

U.S. COURTS

ON MAY 27 PM 3:45

REC'D _____ FILED N
CAMERON S. BURKE

CLERK, IDAHO _____

Steven V. Richert, Esquire
**FEDERAL DEFENDERS OF EASTERN
WASHINGTON AND IDAHO**
801 E. Sherman, Ste. 177
Pocatello, ID 83201
Telephone: (208) 478-4155
Idaho State Bar No. 2432

Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

| | | |
|---------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. CR-03-220-E-BLW |
| vs. |) | |
| |) | MOTION TO CONTINUE PRE-TRIAL |
| DUSTIN HOLM, |) | AND TRIAL |
| |) | |
| Defendant. |) | |
| _____ |) | |

COMES NOW Defendant, Dustin Holm, by and through counsel, and respectfully moves this Court pursuant to 18 U.S.C. 3161(h)(8) and (B) to continue the pretrial now scheduled for June 2, 2004, and the trial now scheduled for June 14, 2004, on the grounds that Defendant seeks to change venue for trial. Further, Defendant has yet to complete his investigation in preparation for trial. Counsel requests that the pre-trial and trial dates be continued at least thirty days to allow for completion of investigation and ruling upon Defendant's motion to change venue.

Defendant further represents that the government does not object to the continuance.

Defendant suggests that any delay in the pretrial hearing and trial is justified by the ends of justice, does not prejudice the United States, and would result in a more efficient

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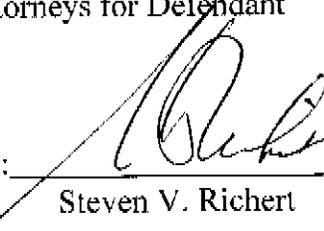
allocation of judicial time. Defendant previously sought one trial continuance to allow for the completion of a psychological evaluation. The evaluation has been completed.

Finally, Defendant Holm has been informed and consents to the continuance requested. Defendant Holm is incarcerated at the Bonneville County Jail. Mr. Holm is also serving a substantial sentence of twenty years to life incarceration imposed by the State of Idaho for unrelated offenses.

DATED this 27 day of May, 2004.

Federal Defenders of E. Washington and Idaho
Attorneys for Defendant

By: _____


Steven V. Richert

CERTIFICATE OF SERVICE

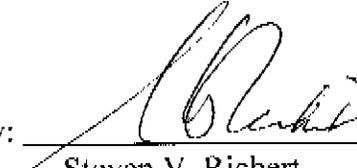
I HEREBY CERTIFY on the 27 day of May, 2004, I served a true and correct

copy of the foregoing document as follows:

Jack B. Haycock, Esq.
Assistant United States Attorney
District of Idaho
801 East Sherman, Ste. 192
Pocatello, ID 83201

U.S. Mail, postage prepaid
 Hand Delivery
 Overnight Mail
 Facsimile

By: _____


Steven V. Richert