

Kelly Kumm  
Attorney at Law  
Idaho State Bar No. 3252  
1305 East Center Street  
Pocatello, Idaho 8321  
Telephone (208) 232-4051  
Facsimile (208) 232-2880

2004 NOV -2 PM 2:49  
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CLERK OF DISTRICT COURT  
POCATELLO, IDAHO

Attorney for Defendant

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

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

Case No. 03-220-E-BLW

**ORDER ON ANOTHER MOTION  
TO CONTINUE TRIAL**

The Court has before it a Motion for Continuance filed by the defendant. The defendant requests additional time so that his counsel will have adequate time to prepare for trial. The defendant has been incarcerated a long distance away from his counsel until late September. His new counsel needs time to prepare for trial. Counsel requests at least a thirty (30) day continuance, and the Court finds a continuance would be reasonable given the complexities of this case.

Under all these circumstances, the Court finds that a continuance is needed to give defense counsel an opportunity to prepare for trial. Thus, a continuance is warranted under 18

U.S.C. § 3161(h)(8)(B)(iv) which authorizes a finding of excludable time when the refusal to grant a continuance would "deny counsel for the defendant ... the reasonable time necessary for effective preparation ... ." Under these circumstances, the interests of justice in allowing the defense time for effective preparation outweighs the defendant's and the public's interest in a speedy trial under 18 U.S.C. § 3161(h)(8)(A).

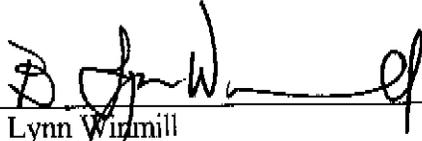
The statements of defense counsel establish that the trial should be reset on December 20, 2004, at 1:30 p. .m. The Court finds that the period of time between the present trial date and the new trial date is excludable time under the Speedy Trial Act.

**NOW THEREFORE IT IS HEREBY ORDERED**, that the Motion for Continuance filed by defendant be, and the same is hereby **GRANTED**, and that the present trial date be **VACATED**, and that a new trial be set for December 20, 2004 at 1:30 p. .m. in the Federal Courthouse in Pocatello, Idaho.

**IT IS FURTHER ORDERED**, that the period of time between the prior trial date and the new trial date be deemed **EXCLUDABLE TIME** under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

**IT IS FURTHER ORDERED**, that the pretrial conference shall be held on December 6, 2004, at 4:00 p. .m. in the Federal Courthouse in Pocatello, Idaho. *All pretrial motions shall be filed by November 19, 2004.*

DATED this 2nd day of <sup>November</sup>~~October~~, 2004.

  
\_\_\_\_\_  
B. Lynn Wirmill  
Chief Judge, United States District Court

United States District Court  
for the  
District of Idaho  
November 2, 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  
801 E Sherman  
Pocatello, ID 83201

Kelly Kumm, Esq.      1-208-232-2880  
1305 E Center St  
Pocatello, ID 83201

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: 11-2-04

BY:   
(Deputy Clerk)