

**Appendix C – Motion for Continuance**

**REPUBLIC OF LIBERIA, IN THE \_\_\_\_\_ CIRCUIT, CRIMINAL ASSIZES  
\_\_\_\_\_ COUNTY, SITTING IN ITS,  
\_\_\_\_\_ TERM**

**Before His Honour: \_\_\_\_\_, Resident Circuit Judge**

\_\_\_\_\_ Movant ) ACTION  
Versus ) **DEFENDANT’S MOTION TO**  
**CONTINUE**  
Republic of Liberia, Respondent )  
Growing out of the Case:  
Republic of Liberia, Plaintiff )  
Versus )  
Defendant, \_\_\_\_\_ )

**DEFENDANT’S MOTION TO CONTINUE**

NOW COMES Defendant, \_\_\_\_\_, by and through his  
attorney of record, Public Defender, \_\_\_\_\_, and respectfully  
moves this

Honorable court for an order continuing the trial date in this matter  
to \_\_\_\_\_.

This request is based upon the following facts and law:

Defendant was arrested on \_\_\_\_\_. He is in being held in custody at  
\_\_\_\_\_. The alleged offense occurred in \_\_\_\_\_. The Court  
appointed  
counsel on \_\_\_\_\_. Counsel is from the Office of the Public  
Defender  
located at \_\_\_\_\_.

Defense counsel requested discovery on \_\_\_\_\_. The prosecution has

not yet complied with its discovery obligations and defense counsel has not received evidence in this case. Without discovery, defense counsel will be unable to adequately investigate the case against the defendant. Therefore, defense counsel requests that the Court order the prosecution to produce discovery by \_\_\_\_\_ and reschedule the trial to \_\_\_\_\_, to allow defense counsel to meaningfully prepare for trial.

The Liberian Constitution guarantees defendants the right to due process and effective assistance of counsel. The Supreme Court of Liberia has held that a circuit court's failure to grant defense counsel a continuance to prepare for trial is reversible error. *See*, Supreme Court of Liberia Order which was issued on July 23, 2009 growing out of the case of the Republic of Liberia vs. Jerry Washington attached as Exhibit A. Precedent compels this Court to grant this motion. Moreover, granting this motion will promote the interests of justice and will not prejudice the prosecution.

Respectfully Submitted

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Counsel for Defendant,

REPUBLIC OF LIBERIA, IN THE \_\_\_\_\_ CIRCUIT, CRIMINAL ASSIZES  
\_\_\_\_\_ COUNTY,  
\_\_\_\_\_ TERM

Before The Honroable: \_\_\_\_\_ Resident Circuit Judge

\_\_\_\_\_ Movant, ) ACTION  
Versus ) **PROPOSED ORDER**  
**TO**

**CONTINUE THE TRIAL**

Republic of Liberia, Respondent )  
Growing out of the Case: )  
Republic of Liberia, Plaintiff )  
Versus )  
Defendant, \_\_\_\_\_ )

NOW COMES this Honorable Court and having been informed that, despite defense counsel's best efforts to prepare, for trial, through no fault of his own he must have aditioanl time to prepare for trial in order to provide for the Due Process rights of the defendant consistent with the requirements of the Code for the Moral and Ethical Conduct for Lawyers and The Liberian Constitution's guarantee of Due Process for all individuals charged with crimes.

NOW , THEREFORE it is ordered that the trial of this matter is continued to \_\_\_\_\_ (date) to permit the Defense to adequately prepare for trial.

This is consistent with the holding of the Supreme Court of Liberia which was issued on July 23, 2009 growing out of the case of the Republic of Liberia vs. Jerry Washington, a copy of which attached to defendants motion for a continuance.

In the event that the defendant needs additional time to prepare beyond what is authorized by this order a separate additional application shall be made.

ORDERED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

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Circuit Court Judge