

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 11-40046-08-RDR

SHAWN F. POLINSKEY,

Defendant.

O R D E R

This case is before the court upon defendant Polinskey's unopposed motion to extend the time for filing motions by 90 days. Upon review of the matter, the court shall grant a much shorter extension of time.

This case contains an indictment charging eight defendants, including defendant Polinskey, with conspiracy to distribute methamphetamine. There is a second count which charges two defendants other than Polinskey with distribution of methamphetamine.

The indictment in this case was filed June 1, 2011. On June 24, 2011, the court declared that this was a complex case and extended the time for filing motions to August 19, 2011. The court noted:

[T]his case is the result of investigations involving more than 50 other defendants. The investigations spanned approximately 19 months and involved multiple wiretap orders and other orders for the collection of electronic information or communication. There were approximately 30 search warrants executed in connection

with these investigations. The government estimates that the discovery to be disclosed in this case will exceed 50,000 pages and involve hundreds of hours of audio recordings. Given the number of defendants and the breadth and bulk of the discovery, the court believes this case qualifies as a complex case.

As of this date the discovery has not been shared with defense counsel. Yet, the current deadlines for filing pretrial motions are in a matter of days. Under these circumstances, the court believes that a failure to extend the time for filing pretrial motions would result in a miscarriage of justice and prevent counsel for defendants and for the government sufficient time to effectively prepare and to adequately represent their clients given the exercise of due diligence.

Doc. No. 48.

On August 18, 2011, the court extended the deadline for filing pretrial motions to December 16, 2011 for most of the same reasons given for the first extension of time. Doc. No. 65. On December 29, 2011, the court extended the time for filing pretrial motions to January 17, 2012. Doc. No. 99.

Defendant Polinsky was arraigned in this case on June 14, 2011. Seven months have passed since that time. Although the discovery record is massive and has been supplemented as time has passed, the court believes that less than 90 additional days is needed to prepare to file pretrial motions or to decide whether a plea agreement can be reached. Other defendants in this case and cases related to the overall investigation have made these kinds of decisions already. While it is not completely clear whether these other defendants and their counsel are ready to proceed with

pretrial motions at this point in time, the other defendants in this case have not asked for an extension of time to file motions or to join in defendant's motion. The court understands that there are debriefings and other pertinent information which continue to be developed and must be considered by defendant and counsel. But, the court believes counsel needs less time than requested to effectively review such material and represent his client.

Upon due consideration, the court shall grant defendant Polinsky time until February 3, 2012 to file motions. The government shall have time until February 10, 2012 to respond to the motions. The court shall conduct a hearing upon any motions on February 22, 2012 at 9:30 a.m.

The extension of time granted by this order shall be considered excludable time for purposes of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7). The court notes that defendant Polinsky is detained pending trial and is not a threat to the public.

IT IS SO ORDERED.

Dated this 24th day of January, 2012 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge