



USA v. Thompson et al

2018 | Cited 0 times | D. Nevada | June 11, 2018

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St. Las Vegas, Nevada 89101 702.631.6111 Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA UNITED STATES OF AMERICA,)

2:16-cr-00230-GMN-CWH Plaintiff,)

STIPULATION TO CONTINUE vs.) SUPPLEMENTAL BRIEF DEADLINE DEVIN THOMPSON,)

Defendant.) _____)

IT IS HEREBY STIPULATED AND AGREED, by and between ROBERT KNIEF, Assistant United States Attorney, counsel for Plaintiff, and BENJAMIN DURHAM, counsel for Defendant, that the supplemental brief related to Defendants' Objections (ECF 164) and Defendant's Motion to Suppress (ECF 143), currently due on June 7, 2018, be continued two weeks until June 21, 2018.

This Stipulation is entered into for the following reasons: 1. On May 31, 2018, the Court ordered supplemental briefing after the Supreme Court issued its opinion in *Collins v. Virginia* (ECF 192). Counsel needs additional time to fully research and adequately brief the issues raised by this court. Per the court's order, counsel has already filed a stipulation to continue the trial date (ECF 194). The Defendant

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concur in this request.

2. The parties have conferred and agree to the continuance. 3. The additional time requested herein is not sought for purposes of delay, but to allow for adequate time to effectively research and prepare the supplemental brief.



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4. Additionally, denial of this request for continuance could result in a miscarriage of justice. 5. This is the first request to continue the instant deadline.

DATED this 6th day of June, 2018. BENJAMIN DURHAM LAW FIRM DAYLE ELIESON United States Attorney

/s/ Benjamin Durham /s/ Robert Knief _____
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA UNITED STATES OF AMERICA,)

2:16-cr-00230-GMN-CWH Plaintiff,)

vs.) DEVIN THOMPSON,)

Defendant.) _____)

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

1. On May 31, 2018, the Court ordered supplemental briefing after the Supreme Court issued its opinion in Collins v. Virginia (ECF 192). Counsel needs additional time to fully research and adequately brief the issues raised by this court. Per the court's order, counsel has already filed a stipulation to continue the trial date (ECF 194). The Defendant concurs in this request.

2. The parties have conferred and agree to the continuance. 3. The additional time requested herein is not sought for purposes of delay, but to



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allow for adequate time to effectively research and prepare the supplemental brief.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. This is the first request to continue the instant deadline.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the current deadline.

CONCLUSIONS OF LAW The ends of justice served by granting said continuance outweigh the best interest of the public, 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 supplemental briefing, taking into account the exercise of due diligence.

ORDER IT IS HEREBY ORDERED that the supplemental brief currently due on June , 2018 be continued to ,.

DATED this _____ day of , 2018.

----- UNITED STATES DISTRICT JUDGE