

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
)	
v.)	CRIMINAL No. 2:13-CR-205-DBH-01
)	
THEODORE THOMES,)	
)	
DEFENDANT)	

ORDER ON DEFENDANT’S PENDING MOTIONS

On May 22, 2014, the defendant Theodore Thomes filed an Opposition to Co-Defendant’s Motion to Continue; Motion to Sever Defendants for Trial Purposes; A Final Alternative to Reopen Detention Proceedings in this Matter. (ECF No. 79). I treat this filing also as an objection to Magistrate Judge Rich’s Speedy Trial Order of May 19, 2014, granting the co-defendant Renee Thomes’s motion for continuance from the June trial list. On May 29, 2014, the government filed its response to the Opposition/Objection (ECF No. 83) and the co-defendant Renee Thomes filed her own motion to sever (ECF No. 81). I **OVERRULE** the Opposition/Objection to the continuance from the June trial list that Judge Rich granted, because it is necessary that I consider the merits of the co-defendant Renee Thomes’s motion to sever before I can determine whether this defendant should proceed to trial earlier and alone. (This defendant’s alternative motion to sever is based solely upon his expressed desire to avoid

delay, rather than upon concerns about the nature of a joint trial.) The co-defendant Renee Thomes's May 29, 2014, filing of a motion to sever stops the Speedy Trial Clock regardless. United States v. Casas, 425 F.3d 23, 31 (1st Cir. 2005). The defendant's own filing on May 22, 2014, probably stopped the clock as well.

I **DEFER** ruling on the defendant Theodore Thomes's concurrent motion to sever until his co-defendant's motion to sever is fully briefed.

The motion to reopen detention proceedings is **DENIED** for the reasons that Judge Rich stated in denying that same motion on April 15, 2014.

SO ORDERED.

DATED THIS 30TH DAY OF MAY, 2014

/s/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET No. 2:13-CR-205-DBH-01**

United States of America

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v.

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