

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:08CR388
)	
Plaintiff,)	
)	AMENDED AND JOINT
vs.)	MOTION TO CONTINUE HEARING
)	
DEJAY MONSON,)	
)	
Defendant.)	

COMES NOW both parties to this matter, the United States of America as Plaintiff, by Kimber C. Bunjer, Assistant United States Attorney and Dejay Monson, by and through his attorney and moves this Court to continue the hearing scheduled in this case.

Good cause exists for this continuance as follows:

1. Defendant has recently retained counsel who needs additional time to become fully familiar with the complex facts and difficult legal issues associated with the pending motion to dismiss and to be able to render constitutionally effective assistance of counsel. This motion raises technical questions about whether certain plants seized by law enforcement officers were being propagated and cultivated or whether they are naturally growing feral hemp plants.

2. Counsel also needs additional time to fully assess the appropriateness of the pending motion in the context of a meaningful theory for the defense. As things stand today, Defendant is being required to litigate a motion filed by a previous attorney without having his present attorney be given sufficient time to properly prepare.

3. Defendant's federal public defender retained David P. West, Ph.D. to testify as an expert witness. Dr. West is a nationally recognized expert in plant breeding and plant

genetics with substantial experience with cannabis plants. He is qualified to serve as an expert witness in matters regarding the history, genetics and variations of cannabis, along with issues surrounding their propagation and cultivation. Assuming that Defendant goes forward with the pending motion, Dr. West would be an essential witness for the defense.

4. And Defendant is without funds to pay the fees and costs associated with the continued retention of Dr. West. Defendant believes that Dr. West is an essential witness in support of the motion as filed. Defendant has filed a motion seeking CJA funding to retain Dr. West so that he might continue to provide expert testimony in this case.

5. It is also possible that the defense would need additional expert testimony and evidence beyond that to be provided by Dr. West.

6. The Assistant United States Attorney has not been provided with Dr. West's CV or even a summary of his anticipated testimony.

7. The hearing is set for March 25, 2009, despite the fact that the AUSA informed the Court that she could not be available on that date. Defendant informed the Court that Dr. West, his expert witness, could not be available on the only other date suggested by the Court. That is, Dr. West is unavailable on April 3, 2009. Defendant's attorney is also scheduled to be out of the state on April 3, 2009.

8. Both parties believe that this important and serious felony criminal case is complex. Both parties believe that their attorney should be given additional time to prepare for the pending motion. Defendant has already submitted a signed waiver of speedy trial.

9. Defendant's wife is suffering from serious medical issues which consume an inordinate amount of time and attention by Defendant. He respectfully asks the Court to

continue the hearing, toll the speedy trial clock and give both parties an opportunity to prepare in a competent and professional manner.

Respectfully submitted,

/s/ Kimberly C. Bunjer

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