

ORIGINAL

U.S. COURTS

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REC'D _____ FILED _____
CAMERON S. BURKE
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3 WASHINGTON AND IDAHO
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8 Attorney for Defendant
9 TERRENCE L. BOLES

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF IDAHO

12	UNITED STATES OF AMERICA,)	
)	CR-04-132-S-EJL
13	Plaintiff,)	
)	MOTION TO CONTINUE TRIAL
14	v.)	AND TO EXTEND TIME WITHIN
)	WHICH TO FILE PRE-TRIAL
15	TERRENCE L. BOLES,)	MOTIONS
	Defendant.)	
16)	

17 The Defendant, TERRENCE L. BOLES, by and through his attorney of record,
18 Samuel Richard Rubin, Federal Defenders of Eastern Washington and Idaho, moves this
19 honorable court to vacate and reset trial date currently set for August 17, 2004. This
20 motion is made upon the grounds that, pursuant to 18 USC §3161(h)(8)(A) and
21 (h)(B)(iv), the interests of justice will best be served by granting the motion due to the
22 fact that a thorough investigation of the matter must be made and cannot be
23 accomplished in time to provide the Defendant a sufficient time for effective
preparation to present an adequate defense. Defense counsel requires additional time
to prepare pretrial motions, locate witnesses, and thus provide competent
representation to the Defendant. Counsel requests that any pretrial motions, pretrial
conference, and the trial itself be scheduled for a date at least 60 days beyond August

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1 17, 2004. I have contacted the Assistant United States Attorney assigned in this
2 case, Aaron Lucoff, and he has no objection to a continuation of this matter.

3 Counsel for the defendant requests that he be given additional time not less than
4 60 days beyond August 17, 2004 which would be excludable time in order to give
5 defense counsel the opportunity to prepare an adequate defense. Counsel requests
6 that the original date for trial be vacated and a new trial date set and that the period
7 of time between August 17, 2004 and the new trial date be deemed excludable time
8 under the Speedy Trial Act, 18 USC 3161(h)(8)(A).

9 Further, the Defendant requests that the court issue an ORDER vacating the
10 present pretrial and trial dates.

11 RESPECTFULLY SUBMITTED THIS 10 day of Sept, 2004.

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13 

14 Samuel Richard Rubin
15 FEDERAL DEFENDERS OF EASTERN
WASHINGTON AND IDAHO
16 Attorney for Defendant
17 TERRENCE L. BOLES

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8 Attorney for Defendant
9 TERRENCE L. BOLES

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF IDAHO

12 UNITED STATES OF AMERICA,)
13) CR-04-132-S-EJL
14 Plaintiff,)
15) CERTIFICATE OF SERVICE
16 v.)
17)
18 TERRENCE L. BOLES,)
19 Defendant.)
20)

21 I HEREBY CERTIFY that on this date, I served a true and complete copy of the
22 herein and foregoing MOTION TO CONTINUE TRIAL AND TO EXTEND TIME WITHIN
23 WHICH TO FILE PRE-TRIAL MOTIONS, AFFIDAVIT IN SUPPORT OF MOTION TO
CONTINUE TRIAL, and proposed ORDER upon the following parties to this action via
general mail delivery addressed as follows: Aaron Lucoff, Assistant U.S. Attorney, MK
Plaza, Plaza IV, 800 Park Blvd., Suite 600, Boise, ID 83712.

DATED this 10 day of August, 2004.



Kathy Bozman
FEDERAL DEFENDERS OF EASTERN
WASHINGTON AND IDAHO