

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	CASE NO. 8:08CR388
	)	
Plaintiff,	)	
	)	
v.	)	<b>MOTION TO EXTEND THE TIME</b>
	)	<b>IN WHICH TO FILE PRETRIAL</b>
	)	<b>MOTIONS</b>
DEJAY MONSON,	)	
	)	
Defendant.	)	

COMES NOW the Defendant, Dejay Monson, by and through his attorney Assistant Federal Public Defender Michael F. Maloney and moves the Court to extend the deadline for the filing of pretrial motions. In support of this motion, the defendant would show the Court the following:

1. The government has not yet fully complied with Rule 16 discovery due to delays caused by the investigating agency. Specifically, the defendant has not yet received the audio tape of his alleged telephone conversation(s) with the confidential informant. These conversations were referenced in the application for a search warrant and led to the search of the defendant's residence. Defense counsel needs to review this tape to determine whether there are any suppression issues that need to be addressed.

2. On December 29, 2008 the defendant received the audio tape of his interrogation. Defense counsel, after reviewing the tape, has identified issues which must be addressed in a motion to suppress. However, given both the late arrival of the tape and counsel's other commitments, he does not have sufficient time to properly research and prepare a brief in support of said motion to suppress.

3. Defense counsel has identified additional issues which need to be addressed in either a motion to suppress or a motion to dismiss which require further consultation with expert witnesses. Counsel will need additional time to conduct these consultations.

4. Counsel is requesting a minimum 45 day extension given that the defendant has not yet received full Rule 16 discovery and given the complexity of the issues which counsel needs to address in briefing the various motions. This amount of time is also requested given counsel's other January 2009 commitments. These commitments include participating in an Administrative Office of the United States Court's Working Group which will take counsel out of the office from January 6 through January 9, 2009. Counsel also has to prepare for and participate in a jury trial which begins on January 13, 2009. Additionally, counsel will be out of the office on annual leave from January 20 to January 21, 2009.

5. The defendant is aware that counsel will be requesting an extension of the motion date, the defendant has no objection to the same and joins in the request. The defendant has previously filed a Waiver of Speedy Trial and will file an additional Waiver of Speedy Trial to cover the period of time granted in any extension.

6. Assistant United States Attorney Kimberly Bunjer has advised counsel that the government has no objection to the requested extension.

WHEREFORE, the Defendant prays the Court to extend the date for filing pretrial motions to February 16, 2009.

DEJAY MONSON, Defendant,

By: s/ Michael F. Maloney

**MICHAEL F. MALONEY**

**Assistant Federal Public Defender**

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Kim Bunjer, Assistant United States Attorney, Omaha, NE.

s/ Michael F. Maloney