

1  
2 UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO

2004 AUG 12 PM 1:10  
FILED IN CLERK'S OFFICE  
TERRENCE L. BOLES

3 UNITED STATES OF AMERICA, )  
4 ) CR-04-132-S-EJL  
Plaintiff, )  
5 )  
v. ) ORDER  
6 )  
7 TERRENCE L. BOLES, )  
Defendant. )  
8 \_\_\_\_\_ )

9 Before the court is the Defendant's motion for continuance and to extend time  
10 to file pretrial motions. The trial is presently scheduled to commence on August 17,  
11 2004. The Defendant requests additional time, alleging that additional time is needed  
12 to review discovery with the client and so that further work may be done on pretrial  
13 motions; so that witnesses may be located, interviewed, and secured for testimony  
14 at trial; and that the Defendant may complete trial preparation. The Government does  
15 not object to the continuance.

16 The court finds, after a consideration of all relevant information and the  
17 circumstances of this case, that without this continuance the Defendant would be  
18 prejudiced and the ability to properly prepare for trial would be impaired. Failure to  
19 grant a continuance under these circumstances would result in a miscarriage of justice.  
20 The ends of justice would be best served by the granting of the motion for  
21 continuance. The ends of justice outweigh the best interest of the public and the  
22 Defendant in having the matter brought to trial sooner. For these reasons, the court  
23 finds that the Defendant's motion for continuance should be **GRANTED**. The trial

1 scheduled for August 17, 2004 is **VACATED**. Trial shall be **RESCHEDULED** to the 26<sup>th</sup>  
2 day of October, 2004 at 9:30 o'clock ~~(a.m.)~~/p.m. in Boise, Idaho.

3 Any and all period of delay resulting from the granting of this continuance, from  
4 the date of the filing of the Defendant's motion until the date of the scheduled trial,  
5 shall be excludable time pursuant to 18 USC §3161(h)(1)(F) and (h)(8)(A), (B)(i) and  
6 (ii). The Defendant's speedy trial rights are not affected by the granting of this  
7 motion.

8 As to the Defendant's request for an extension of time to file pretrial motions,  
9 the court will grant this request and allow the parties until September 27, 2004  
10 to file any pretrial motions. *EJL*

11 ~~Finally, the court will calendar a pretrial conference~~  
12 a) on \_\_\_\_\_, 2004 at \_\_\_\_\_ o'clock a.m./p.m. in Boise, Idaho.

13 ~~or~~  
14 ~~b) on a date prior to the date of the trial to be determined.~~

15  
16 **IT IS SO ORDERED.**

17  
18 DATED this 12<sup>th</sup> day of August, 2004.

19  
20 *Edward J. Lodge*  
21 Edward J. Lodge  
22 UNITED STATES DISTRICT COURT JUDGE  
23

United States District Court  
for the  
District of Idaho  
August 12, 2004

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 1:04-cr-00132

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

Aaron N Lucoff, Esq.  
US ATTORNEY'S OFFICE  
MK Plaza, Plaza IV  
800 Park Blvd #600  
Boise, ID 83712

Dick Rubin, Esq. 1-208-388-1757  
FEDERAL DEFENDER'S OFFICE  
350 N 9th St #301  
Boise, ID 83702

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: 8-13-04

BY:   
(Deputy Clerk)