

IN THE UNITED STATES DISTRICT COURT NOV 02 2004

FOR THE DISTRICT OF IDAHO

Cameron S. Burke
Clerk, Idaho

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 PEDRO DUENAS-RIVERA,)
)
 Defendant.)
 _____)

Case No. CR-04-085-E-BLW

**ORDER GRANTING ORAL
MOTION FOR CONTINUATION
OF TRIAL AND PRETRIAL
CONFERENCE**

The Court has before it an oral motion to continue the trial, made by the Defendant at the pretrial conference on October 28, 2004 (Docket No. 31). The defendant requests additional time so that his newly-appointed counsel will have adequate time to prepare for trial. Defense counsel requests a sixty-day continuance, and the Court finds that a continuance until **January 3, 2005**, would be reasonable given the complexities of this case.

Under these circumstances, the Court finds that a continuance is needed to give newly-appointed defense counsel an opportunity to provide an effective defense. Thus, a continuance is warranted under 18 U.S.C. § 3161(h)(8)(B)(iv), which authorizes a finding of excludable time when the refusal to grant a

continuance would “deny counsel for the defendant . . . the reasonable time necessary for effective preparation” Under these circumstances, the interests of justice in allowing the defense time for effective preparation outweighs the Defendant’s and the public’s interest in a speedy trial under 18 U.S.C. § 3161(h)(8)(A).

The statements of defense counsel establish that the trial should be reset on **January 3, 2005 at 1:30 p.m.** The Court finds that the period of time between the present trial date and the new trial date is excludable time under the Speedy Trial Act. Accordingly,

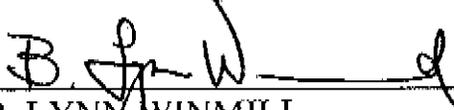
NOW THEREFORE IT IS HEREBY ORDERED, that the Oral Motion for Continuance (Docket No. 31) filed by Defendant be, and the same is hereby, GRANTED, and that the present trial date be VACATED, and that a new trial be set for **January 3, 2005 at 1:30 p.m.** in the U.S. Federal Courthouse in **Pocatello, Idaho.**

IT IS FURTHER ORDERED, that the period of time between the prior trial date and the new trial date be deemed EXCLUDABLE TIME under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

IT IS FURTHER ORDERED, that the pretrial conference shall be held on **December 21, 2004 at 4:30 p.m.** in the Federal Courthouse in Pocatello, Idaho.

IT IS FURTHER ORDERED, that the Defendant shall file all pretrial motions on or before **November 26, 2004**.

DATED this 2nd day of November, 2004.



B. LYNN WINMILL
Chief Judge, United States District Court

United States District Court
for the
District of Idaho
November 3, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:04-cr-00085

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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U.S. Marshal
HAND DELIVERED

Probation
HAND DELIVERED

- Chief Judge B. Lynn Winmill
- Judge Edward J. Lodge
- Chief Magistrate Judge Larry M. Boyle
- Magistrate Judge Mikel H. Williams

Visiting Judges:
 Judge David O. Carter
 Judge John C. Coughenour
 Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 11-3-04

BY: 
(Deputy Clerk)