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AUG 11 2009	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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5 **Attorney for Defendant**

6 IN THE UNITED STATES DISTRICT COURT  
7 DISTRICT OF ARIZONA

**SEALED**

8 United States of America,	)	Case No. CR 08-0814-PHX-DGC
	)	
9 Plaintiff,	)	
	)	MOTION TO CONTINUE TRIAL
10 vs.	)	
	)	
11 Daniel David Rigmaiden,	)	
	)	
12 Defendant.	)	
	)	

13

14 COMES NOW the Defendant, Daniel David Rigmaiden, by and  
15 through undersigned counsel, and respectfully moves to continue  
16 the trial in this matter presently set for the 11<sup>th</sup> day of August,  
17 2009, for approximately sixty (60) days. Undersigned counsel has  
18 just been assigned to this case. There are tens of thousands of  
19 discovery documents that must be reviewed and discussed with the  
20 defendant, and possible avenues of investigation may need to be  
21 pursued. In addition, as discovery is reviewed, counsel must  
22 determine whether any pretrial motions might be applicable. Thus,  
23 additional time is necessary to accomplish the above in order to  
24 be properly prepared for trial.

25 For the reasons stated above, it is also requested that  
26 the Court extend the deadline for filing pretrial motions an  
27 equivalent amount of time.

28 Failure to grant the requested continuance would deny


1 counsel for the Defendant the reasonable time necessary for  
2 effective preparation, taking into account the exercise of due  
3 diligence (18 U.S.C. § 3161(h) (8) (B) (iv)).

4 Assistant United States Attorney Frederick Battista has  
5 no objection to this request. There are no codefendants.

6 Excludable delay under 18 U.S.C. § 3161(h) (8) will occur  
7 as a result of this Motion or from an Order based thereon.

8 RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of August, 2009.

9 PHILIP A. SEFLOW, ESQ.

10  
11 By:   
12 Philip A. Seplow, Esq.  
13 Attorney for Defendant

14 A copy of the foregoing mailed/delivered  
15 this 11<sup>th</sup> day of August, 2009, to:

16 Honorable David G. Campbell  
17 United States District Judge

18 Frederick Battista, Esq.  
19 Assistant United States Attorney  
20 40 North Central - Suite 1200  
21 Phoenix AZ 85004

22 Mr. Daniel Rigmaiden  
23 Reg# 10966111  
24 CCA  
25 P O Box 6300  
26 Florence AZ 85232  
27 Defendant

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