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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**JOHN ELDON RIMMASCH and
WASATCH RAILROAD CONTRACTORS,**

Defendants.

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Criminal No. 21-CR-138-J

GOVERNMENT’S MOTION TO CONTINUE TRIAL DATE

The United States respectfully moves the court for an order continuing the trial date of February 14, 2022, due to the absence of essential witnesses. The government’s attempts to locate said witnesses have been unproductive.

Government witnesses, Darrell J. Hollon and Christopher Hollon, were served with subpoenas requiring their attendance at trial in the above captioned matter, beginning February 14, 2022. The United States made contact with these witnesses on January 27, 2022 and February 1,

2022. Both witnesses were cooperative and agreed to communicate with the government to coordinate their travel from Kentucky to Wyoming for trial. Attempts to contact the witnesses this week have been unsuccessful, as both witnesses' phone numbers are no longer in service. Furthermore, this week, an agent traveled to Kentucky to attempt to physically locate Darrell J. Hollon, to no avail. Thus, his whereabouts are unknown and cannot be determined by due diligence. Darrell J. Hollon and Christopher Hollon offer crucial testimony about the asbestos abatement work performed during the restoration of the railcar at issue in this matter. Thus, these witnesses are material to the government's case.

The government respectfully requests a reasonable continuance in this matter to allow time to locate Darrell J. Hollon and Christopher Hollon and to secure their essential appearance at trial. Additionally, the United States respectfully requests the court exclude any period of delay caused by the continuance pursuant to 18 U.S.C. § 3161(h)(3)(A)(B).

Counsel for the government has been in touch with defense counsel. The Defendants do not oppose the government's motion to continue.

THEREFORE, the government respectfully requests this court to grant a continuance in this matter.

DATED this 10th day of February, 2022.

Respectfully submitted,

L. ROBERT MURRAY
United States Attorney

By: /s/ Stephanie I. Sprecher
STEPHANIE I. SPRECHER
Assistant United States Attorney

/s/ Richard H. Baird
RICHARD H. BAIRD
Special Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2022, the foregoing **Government's Motion to Continue Trial Date** was electronically filed and consequently served on defense counsel.

/s/ Vickie L. Smith

UNITED STATE'S ATTORNEY'S OFFICE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

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**JOHN ELDON RIMMASCH and
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Criminal No. 21-CR-138-J

ORDER GRANTING MOTION TO CONTINUE TRIAL DATE

On February 10, 2022, the United States filed its Motion to Continue Trial Date in this case from February 14, 2022. As good cause for the motion, the government has informed the court that attempts to contact two essential witnesses (Darrell J. Hollon and Christopher Hollon) this week have been unsuccessful, and their whereabouts are unknown and cannot be determined by due diligence. Therefore, a continuance is necessary to secure the witnesses' presence for trial. 18 U.S.C. § 3161(h)(3)(A)(B).

Based on the facts and circumstances reflected in the government's motion for a continuance, the court **FINDS** that the continuance should be **GRANTED** and the ends of justice served by granting the requested continuance outweigh the best interest of the public. It is therefore in the best interest of justice to continue the trial until the presence of the essential witnesses is secured.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the government's Motion to Continue Trial Date be and the same is hereby **GRANTED**. This

matter is continued due to the absence of essential witnesses Darrell J. Hollon and Christopher Hollon. 18 U.S.C. § 3161(h)(3)(A)(B).

IT IS FURTHER ORDERED that the trial date of February 14, 2022, is **VACATED** and will be rescheduled to commence at a future date and time set by the court.

IT IS FURTHER ORDERED that the time period from the date of this Order up to and including the trial date shall be and is hereby excluded in computing the time under the Speedy Trial Act within which trial in the matter must commence.

DATED this _____ day of February, 2022.

BY THE COURT:

THE HONORABLE ALAN B. JOHNSON
U.S. DISTRICT COURT JUDGE