

1 JON M. SANDS
Federal Public Defender
2 District of Arizona
2450 S. 4th Ave., Suite 400
3 Yuma, AZ 85364
Telephone: (928) 314-1780

4 RICHARD JUAREZ, #006186
5 richard_juarez@fd.org
Asst. Federal Public Defender
6 Attorney for Defendant

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9
10 United States of America,
11 Plaintiff,
12 vs.
13 Jose Luis Duarte,
14 Defendant.

No. **CR-09-1116-PHX-SRB**
**MOTION TO CONTINUE TRIAL
AND PRETRIAL MOTION FILING
DEADLINE**

(First Request)

15
16 Defendant, Jose Luis Duarte, by and through undersigned counsel,
17 hereby moves the Court to enter an order continuing the currently scheduled trial date
18 of November 3, 2009 for sixty (60) days and to reschedule the deadline for filing
19 pretrial motions in order to allow him to adequately prepare for trial. Additionally,
20 defendant requests that the status conference scheduled for October 19, 2009 be
21 vacated.

22 Mr. Duarte was arraigned on September 9, 2009 on an indictment
23 alleging a violation of Title 8 U.S.C. § 1326(a), enhanced by §1326 (b)(1).

24 Defense counsel has received discovery in this matter and is in the
25 process of conducting pretrial investigation. Tapes of the deportation proceedings
26 still need to be acquired and reviewed, as well as certain court documents.
27 Additionally, information regarding the case is being evaluated to determine whether
28

1 pre-trial motions a should be filed in order to assure the defendant a fair trial.

2 A plea agreement has been extended to the defendant and serious
3 consideration is being given to it. It is anticipated a trial will not be necessary to
4 resolve this case, however, the time requested is necessary should plea negotiation
5 fail in order that the defendant be adequately prepared for trial.

6 Assistant United States Attorney Walter Perkel is out of the office,
7 however his supervisor, Assistant Attorney Raynette Logan has indicated the
8 government has no objection to the requested continuance.

9 Excludable delay under 18 U.S.C. § 3161(h)(8)(A) and (h)(1)(F) may
10 result from this motion or from an order based thereon.

11 Respectfully submitted: October 13, 2009.

12 JON M. SANDS
13 Federal Public Defender

14 *s/Richard Juarez*
15 RICHARD JUAREZ
16 Asst. Federal Public Defender

17 Copy of the foregoing transmitted
18 by CM/ECF for filing this 13th day
of October, 2009, to:

19 **Walter Perkel**
20 Assistant United States Attorney
21 Two Renaissance Square
22 40 North Central Avenue
Suite 1200
Phoenix, Arizona 85004-4408

23 Copy mailed to:

24 Defendant

25 *s/Monica Cortes*
Monica Cortes

26

27

28