

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

CASE NO. 15-CR-227-A

-vs-

ATTORNEY DECLARATION IN
SUPPORT OF MOTION

RICHARD PETIX,

Defendant.

I, Stephen M. Leonardo, having been duly admitted to practice law in the Western District of New York, do hereby declare:

1. I am an attorney duly licensed to practice in the United States District Court for the Western District of New York.
2. I represent the defendant, Richard Petix.
3. I make this motion in support of Petix's request for an extension of time to June 29, 2016 to file *omnibus* motions on Petix's behalf.
4. Under the current scheduling order, Petix's *omnibus* motions were due May 25, 2016.
5. The reason for this request is that, on Mr. Petix's behalf, I have been involved in discussions with Wei Xiang, Esq., AUSA about a possible resolution of this case short of trial. I need more time to consider the currently proposed resolution, discuss it with my client, and have further discussions with Mr. Xiang in order to determine we will be able to dispose of the case by negotiated disposition.
6. Accordingly, it is respectfully requested that Court grant an order extending the defendant's time to file *omnibus* motions to June 29, 2016, and that

the schedule for the government's response, the defendant's reply, and the argument of motions be modified accordingly.

7. Mr. Xiang has no objection to our request for an extension of time.

8. Petix agrees to an exclusion of time from under the Speedy Trial Act to the extent the Speedy Trial clock is impacted by this request for an extension.

WHEREFORE, it is respectfully requested that the Court grant an order modifying the current scheduling order by extending Petix's time to file *omnibus* motions and, if necessary, modifying the dates for responses, replies, and oral argument; and that the Court grant such other, further and different relief, as to the Court may seem just and proper.

Dated: May 24, 2016

/S/ STEPHEN M. LEONARDO
Stephen M. Leonardo

30 West Broad Street, Suite 500
Rochester, New York 14614
Telephone: [585] 546-6680
Email: sml@frontiernet.net