

IN THE UNITED STATES DISTRICT COURT

U.S. COURTS

2004 AUG 18 PM 4:17

FOR THE DISTRICT OF IDAHO

REC'D
CAMERON S. BURFE,
CLERK, IDAHO

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 TROY DEAN HALL and)
 PETE A. KARABOYAS,)
)
 Defendants.)
 _____)

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

ORDER GRANTING MOTION
TO CONTINUE TRIAL AND
FOR EXCLUDABLE TIME

The Court has before it a motion to continue trial filed by Defendant Troy Dean Hall. Defendant requests additional time so that his counsel, who was recently retained by Mr. Hall, will have adequate time to prepare for trial. Defense counsel requests at least a six to eight weeks continuance, and the Court finds that a continuance until November 8, 2004, would be reasonable given the complexities of this case. The Court is advised that the United States does not object to the Defendant's request to continue the trial date. (Docket No. 24).

Under all these circumstances, the Court finds that a continuance is needed to give 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 November 8, 2004, 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. Defendant’s co-defendant’s counsel has advised Mr. Hall’s counsel that Karaboyas joins in the request for a continuance, however, to date Karaboyas has not moved for a continuance of the trial. However, 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, both defendants will have their trial moved to November 8, 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,

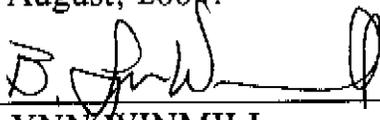
NOW THEREFORE IT IS HEREBY ORDERED, that the Motion for continuance (Docket No. 24) filed by Defendant be, and the same is hereby, GRANTED, and that the present trial date be VACATED, and that a new trial be set for **November 8, 2004, at 1:30 p.m.** in the Federal Courthouse in Pocatello, Idaho for all defendants. A pretrial conference shall be conducted on **October 28, 2004 at 4:30 p.m.** 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 scheduled for August 19, 2004 is VACATED.

IT IS FURTHER ORDERED, that the Defendants shall file all pretrial motions on or before October 8, 2004.

DATED this 18th day of August, 2004.



B. LYNN WINMILL
Chief Judge, United States District Court

United States District Court
for the
District of Idaho
August 18, 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: 8-19-04

BY: 
(Deputy Clerk)