

1 JON M. SANDS  
 Federal Public Defender  
 2 **HUGO C. REYNA**  
 Assistant Federal Public Defender  
 3 State Bar No.022262  
 407 W. Congress, Suite 501  
 4 Tucson, AZ 85701-1355  
 Telephone: (520)879-7500  
 5 *Attorney for Defendant*  
[hugo\\_reyna@fd.org](mailto:hugo_reyna@fd.org)

6  
 7 **IN THE UNITED STATES DISTRICT COURT**  
 8 **FOR THE DISTRICT OF ARIZONA**

9	United States of America,	)	CR 09-1182-TUC-CKJ (JCG)
		)	
	Plaintiff,	)	
10		)	<b>MOTION TO CONTINUE INITIAL</b>
	vs.	)	<b>APPEARANCE; ARRAIGNMENT;</b>
11		)	<b>DETENTION HEARING; AND</b>
	Timothy John Elizarraras,	)	<b>ATTORNEY APPOINTMENT</b>
12		)	<b>HEARING</b>
	Defendant.	)	
13	_____	)	<i>(First Request)</i>

14 It is expected that excludable delay under Title 18, United States Code, §3161(h)(7),  
 15 will occur as a result of this motion or an order based thereon.

16 Defendant Timothy Elizarraras, by and through counsel undersigned, hereby requests  
 17 a **sixty-day (60)** continuance of the Initial Appearance; Arraignment; Detention Hearing; and  
 18 Attorney Appointment Hearing that is currently scheduled for **November 30, 2009, at**  
 19 **11:30a.m.** based upon the following reasons:

- 20 1) Defendant resides in Las Vegas, Nevada and needs to travel to Tucson,  
 21 Arizona to appear before this Court. Defense counsel has been in contact  
 22 with the U.S. Marshal's Office to arrange transportation to Tucson,  
 23 Arizona. Counsel has learned that Defendant does not have medical  
 24 clearance to travel by plane. Additional time is required to secure proper  
 25 transportation of Defendant that ensures his safe travel due to his medical  
 26 condition.
- 27 2) Assistant U.S. Attorney Carmen Corbin, has been contact and has no  
 28 objection to said continuance.

26 **RESPECTFULLY SUBMITTED: November 24, 2009.**

JON M. SANDS  
 Federal Public Defender

/s/ Hugo C. Reyna  
**HUGO C. REYNA**  
 Assistant Federal Public Defender

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ECF Copy to:  
CARMEN CORBIN,  
Assistant United States Attorney