

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	EP-07-CR-87-KC
	§	
LUIS POSADA CARRILES,	§	
	§	
Defendant.	§	

SCHEDULING ORDER

Having considered the “Government’s Motion for Setting of Trial Schedule and Date” (Doc. No. 129) and the Superseding Indictment (Doc. No. 133), and having heard argument from counsel at the status conferences held on April 7, 2009, and April 9, 2009, the Court **ORDERS** the following deadlines:

Discovery Deadline:	June 15, 2009
Dispositive and Substantive Motions Deadline:	June 25, 2009
Status Conference and Motion Hearing:	July 23, 2009, at 2:00 p.m.
Jury Selection:	August 10, 2009, at 8:30 a.m.
Trial:	August 10, 2009, at 8:30 a.m.

The Court further finds that: (1) the unavailability of witnesses and other factors resulting from the passage of time makes trial impractical within seventy days of March 23, 2009, the date the Supreme Court denied defendant’s petition for certiorari; (2) the defendant has waived any Speedy Trial rights he may have and has requested a trial date after the expiration of the seventy days, and (3) the interests of justice outweigh the interests of the Defendant and the public in a

speedy trial. This is an unusual and complex case. The nature of the prosecution and the potential of novel questions of fact and of law make it unreasonable to expect adequate preparation for trial at an earlier date. Taking into account the exercise of due diligence, the failure to grant a continuance might result in miscarriage of justice and an earlier date would deny counsel for the defendant and the government the reasonable time necessary for effective preparation. Therefore, the Court finds that the time from March 23, 2009, through August 10, 2009, is excludable time within the meaning of the Speedy Trial Act, 18 U.S.C. Section 3161.

SO ORDERED.

SIGNED on this 13th day of April, 2009.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE