FILED

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

SEP 2 8 2012

UNITED STATES OF AMERICA

-VS-

CAUSE NO. A-12-CR-314-SS

JOHN RAFFLE (1) DAVID APPLEGATE (2)

ORDER

BE IT REMEMBERED on this the 27th day of September 2012, the Court reviewed the files in the above-captioned matter and specifically the unopposed motions for continuances filed by the defendants John Raffle and David Applegate on September 7, 2012, and after a conference call with counsel wherein counsel for each party expressed their views with regard to the extent of discovery necessary in this case and the length of time for preparation before the parties could be ready for trial (the government indicating that discovery would take months and a trial of at least three weeks) and defense counsel requesting at least one year for preparation and trial with no estimate as to the time it would take to try this case, the Court enters the following:

IT IS ORDERED that the Unopposed Motions for Continuances are GRANTED.

IT IS FURTHER ORDERED that all motions concerning matters not covered by the standing order previously entered must be filed before **April 12, 2013.** The responses to said motion shall be filed by **May 3, 2013.**

IT IS FURTHER ORDERED this case is SET FOR HEARING ON ALL PENDING MOTIONS AND FOR STATUS CONFERENCE at 9:00 a.m., Thursday, May 30, 2013, in

the United States Courthouse, Courtroom 2, 501 West Fifth Street, Austin, Texas. Please note: If a plea agreement is filed prior to this date, it will be heard on this date in lieu of the motions and/or status conference. Further note that any pretrial matters not heard on May 30, 2013 will extend into May 31, 2013.

The plea agreement deadline pursuant to the Federal Rules of Criminal Procedure 11(e)(5) and the holding of the Fifth Circuit Court of Appeals in <u>United States v. Ellis</u>, 547 F.2d 862 (5th Cir. 1977), is that any plea bargain or plea agreement entered into by the parties in this case shall be made known to the Court in writing prior to or on **May 24, 2013.** No plea bargain or plea agreement entered into after this date shall be honored by the Court without good cause shown for delay.

IT IS FURTHER ORDERED that this case is SET FOR JURY SELECTION AND TRIAL beginning **July 15, 2013** at 8:30 a.m. in the United States Courthouse, Courtroom 2, 501 West Fifth Street, Austin, Texas. Any further pretrial matters not disposed of at the motions hearing will be determined at 8:30 a.m. on this date.

Pursuant to the Speedy Trial Act, 18 U.S.C. 3161(h)(8)(A), the Court finds that the ends of justice served by allowing the defendants additional time for pretrial preparation outweighs the best interest of the public and the defendants in a speedy trial. The Court's basis for said finding is the parties represent that this is a complex case as defined in 18 U.S.C. § 3161(h)(8)(B), and the failure to grant the continuances would deny counsel for the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, the large amount of discovery to review, and the difficulty of accommodating the schedules of the lawyers. Therefore, the Court finds the time between

September 7, 2012, and July 15, 2013 is excludable under the Speedy Trial Act, 18 U.S.C. 3161(h).

IT IS FINALLY ORDERED that counsel for each defendant shall notify his client of all court settings, and, if the defendant is on bond, advise the defendant he must be present on the date and time specified in this order.

SIGNED this the 28 day of September 2012.

UNITED STATES DISTRICT JUDGE