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FEB 16 2010
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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,	*	CR 08-50079-02
	*	
Plaintiff,	*	
	*	
vs.	*	ORDER
	*	
VINE RICHARD MARSHALL, a/k/a	*	
Richard Vine Marshall, a/k/a	*	
Dick Marshall,	*	
	*	
Defendant.	*	
	*	

Pending before the Court is Defendant's Motion for Continuance of Trial, Doc. 655. The Court heard argument from counsel at a hearing on February 11, 2010, and after consideration of argument from both counsel, the Motion for Continuance, and the file in this matter,

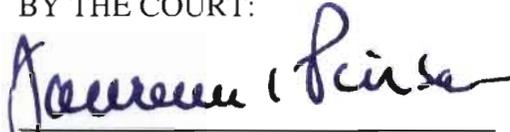
IT IS ORDERED:

1. That Defendant's Motion for Continuance of Trial, Doc. 655, is granted for the reasons stated in open Court at the conclusion of the hearing on Defendant's Motion to Continue. To summarize briefly, the box containing approximately 800 pages of material and 20 tapes of interviews were only recently discovered by the Denver Police Department and received by the Defendant on February 10, 2010. Some of the information was already possessed by the United States and by the Defense. However, neither the United States nor the Defense had yet had opportunity to review all the information in the box to determine what was new material let alone assess the impact and the importance of any new material.
2. That no additional motions shall be filed by the parties without leave of Court.
3. That March 12, 2010, is hereby set as the deadline for submission to the Court of any proposed plea agreement.

4. That the jury trial herein for Defendant shall commence in Rapid City, South Dakota, on Tuesday, April 13, 2010, with counsel to be present for motions in limine at 9:00 A.M.
5. That Theda Clarke shall appear for a competency hearing at 10:00 A.M., on Tuesday, April 13, 2010.
6. That the jury shall report at 9:00 A.M., on Wednesday, April 14, 2010.
7. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendant must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

Dated this 16th day of February, 2010.

BY THE COURT:



Lawrence L. Piersol

United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 

DEPUTY