

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) No. 06 CR 964
) Chief Judge James F. Holderman
)
 MICHAEL E. KELLY)
)

ORDER

Upon the government's application, at the defendant's request and with the defendant's agreement, under Title 18, United States Code, Section 3161(h)(8)(A), for a sixth exclusion of time in computing the time within which an information or indictment must be filed and an extension of time to seek the return an indictment or file an information in the above-captioned cause,

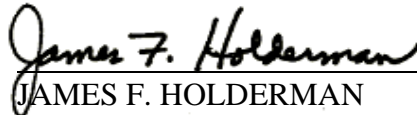
IT IS HEREBY ORDERED that time is excluded from computing the time within which to file an indictment or information against the named defendant and the time to file an indictment or information is extended to and including January 11, 2008. The Court finds that the ends of justice served by the extension to January 11, 2008, outweigh the best interests of the public and the defendant in a speedy trial for the following reasons:

1. The failure to grant such an extension would likely result in a miscarriage of justice;
2. It would be unreasonable, in the absence of an extension, to expect return and filing of an indictment in the time period specified in Section 3161(b) because of the time that the arrest occurred, because of the foreign location of a significant amount of the evidence, and

because the facts upon which the grand jury must base its determination are complex concerning the nature of the prosecution; and

3. The failure to grant such an extension to January 11, 2008 under the circumstances would deny the attorneys for the defendant and the government reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

ENTERED:

A handwritten signature in black ink that reads "James F. Holderman". The signature is written in a cursive style with a large initial "J".

JAMES F. HOLDERMAN
Chief Judge
Northern District of Illinois

DATED: November 7, 2007