
11	Defendant.)	PRETRIAL MOTIONS
)	(First Request)

12 Defendant, Robert Davis, by and through undersigned counsel, moves to continue the trial
 13 currently set for Tuesday, March 2, 2010 at 9:00 a.m., as well as the deadline for filing motions in
 14 this case. The reason for this requests is that additional time is needed for ongoing investigation and
 15 continuing discovery process. A continuance is necessary and appropriate to afford the Defendant
 16 the effective assistance of counsel required by the Constitution. Further, Defendant requests a
 17 continuance of a period of sixty (60) days.

18 The Government, by Assistant United States Attorney, Chuck Hyder, has been advised of the
 19 motion and has no opposition to a continuance.

20 This motion is brought in good faith for the reasons stated and not solely for the purpose of
 21 delay. The delay occasioned by granting the motion, and the reasons therefore, outweigh the interest
 22 of the Government, the Defendant, and the Public in a speedy trial.

23 EXCLUDABLE DELAY pursuant to Title 18 U.S.C. § 3161(h)(7)(A) may occur as a result
 24 of this motion or from any order based thereon.

25 DATED this 10th day of February, 2010.

26 s/Mark J. Berardoni
 Mark J. Berardoni
 27 Attorney for Defendant - *Robert Davis*

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CERTIFICATE OF SERVICE

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I hereby certify that on February 10, 2010, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Honorable Frederick J. Martone
United States District Court
Sandra Day O'Connor U.S. Courthouse, Ste. 526
401 West Washington Street, SPC 62
Phoenix, Arizona 85003

Chuck Hyder, Esq.
Assistant United States Attorney
Two Renaissance Square
40 N. Central Avenue, Suite 1200
Phoenix, Arizona 85004-4408

Robert Davis (mailed)

By: s/ Sara E. Titterington