



Neither the Defendants nor the Government requested that they be given additional time to file a written response to the motion to continue.

The Court concludes that Defendant Benson's request for a continuance should be granted based on the recent addition of new charges through the Third Superseding Indictment; the recent appointment of current counsel for Defendant Benson; and the need for additional time to review the voluminous discovery and determine the necessity for filing pretrial motions. Accordingly, the Motion To Continue Trial Date (Docket No. 658) is GRANTED only as to Defendants Benson and Rivers.

The Court is mindful of the preference for jointly indicted defendants to be tried together in a conspiracy case unless there is a serious risk that a joint trial would compromise the specific trial right of one of the defendants. Fed. R. Crim. P. 14(a); Zafiro v. United States, 506 U.S. 534 (1993). In this case, however, a joint trial would implicate the interests of Defendants Benson and Rivers in being able to adequately prepare for trial, or implicate the interests of the remaining Defendants in a speedy trial. Balancing these interests warrants a severance of Defendants Benson and Rivers, and continuance of their trial to a later date to be set by contemporaneous order.

Accordingly, Defendant Smith's Motion For Speedy Trial (Docket No. 660) is MOOT. Defendant's Smith's Second Motion To Sever (Docket No. 661) is MOOT, and is denied without prejudice to being refiled as necessary.

The pretrial motion filing deadline for all Defendants going to trial on October 9, 2012 is extended to September 21, 2012.

It is so ORDERED.

  
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TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE