

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 08-00183-01/03

VS.

JUDGE JAMES

WILLIAM R. COENEN, JR., ETAL

MAGISTRATE JUDGE HAYES

JOINT MOTION TO CONTINUE TRIAL DATE

Comes now the United States of America, by and through the undersigned Assistant United States Attorney, and Defendants, by and through their undersigned counsel, who respectfully represent:

1.

Defendants WILLIAM R. COENEN, JR., MICHAEL L. THOMPSON and TERRY D. DENMON were indicted by the Federal Grand Jury on June 26, 2008, in a multi-count indictment alleging violations of 18 U.S.C. §§ 371, 1341 and 1346.

2.

Trial is currently fixed for April 12, 2010.

3.

The Government and Defendant jointly move to continue the April 12, 2010, trial setting upon showing that:

A.

Defendants are charged with “honest services” fraud in violation of 18 U.S.C. § 1341 and 1346.

B.

Currently pending before the Supreme Court is *Weyhrauch v. United States*, 08-1196, a case directly on point.

C.

Weyhrauch is set for oral argument on December 8, 2009.

D.

It is unlikely that the Supreme Court will rule on this case prior to the currently scheduled trial date. It is even less likely that the Supreme Court will rule and the parties will have time to digest the ruling and present argument to this Court on the impact of the decision on this pending matter.

4.

The parties propose that the trial be continued without date pending resolution of Weyhrauch.

5.

A continuance of the trial setting beyond a date which would normally be selected under the Speedy Trial Act is in the interest of justice and due process. In consideration of Title 18, United States Code, Section 3161 [18 U.S.C. § 3161], it is submitted that the interests of justice outweigh any deleterious effect on the public's, the Defendants' and the Government's rights to a prompt and speedy trial which may result from a delay in the beginning of the trial of this case.

6.

Wherefore, it is requested that the Court enter an Order continuing the trial without date.

Respectfully submitted this 3rd day of November, 2009.

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