

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

APR 14 2004

Cameron S. Burke
Clerk, Idaho

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DUSTIN HOLM,)
)
 Defendant.)
 _____)

Case No. CR-03-220-E-BLW

**ORDER GRANTING MOTION TO
CONTINUE PRE-TRIAL
CONFERENCE AND TRIAL**

The Court has before it a Motion to Continue Trial filed by Defendant, Dustin Holm. In the Motion, counsel for Holm states that a continuance is necessary in order to allow Holm to undergo a mental evaluation. Defense counsel is concerned whether Holm understands the charges against him or is able to assist in his own defense. Defense counsel anticipates that the evaluation will be completed within 30 days. Defense counsel therefore requests a continuance of at least 30 days. The Court is advised that the United States does not oppose this Motion.

Therefore, upon review of the record, the Court finds good cause to grant the motion. In addition, the Court finds that Defendant's request justifies a delay of 60 days. Therefore, the Court will reset the trial within that time frame for June

14, 2004.

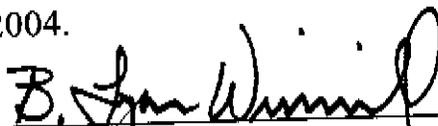
NOW THEREFORE IT IS HEREBY ORDERED that Defendant's Motion to Continue Trial [Docket No. 8] is GRANTED. Therefore, the current trial setting of April 26, 2004, is hereby VACATED. In addition, the telephonic pretrial conference set for April 15, 2004, is also VACATED.

IT IS FURTHER ORDERED that a jury trial shall be reset on June 14, 2004, at 1:30 p.m. in Pocatello, Idaho. A Telephonic pretrial conference shall be conducted on June 2, 2004, at 3:00 p.m. with counsel only, and no defendant shall be present. The Government shall initiate the call with opposing counsel on the line to (208) 334-9145.

IT IS FURTHER ORDERED that all pretrial motions must be filed on or before May 21, 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)(A) & (F).

DATED this 14th day of April, 2004.



B. LYNN WINMILL
Chief Judge, United States District Court

United States District Court
for the
District of Idaho
April 14, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:03-cr-00220

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

Jack B Haycock, Esq. 1-208-478-4175
US ATTORNEY
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Pocatello, ID 83201

Steven V Richert, Esq. 1-208-478-1255
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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: 4-14-04

BY: 
(Deputy Clerk)