

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-227-A

RICHARD PETIX,

Defendant.

SPEEDY TRIAL ORDER

(December 21, 2015, through February 24, 2016)

On December 21, 2015, the parties appeared before the Court for detention hearing. Assistant United States Attorney Wei Xiang appeared on behalf of the government; the defendant appeared personally and by attorney Michael D. Flowerday (for attorney Stephen M. Leonardo). The Court scheduled the following deadlines:

1. Voluntary discovery shall be completed by January 20, 2016;
2. Pretrial motions shall be filed by February 24, 2016;
3. Responses to pretrial motions shall be filed by March 10, 2016; and
4. Oral arguments on pretrial motions shall be held on March 15, 2016.


With the consent of counsel for the defendant, the Court excluded the time in this action from and including December 21, 2015, to and including February 24, 2016, as being in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial under Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

Specifically, and for the reasons set forth above, the Court determines that the public's interests in conserving resources by avoiding the time and expense of both a trial and a likely appeal combined with the certainty of conviction obtained through a plea of guilty by defendant outweigh the public's interest in a speedy trial. Furthermore, the defendant's interests in obtaining the benefit of a lesser sentence which would likely accompany a pretrial disposition of this matter, in obtaining additional items of discovery necessary to inform defendant's decision whether to plead guilty, and in securing the effective assistance and continuity of counsel outweighs the interest of the defendant in a speedy trial.

If pretrial motions are filed on or before February 24, 2016, the period of time from the filing of said motions through March 15, 2016, will further be excluded under Title 18, United States Code, Section 3161(h)(1)(D).

NOW, it is hereby **ORDERED** that the time in this action from and including December 21, 2015, to and including February 24, 2016, is properly excluded from the time within which trial must commence, in accordance with the Speedy Trial Act, under Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court further finds that, as of February 24, 2016, zero days of Speedy Trial Act time will have elapsed and 70 days remain in the period under the Speedy Trial Act within which trial must commence.

DATED: Buffalo, New York, December 23, 2015.



HONORABLE HUGH B. SCOTT
United States Magistrate Judge