

U.S. Courts
Rec'd _____ Filed _____

AUG 10 2004

Cameron S. Burke
Clerk, Idaho

1 Samuel Richard Rubin
2 FEDERAL DEFENDERS OF EASTERN
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)
14 Plaintiff,)
15)
16 v.) AFFIDAVIT IN SUPPORT OF
17) MOTION TO CONTINUE TRIAL
18) AND TO EXTEND TIME WITHIN
19) WHICH TO FILE PRE-TRIAL
20) MOTIONS
21)
22)
23)

24 SAMUEL RICHARD RUBIN, being first duly sworn upon oath, deposes and says:

- 25 1. I am an attorney licensed to practice in the State of Idaho, in the United
26 States District Court for the District of Idaho, the Ninth Circuit Court of Appeals and
27 the United States Supreme Court.
- 28 2. I have been appointed by the court to represent TERRENCE L. BOLES in this
29 matter.
- 30 3. The defense in undertaking an important investigation into the evidence in
31 this matter that will not be completed before the date of trial. This investigation is
32 essential to provide a proper defense.
- 33 4. Defense Counsel requires additional time to review the discovery with the
34 client, conduct an investigation, locate witnesses, and prepare pretrial motions.

1 6. I have spoken to the Assistant United States Attorney, Aaron Lucoff, and
2 he does not object to a continuance of this matter.

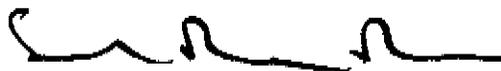
3 7. Counsel for the defendant requests that he be given additional time not
4 less than 60 days after August 17, 2004, which would be excludable time in order to
5 give defense counsel the opportunity to prepare an adequate defense. Counsel
6 requests that the original date for trial be vacated and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

10 RESPECTFULLY SUBMITTED this 10 day of Aug., 2004.

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

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