

Chief Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON SMITH,

Defendant.

NO. MJ19-261PLM

**JOINT MOTION TO EXTEND TIME TO  
INDICT FOR 60 DAYS**

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Thomas M. Woods, Assistant United States Attorney for said District, and Jason Smith, and through his counsel, Stephen Plowman, respectfully moves to continue the time to obtain a speedy indictment for 60 days. On June 28, 2019, the defendant was arrested by complaint, charging him with being a felon in possession of ammunition. Under the current schedule, the government has until July 28, 2019 in order to obtain a timely indictment.

On July 9, 2019, Mr. Plowman made an appearance for the defendant, relieving the Office of the Federal Public Defender. Mr. Plowman and Assistant United States Attorney Woods have discussed various aspects of the case, including whether additional charges will be filed. The defense wishes time to review discovery (which will be forthcoming shortly), explore potential defenses, speak with the government about the

1 case, and otherwise prepare for the case, prior to the time that an indictment is returned.  
2 In light of the change in counsel, and the complexity of the case, these steps cannot  
3 reasonably occur, even with the exercise of due diligence, by the current indictment  
4 deadline. Thus, the parties request that the Court extend the indictment deadline by 60  
5 days, until September 26, 2019. The parties do not anticipate asking for any further  
6 extensions of the indictment deadline.

7 DATED: July 15, 2019

8 Respectfully submitted,

9 BRIAN T. MORAN  
10 United States Attorney

11 *s/ Thomas Woods*

12 THOMAS WOODS  
13 Assistant United States Attorney  
14 United States Attorney's Office  
15 700 Stewart Street, Suite 5220  
16 Seattle, Washington 98101

17 *s/ Stephen Plowman*

18 STEPHEN PLOWMAN  
19 Attorney for Jason Smith  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

s/ Salee Porter  
SALEE PORTER  
Paralegal  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
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Phone: (206) 553-4345  
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Chief Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

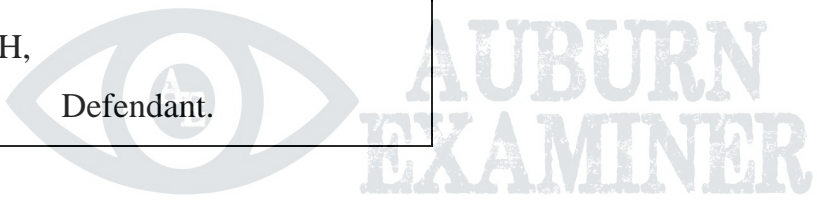
v.

JASON SMITH,

Defendant.

NO. MJ19-261PLM

**(PROPOSED) ORDER EXTENDING  
TIME TO INDICT FOR 60 DAYS**



The COURT, having considered the parties' motion, hereby finds as follows:

1. On June 28, 2019, the defendant was arrested by a complaint, charging him with being a felon in possession of ammunition. Under the current schedule, the government has until July 28, 2019 in order to obtain a timely indictment.

2. On July 9, Mr. Plowman made an appearance for the defendant, relieving the Office of the Federal Public Defender. Mr. Plowman and Assistant United States Attorney Woods have discussed various aspects of the case, including whether additional charges will be filed. The defense wishes time to review discovery (which will be forthcoming shortly), explore potential defenses, speak with the government about the case, and otherwise prepare for the case, prior to the time that an indictment is returned.

In light of the change in counsel, and the complexity of the case, these steps cannot

1 reasonably occur, even with the exercise of due diligence, by the current indictment  
2 deadline.

3 3. Extending the time for indictment in this case would allow defense counsel  
4 to conduct his necessary investigation, and allow him time to prepare his defense.  
5 Extending the time for indictment also may facilitate a resolution of this matter.

6 4. In light of the foregoing, pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends  
7 of justice served by extending the time for indictment in this case outweigh the interest of  
8 the public and of the defendant in a more speedy indictment in this matter.

9 5. Accordingly, IT IS ORDERED that the time for indictment in this case  
10 shall be extended to September 26, 2019, and that the period of time from the date of this  
11 Order until September 26, 2019, shall be excludable time under 18 U.S.C. §  
12 3161(h)(7)(A).

13 DATED this \_\_\_\_\_ day of July, 2019.



AUBURN  
EXAMINER

\_\_\_\_\_  
BRIAN A. TSUCHIDA  
Chief United States Magistrate Judge

18 Presented by,

19  
20 s/ Thomas Woods  
THOMAS WOODS  
21 Assistant United States Attorney

22 s/ Stephen Plowman  
23 STEPHEN PLOWMAN  
24 Attorney for Jason Smith

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7 WESTERN DISTRICT OF WASHINGTON  
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JASON SMITH,

14 Defendant.  
15

NO. MJ19-261PLM

**WAIVER OF SPEEDY INDICTMENT**

16 Having been informed by my attorney of my right to a speedy indictment under  
17 the Sixth Amendment to the United States and the Federal Speedy Trial Act, I do hereby  
18 knowingly and voluntarily agree to waive that right, and consent to a continuance of the  
19 time to indict through and including September 30, 2019, in order for my attorney to have  
20 sufficient time to provide effective representation, and otherwise to effectively represent  
21 my interests.

22 Dated this 7/9 day of July 2019.  
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26   
27 JASON SMITH  
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