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Attorney for Defendant

U.S. DISTRICT COURT
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CLERK OF COURT
BARRISTER'S SIGNATURE
CLESSA LAFARO

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF IDAHO**

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

Case No. 03-220-E-BLW

MOTION FOR CONTINUANCE

The defendant, Dustin Holm, by and through his attorney of record, Kelly Kumm, pursuant to 18 U.S.C. § 3161(h)(1)(F) and (h)(8), respectfully moves this court for an order vacating the trial setting of August 30, 2004, and rescheduling the trial no sooner than sixty (60) days after said trial setting to another date and time convenient to the court and counsel on the grounds and for the reasons that:

1. The defendant has filed a pretrial motion seeking to amend his place of detention to a site more accessible and convenient to trial;

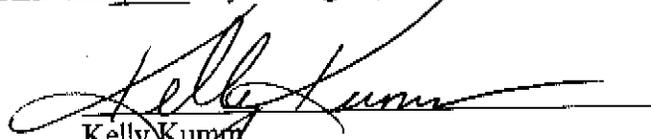
2. Defendant's attorney was recently appointed, (July 9, 2004). After plea negotiations, counsel has had inadequate time to prepare for trial;

3. The case presents many complicated fact patterns and defense counsel anticipates there will be a need to contact and interview a large pool of potential witnesses prior to trial;

4. This is defense counsel's first request for a continuance of the trial setting; and

5. A continuation of the trial date is excludable time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A). Under these circumstances, the interests of justice in allowing defense time for effective preparation outweighs the defendant's and the public's interests in a speedy trial. Also, 18 U.S.C. § 3161 (h)(8)(B)(iv) states that "the failure to grant such a continuance... would deny the defendant reasonable time to obtain counsel, and would unreasonably deny counsel for the defendant the reasonable time necessary for effective preparation."

RESPECTFULLY SUBMITTED this 17th day of August, 2004.


Kelly Kumm
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August, 2004, I caused a true and correct copy of the foregoing **MOTION FOR CONTINUANCE** to be delivered to the party named below, as follows:

Jack B. Haycock
United States Attorney
801 E. Sherman
Pocatello, ID 83201
Facsimile (208) 478-4175

- By U. S. Mail
- By Facsimile
- By Hand Delivery


Kelly Kumm