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7 Attorney for Defendant
8 JARRETT B. MAUPIN, II

9 **IN THE UNITED STATES DISTRICT COURT**

10 **DISTRICT OF ARIZONA**

11 United States of America,

12 Plaintiff,

13 vs.

14 Jarrett B. Maupin, II,

15 Defendant.

No. **CR09-00052-001-PHX-DGC**

**Motion To Extend Time For Filing
Of Pre-Trial Motions and to Continue
Trial**

(First Request)

16 DEFENDANT JARRETT B. MAUPIN, II, by and through undersigned counsel,
17 respectfully moves this Honorable Court for an Order extending the deadline for the filing of
18 pretrial motions for a period of sixty (60) days and continuing the trial date presently scheduled
19 for March 10, 2009 at 9:00 a.m. for a period of no less than sixty (60) days subject to the
20 Court's calendar for the foregoing reasons.

21 This case involves one (1) defendant alleged to have committed one (1) Count of False
22 Statements in made to the Federal Bureau of Investigation in violation of federal law.

23 As of the date of this motion, undersigned has requested and has yet to receive any
24 discovery from the government. Undersigned avows that he has spoken to the duly assigned
25 Assistant United States Attorney Rachel C. Hernandez, and Ms. Hernandez has informed
undersigned that the discovery is forthcoming shortly. Once discovery is received,

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1 undersigned will require additional time to review the discovery and meet with Mr. Maupin to
2 properly advise her.

3 Further, additional time will be needed to properly conduct defense investigation in this
4 matter. Once these matters have been completed, defense will be better able to ascertain what
5 motions, if any, should be filed and whether this case can be resolved short of trial.

6 Undersigned avows that he has contacted Ms. Hernandez regarding her position to this
7 Motion and avows that Ms. Hernandez has no objection to the Court granting the relief
8 requested herein.

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

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

16 THEREFORE, based on the foregoing, defendant, by and through undersigned counsel,
17 respectfully requests that this Honorable Court enter an Order extending the pretrial motion
18 deadline for a period of sixty (60) days and continuing the trial for a period of sixty (60) days
19 from March 10, 2009 at 9:00 a.m., subject to the Court's calendar.
20

21 **RESPECTFULLY SUBMITTED** this 11th day of February, 2009.

22 **MORRISON SKUPIN, PLLC**

23
24 By: s/R. Michael Skupin
25 R. Michael Skupin, Esq.
845 North 6th Avenue
Phoenix, Arizona 85003
Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that on February 11th, 2009, 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:

Rachel C. Hernandez, Esq.
Assistant U.S. Attorney
Two Renaissance Square
40 North Central Avenue
Suite 1200
Phoenix, Arizona 85004-4408

By s/ R. Michael Skupin

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

United States of America,

Plaintiff,

vs.

Jarrett B. Maupin, II,

Defendant.

No. **CR09-00052-001-PHX-DGC**

ORDER

Upon Defendant’s Motion to Extend Time for Filing of Pre-Trial Motions and to Continue Trial, the Government not objecting, and good cause appearing,

IT IS HEREBY ORDERED that the Defendant’s Motion to Continue Trial is granted/denied pursuant to 18 U.S.C. §3161(h)(8)(A) and (1)(F). This Court specifically finds that the ends of justice served by granting a continuance outweigh the best interest of the public and the Defendant in a speedy trial. This finding is based upon the Court’s conclusion that the failure to grant such a continuance would deny the Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS FURTHER ORDERED that the trial set for March 10, 2009 at 9:00 a.m. is continued to _____ at _____ a.m. in Phoenix, Arizona.

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IT IS HEREBY ORDERED extending the time to file pretrial motions to _____, 2009.

IT IS FURTHER ORDERED that excludable delay under Title 18 U.S.C. §3161(h) _____ will commence on _____ for a total of _____ days.

DATED this _____ day of _____, 2009.