

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 19-MJ-30 KBM

ZACHARIAH STANLEY JOE,

Defendant.

**UNOPPOSED MOTION TO CONTINUE GRAND JURY PRESENTMENT**

COMES NOW Defendant Zachariah Stanley Joe, by and through his counsel of record, Assistant Federal Public Defender Melissa Ayn Morris, and moves this Court for an Order extending the time within which to present this case to the grand jury and cause an indictment to be filed. The grounds for this continuance are as follows:

1. The parties are engaged in pre-indictment negotiations at this time. The parties have been working diligently to resolve the case by way of plea agreement, and require more time to determine whether the proposed resolution is feasible. It is believed that a negotiated resolution of this matter may be possible and that additional time is necessary to pursue such negotiations.
2. The parties are close to reaching a resolution, but need additional time. The government has made a plea offer, and Mr. Joe requires more time to consider the offer.

3. The Defendant understands his right to have his case presented to a grand jury within 30 days of his arrest pursuant to 18 U.S.C. § 3161 (b). But he is nonetheless willing to waive that right for 60 more days to pursue pre-trial negotiations. The Defendant understands that, if the parties cannot reach an agreement, this case will be presented to a grand jury at a later date.
4. Counsel for the government, David P. Cowen, does not oppose this motion.

The Defendant hereby requests a continuance of grand jury presentment for a period not to exceed 60 days from the date of the expiration of the initial 30 days. By that, Defendant requests that there be an additional 60-day period of excludable time, for a total of 300 days, for the purposes of determining compliance with the speedy indictment provision of 18 U.S.C. § 3161 (b). It is further requested that an Order be entered providing that this time period shall be excluded from speedy indictment time computation pursuant to 18 U.S.C. § 3161 (h)(7)(A).

Respectfully submitted,

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\_\_\_\_\_/s [Electronically filed]  
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