



USA v. Evans

2019 | Cited 0 times | D. Nevada | August 30, 2019

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA UNITED STATES OF AMERICA,

Plaintiff, v. DAMON EVANS,

Defendant.

Case No. 2:19-mj-00528-EJY FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant Damon Evans currently resides in Indiana and has a state court that requires his immediate attention. The case is currently scheduled for a jury trial on October 17, 2019;
2. Additionally, it would be a financial hardship for Defendant to travel to Nevada at this time; and
3. Defendant does not object to a continuance;

CONCLUSIONS OF LAW The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(iv).

ORDER IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, September 4, 2019, at 9:00 a.m., be vacated and continued to at the hour of DATED this day of August, 2019.

UNITED STATES MAGISTRATE JUDGE

