

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

FILED
AT LAS CRUCES

FEB 28 2006

MATTHEW J. DYNAMIAN
CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

v. Army Helicopter Accident,)

Defendant.)

No. 06- 3655 - M

**WAIVER OF PRELIMINARY HEARING AND
CONTINUANCE OF GRAND JURY PRESENTMENT
ORDER TOLLING SPEED TRIAL TIME COMPUTATION**

1. I am the defendant in this criminal proceeding.
2. I understand that I am entitled to a preliminary hearing but I agree to waive my right to that hearing in exchange for the following:

Pre-indictment discovery ✓

Pre-indictment plea negotiations ✓

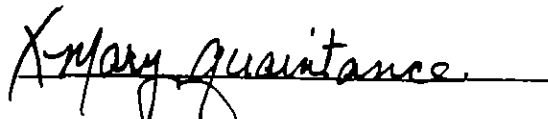
3 I understand that I have a right to have my case presented to a grand jury within thirty (30) days of my arrest pursuant to 18 U.S.C. § 3161(b).

4. I hereby request a continuance of grand jury presentment for and additional period not to exceed seventy-five (75) days from the date of my arrest for a total on one hundred-five (105) days. By that I mean that there be a seventy-five (75) day period of excludable time for the purposes of determining compliance with speedy indictment provision of 18 U.S.C. § 3161(b). I further request that an order be entered

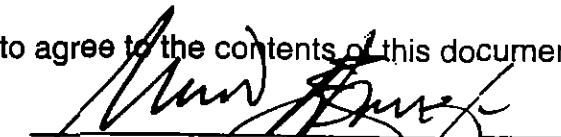
9.

providing that this time period shall be excluded from speedy indictment time computation pursuant to 18 U.S. C. § 3161(h)(8)(A).

5. If I cannot reach an agreement with the United States Attorney's Office, I understand that my case will be presented to a grand jury at a later date, consistent with this waiver.


DEFENDANT

I have reviewed the foregoing document in English/Spanish with my client and represent to the Court that he/she understands it. I further represent to the court that I believe it is in my client's best interest to agree to the contents of this documents.


ATTORNEY FOR DEFENDANT
Date: 2/20/06

ORDER TOLLING SPEEDY TRIAL COMPUTATION

The Court having reviewed the foregoing document with the defendant in open court now finds that the ends of justice served by allowing the request to toll the speedy indictment computation outweigh the interest of the defendant and the public in a speedy indictment. The Court expressly finds that the public's interest in a speedy indictment is outweighed by the (1) the public's interest in a reasonably expeditious resolution of the case; (2) the public's interest in relieving the burden that would be placed on judicial, prosecutorial, defense, and law enforcement resources if the case proceeded to a preliminary examination and/or speedy indictment; and (3) the potential benefit conferred upon the defendant in an expedited resolution of the case. It is therefore, **ORDERED, ADJUDGED, AND DECREED** that a period of time not to exceed seventy-five (75) days is hereby excluded from the computation of a speedy indictment [18 U.S.C. § 3161 (b)] pursuant to 18 U.S.C. § 3161(h)(8)(A).


United States Magistrate Judge