

Judge Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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8	UNITED STATES OF AMERICA,	) NO. CR15-00391RAJ
9	Plaintiff,	)
10	vs.	) UNOPPOSED MOTION TO
11	SCHUYLER P. BARBEAU,	) CONTINUE TRIAL DATE AND
12	Defendant.	) PRETRIAL MOTIONS DEADLINE
		) Note for: January 7, 2016

The defendant, Schuyler P. Barbeau, by his attorney, Dennis Carroll, Assistant Federal Public Defender; requests that this Court continue the date set for trial from February 16, 2016 to June 15, 2016, and that the pretrial motions deadline be continued from January 11, 2016 to May 16, 2016. This motion is made for the following reasons:

1. On December 7, 2015, Mr. Barbeau made his initial appearance before the Honorable Mary Alice Theiler, after having been arrested on a one count Complaint charging him with Possession of an Unregistered Firearm, in violation of Title 26 U.S.C. §§ 5861(d) and 5845(a)(3). Mr. Barbeau was ordered detained at the December 14, 2015 detention hearing.

2. Mr. Barbeau was arraigned on December 21, 2015 and he plead not guilty to the charge. Trial was set for February 16, 2016, with pretrial motions due by January 11, 2016.

1           3. Additional time will allow the parties the time necessary to complete the  
2 exchange of discovery and discuss potential plea negotiations. Part of that process  
3 includes the defense fully and adequately discussing with Mr. Barbeau any and all  
4 factual and legal issues presented, as well as sentencing consequences so that he can  
5 make an informed and intelligent decision on how to proceed.

6           The Government has filed a motion for protective order regarding discovery. As  
7 a result, defense counsel has not been able to provide Mr. Barbeau a copy of discovery  
8 due to the pending motion for a protective order. The current motions deadline is  
9 January 11, 2106. Therefore, it is unreasonable to expect Mr. Barbeau, a defendant who  
10 very much wants to assist in his defense, to file all pretrial motions by the current  
11 motions date.

12           Furthermore, Mr. Barbeau's family is attempting to secure retained or volunteer  
13 counsel. His family has reported to Mr. Barbeau that it has contacted individuals  
14 regarding representation but it is still uncertain whether an attorney is willing to take  
15 the case.

16           Assistant United States Attorney Thomas Woods indicated that he does not  
17 oppose a continuance but may object to the length of time requested.

18           Undersigned counsel has a trial scheduled in Tacoma on May 23, 2016, a trial  
19 scheduled before Judge Robart on April 11, 2016, and a trial before Judge Martinez on  
20 March 14, 2016. Each of these cases is expected, at this time, to actually proceed to  
21 trial.

22           4. Accordingly, the ends of justice served by granting this continuance  
23 outweigh the best interests of the public and the defendant in a speedy trial. The failure  
24 to grant a continuance of the trial date would unreasonably deny defense counsel the  
25 reasonable time necessary for full investigation and effective preparation, taking into  
26 account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

1 5. Mr. Barbeau has agreed to a continuance of the trial date and is filing  
2 herewith an executed Waiver of Speedy Trial waiving her rights under the Sixth  
3 Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161 - 3174, through July 31,  
4 2016.

5 6. Accordingly, counsel request that the Court continue the trial from February  
6 16, 2016, to June 13, 2016, or such other time that the Court sees fit, consistent with the  
7 present motion and Mr. Barbeau's waiver of speedy trial, and that pretrial motions  
8 deadline be continued to May 16, 2016.

9 7. It is further requested that the Court find, for the purpose of computing the  
10 time limitations imposed by the Speedy Trial Act, that the period of delay from  
11 February 16, 2016 to the new trial date, is excludable time pursuant to 18 U.S.C. §§  
12 3161(h)(7)(A).

13 DATED this 6th day of January, 2016.

14 Respectfully submitted,

15 s/ Dennis Carroll

16 Dennis Carroll

17 Assistant Federal Public Defender

18 Attorney for Schuyler P. Barbeau

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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on the date below, I filed the foregoing with the Clerk of the  
5 Court using the CM/ECF system which will send notification of such filing to all  
6 registered parties.

7 DATED this 6th day of January, 2016.

8 s/ Kathleen Gilkey  
9 Kathleen Gilkey, Paralegal