

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
V.)	Case No. 08-00023-02-CR-W-DW
)	
STEPHEN S. MILLER, et. al.,)	
)	
Defendant.)	
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UNOPPOSED MOTION TO CONTINUE TRIAL SETTING

COMES NOW, Lance D. Sandage, counsel for defendant Stephen S. Miller and moves this court for an order continuing this case from the March 23, 2009 trial setting. Undersigned counsel states the following in support.

SUGGESTIONS IN SUPPORT

1. Stephen S. Miller is charged with his wife, Sally Miller and the company he and his wife own, Chemnutra, Inc., in a twenty-seven count indictment alleging twenty-six counts of misdemeanor distribution of adulterated and/or misbranded food and a single felony count of conspiracy to commit wire fraud.

2. Defendants appeared for first appearance and arraignment of February 25, 2008. Both defendant Stephen Miller and defendant Sally Miller were released on \$10,000 unsecured appearance bond. Both remain on bond and have no pretrial violations.

3. This case is currently set to be tried beginning March 23, 2009.

4. A pretrial conference in this case is currently set for 9:40am on March 12, 2009 before the Honorable Magistrate Judge John Maughmer.

5. Defense counsel would request that the case be placed on the joint trial docket commencing **June 8, 2009**.

6. Defense counsel and counsel for the government are in continuing plea negotiations. Counsel believes that these negotiations will result in the resolution of this matter in the very near future. However, additional time is needed to finalize some of the unresolved issues.

7. Counsel does not believe any additional requests for a continuance will be needed in this case..

8. Undersigned counsel has talked to counsel for Sally Miller/Chemnutra, Inc, Robert Becerra, regarding this Motion to Continue and they join in the request.

9. Undersigned counsel spoke with AUSA Gene Porter regarding a continuance to the June 8, 2009 trial docket and the government has **no objection** to this trial setting given his current trial calendar.

10. Through discussions with the government, undersigned counsel anticipates that a trial would last approximately two weeks.

11. Defendant recognizes that pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B), no time delay resulting from this request for a continuance will be considered for purposes of the Speedy Trial Act.

WHEREFORE, for the reasons stated herein, defendant Stephen Miller prays for an order of this court continuing the trial from March 23, 2009 to June 8, 2009 or for whatever other relief this court deems just and proper.

Respectfully submitted,

THE SANDAGE LAW FIRM, P.C.

/s/ Lance D. Sandage
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ATTORNEY FOR STEPHEN S. MILLER

CERTIFICATE OF SERVICE

In accordance with Rule 49(a),(b), and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ.P., it is hereby CERTIFIED that one copy of the foregoing motion was electronically sent to AUSA Gene Porter, AUSA Joseph Marquez and to all defense counsel of record, this 3rd day of March, 2009.

/s/ Lance D. Sandage
Lance D. Sandage