

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 3:06-cr-211(S2)-J-32HTS

TONY HENDERSON

**DEFENDANT HENDERSON'S MOTION TO
CONTINUE TRIAL TO DECEMBER, 2007 TRIAL TERM**

The defendant, Tony Henderson, by his counsel, moves to continue the trial of this case to the December, 2007 trial term, based on the following considerations:

1. A second superseding indictment was returned against defendant Tony Henderson on September 20, 2007. The new indictment adds a second conspiracy and two substantive counts charging distribution of marijuana.

2. In order to effectively represent Henderson, counsel needs more time. In addition to preparing for trial on these new charges, counsel needs to explore legal issues that have arisen as a result of the second superseding indictment. For example, counsel may file a motion to sever Counts One, Two, and Three (the new charges) from the remaining counts, and a motion to dismiss the new counts based on preindictment delay.

3. The request for the December, rather than the November, 2007 trial term is as a result of counsel's representation of Willie O'Neil Tucker, II, a second degree murder case, which is scheduled for November 5, 2007 before Circuit Judge John Merrett, as well as other considerations.¹

¹Those considerations are as follows: The Tucker case should take about one week. Assuming the Tucker case is to verdict, it would be difficult for counsel to try Henderson's case the week of November 12, having just come out of a serious murder trial. The week of November 19 is Thanksgiving week, and counsel has plans to be out of town (unless, of course,

4. Henderson, who is not in custody, has been consulted about this request to continue his case, and is in agreement with it.

5. Assistant U.S. Attorney Don Pashayan does not oppose this motion.

Respectfully submitted,

MARK J. ROSENBLUM, P.A.

s/Mark J. Rosenblum
Mark J. Rosenblum
Florida Bar No. 289175
500 North Ocean Street
Jacksonville, Florida 32202
Telephone: 904.354.6002
Facsimile: 904.354.6637
markrosenblumlaw@bellsouth.net
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following:

James R. Klindt, Esq. and D. J. Pashayan, Esq.
United States Attorney's Office

s/Mark J. Rosenblum

the Court sets the trial that week). Finally, it would be preferred that Henderson's case not be set during the week of November 26, to avoid having to take the file on vacation.