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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA.,)	No. CR 05-104-PCT-PGR
)	
Plaintiff,)	MOTION TO CONTINUE TRIAL
)	
vs.)	(First Request)
)	
JEFFREY STEVEN CROSS,)	
)	
Defendant.)	
_____)	

DEFENDANT JEFFREY STEVEN CROSS, by and through undersigned counsel, respectfully moves this Honorable Court for an Order extending the trial date presently scheduled for **August 14, 2007** for a period of thirty (30) days subject to the Court’s calendar and for the foregoing reasons.

The United States of America alleges DEFENDANT JEFFREY STEVEN CROSS committed Murder.

Counsel requires and request adequate time to thoroughly review the discovery upon receiving it from the government and the opportunity to meet with his client to discuss pertain matters involved in the case. Further, additional time is needed to conduct defense

investigation in this matter. Once these matters have been completed, defense counsel will be better able to ascertain what motions, if any, should be filed and whether this case can be resolved short of trial.

Undersigned counsel avows that he has attempted to contacted the Assistant United States Attorney assigned to this matter, Roger Dokken regarding his position to this motion. Mr. Dokken is currently on vacation.

This Motion is made in good faith and will serve the public's interest in that providing Defendant with effective representation is necessary to insure fairness and protect the Defendant's constitutional rights. A continuance will insure counsel for both the government and the Defendant the reasonable time necessary for effective preparation. Indeed a continuance outweighs the best interests of the public and the Defendant's speedy trial rights.

It is expected that excludable delay under 18 U.S.C. §3161(h)(8)(A); (B)(iv) and (h)(1)(f) may result from this Motion or from an Order based thereon.

THEREFORE, based on the foregoing, DEFENDANT VAN M. BATEMAN by and through undersigned counsel, respectfully requests that this Honorable Court enter an Order extending the trial for a period of thirty (30) days from **August 14, 2007** , subject to the Court's calendar.

RESPECTFULLY SUBMITTED this 16th day of July, 2007.

TYRONE MITCHELL, P.C.

By /s/ Tyrone Mitchell
Tyrone Mitchell
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on the 16th day of July, 2007, I electronically transmitted this 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.

Roger Dokken, Esq.
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