

IN THE UNITED STATES DISTRICT COURT U.S. COURTS

FOR THE DISTRICT OF IDAHO

04 JUN -8 PM 3:18

REC'D _____ FILED IN _____
CAMERON S. BURKE

CLERK, IDAHO _____

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

TROY HALL and PETE A.)
KARABOYAS,)

Defendants.)

Case No. CR-04-84-E-BLW

**ORDER GRANTING MOTION
TO CONTINUE TRIAL**

The Court has before it a Motion to Continue Trial filed by Defendant, Troy Hall. In his Motion, Defendant states that additional investigation is necessary in order to present an effective defense. In addition, Defendant states that the Government has not completed turning over discovery. Defendant therefore requests a continuance of at least 60 days. The Court is advised that the United States does not oppose this Motion.

Therefore, upon review of the record, the Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), (B)(i) and (iv), that the ends of justice outweigh the best interest of the public and the Defendant in conducting a speedy trial. In addition, the Court finds that Defendant's request justifies a delay of 75 days. Therefore, the

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Court will reset the trial within that time frame for August 30, 2004.

Defendant's co-defendant Pete A. Karaboyas has not moved for a continuance of the trial. Nonetheless, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), excludable time exists for "a reasonable period of delay when the defendant is joined for trial with co-defendants as to whom the time for trial has not run and no motion for severance has been granted." Thus, all defendants will have their trial moved to August 30, 2004, and pursuant to the above quoted statutory provision, the Court finds that any delay between the present trial date and the new trial date imposed by this order with respect to co-defendant Pete A. Karaboyas is also considered excludable time under the Speedy Trial Act.

Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED that Defendant's Motion to Continue Trial [Docket No. 18] is GRANTED. Therefore, the current trial setting of June 14, 2004, is hereby VACATED.

IT IS FURTHER ORDERED that a jury trial shall be reset on August 30, 2004, at 1:30 p.m. in Pocatello, Idaho, for all defendants. A pretrial conference shall be conducted on August 19, 2004, at 10:00 a.m.

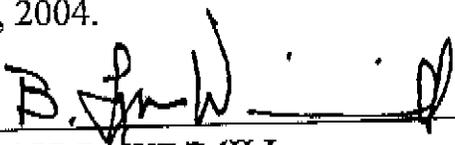
IT IS FURTHER ORDERED that all pretrial motions must be filed on or

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before August 1, 2004.

IT IS FURTHER ORDERED that any and all period of delay resulting from the granting of this continuance, from the date of filing of the defendant's motion until the date of the scheduled trial, shall be excludable time pursuant to 18 U.S.C. § 3161(h)(1)(F), (h)(8)(A), (B)(i) and (iv).

DATED this 8th day of June, 2004.



B. LYNN WINMILL
Chief Judge, United States District Court

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United States District Court
for the
District of Idaho
June 9, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:04-cr-00084

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: 6-9-04

BY: 
(Deputy Clerk)