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Attorneys for Defendant

UNITED STATES DISTRICT COURT FOR THE STATE OF IDAHO

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 PEDRO DUENAS-RIVERA, aka )  
 JOSE DIAZ, )  
 )  
 Defendant. )  
 )

Case No. CR-04-85-E-BLW

**JOINT MOTION FOR  
CONTINUANCE OF TRIAL**

Defendant, Pedro Duenas-Rivera, through his attorney, Scott H. Hansen, and the Plaintiff through Assistant US Attorney, Michael J. Fica, hereby jointly motion the court for a continuance of the trial setting in this matter and allege that excludable grounds exist for the continuance of the trial and allege as follows:

1. The Defendant had signed a written Plea Agreement and a hearing was scheduled for the change of plea in front of US Magistrate Williams. Judge Williams did not accept the Defendant's plea.
2. The government intends to file a superceding indictment related to the quantity and quality of the drugs obtained by the government in this case.

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U.S. DISTRICT COURT  
CLERK  
AUG 25 2004 9:00  
CLERK, CLERK

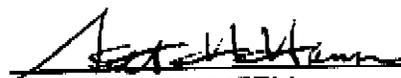
3. Defendant seeks additional time to the superceding indictment and to prepare appropriate research and defenses to deal with the superceding indictment.

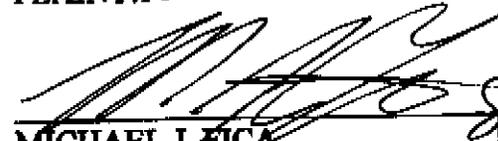
4. The Defendant, prior to signing and agreeing to a written Plea Agreement with the government, had filed a Motion to Suppress Evidence. Defendant now desires to pursue his Motion to Suppress Evidence and has scheduled a hearing on the Motion to Suppress Evidence for Friday, October 1, 2004, at 8:30 a.m.

Based upon the above-listed factors, both the government and the Defendant jointly move for the court's order rescheduling the jury trial in this matter and allege that the above stated grounds qualify as excludable time in relation to the Speedy Trial Act.

DEFENDANT

PLAINTIFF

  
SCOTT H. HANSEN  
Attorney for Defendant  
8-25-04  
Date

  
MICHAEL J. FICA  
Assistant US Attorney  
8-25-04  
Date