

**UNITED STATES COURT OF APPEALS
FOR SIXTH CIRCUIT**

UNITED STATES OF AMERICA,)	
Plaintiff-Appellee)	
Cross-Appellant,)	
)	
v.)	No. 08-6465 & 08-6503
)	
TIMOTHY RYAN RICHARDS,)	
Defendant-Appellant)	
Cross-Appellee.)	

**APPELLANT’S MOTION TO EXTEND DEADLINE
FOR FILING FIRST BRIEF**

COMES NOW the Defendant-Appellant, Cross-Appellee, **Timothy Ryan Richards**, by and through his undersigned counsel, and pursuant to F.R.App.P. 26(b) and 6th Cir.R. 8(b), hereby requests that the Clerk of the Court act on behalf of this Honorable Court by enlarging the time within which the Defendant-Appellant may file his First Brief in the above-captioned case from April 15, 2009 to, and including, June 30, 2009. In support hereof, Defendant-Appellant states as follows:

1. The First Proof Brief in this consolidated cross-appeal is presently due to be filed on Wednesday, April 15, 2009.

2. This appeal arises from the denial of a series of pretrial motions following protracted pretrial litigation and a judgment of conviction following a three

(3) week jury trial. The Appellant was thereafter sentenced to a term of sixteen (16) years incarceration. The transcript in this case is in excess of 3,000 pages in length. There are 397 docket entries associated with this case in the district court in this single defendant case. Reviewing the trial record, narrowing the issues for appeal, completing the necessary research and writing to assemble the First Brief is a massive undertaking and additional time is needed.

3. Although undersigned counsel has already devoted a considerable amount of time to this appeal, the sheer magnitude of the record coupled with undersigned counsel's extremely busy day-to-day trial practice has simply made it impossible to complete the First Brief by the appointed time. Undersigned counsel has four (4) trials scheduled to begin between the date of this filing and June 2, 2009. Additionally, undersigned counsel will be out-of-town for several days at the beginning of May for a presentation at the Sixth Circuit Judicial Conference on May 6, 2009. One of undersigned counsel's upcoming trials involves the presentation of a significant amount of defense proof including the testimony of four (4) experts in various scientific fields. Undersigned counsel's preparation for all of the aforementioned trials and commitments has made it impossible to complete the First Brief by the April 15, 2009 deadline. Likewise, undersigned counsel will be unavailable to work on the First Brief until after the early June trial concludes. For

all of these reasons, undersigned counsel requests an enlargement of the filing deadline for the First Brief to, and including, June 30, 2009.

4. This is the first Briefing Schedule issued in this case and none of parties to this litigation have previously requested an extension of time in this matter.

5. Counsel for the government, AUSA Carrie Daughtrey, has authorized undersigned counsel to report that the government does not oppose this Motion or the requested length of the enlargement.

6. This Motion is timely filed.

WHEREFORE, the premises considered, Defendant-Appellant, Cross-Appellee Richards respectfully requests that the time for filing his First Brief be enlarged from April 15, 2009 to, and including, June 30, 2009.

Respectfully submitted,

s/ Kimberly S. Hodde
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Counsel for Defendant-Appellant
Richards

CERTIFICATE OF SERVICE

A copy of the foregoing Motion was sent via the ECF to the following:

Carrie Daughtrey
U.S. Attorney's Office
110 Ninth Ave. South
Suite A961
Nashville, Tennessee 37203-3870

this 13th day of April, 2009.

s/ Kimberly S. Hodde _____
Kimberly S. Hodde