

2004 MAY 19 PM 2:45

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

TECHNICAL STENOGRAPHER
COURT REPORTER
JILL BURKE
505.325.1010

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MITCHELL D. McBRIDE,
KIMBERLY McBRIDE,
IRENE McBRIDE,
DICK E. BUTCHER

Defendants.

CASE NO: CR04-64-S-EJL

ORDER

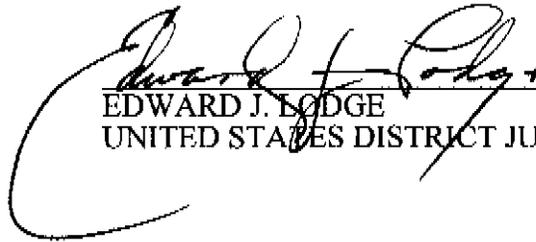
Defendant Dick E. Butcher moves the Court to continue the trial of this case. Defendant's counsel states that a continuance is warranted because of the need for adequate time to review discovery, complete an investigation, and prepare for trial. All co-defendants and the government stipulate to the continuance.

Under these circumstances, the court finds that without this continuance the Defendants would be prejudiced and the ability to properly prepare for trial would be impaired. Failure to grant a continuance under these circumstances would result in a miscarriage of justice. The ends of justice would best be served by the granting of the motion for continuance. The ends of justice outweigh the best interests of the public in having the matter brought to trial sooner. For these reasons, the Court finds the Motion for Continuance should be **GRANTED**. The trial set for June 1, 2004 is **VACATED** and is rescheduled for **all Defendants to August 10, 2004 at 9:30 a.m. in Boise, Idaho**. The pre-trial motion deadline is continued to July 9, 2004.

Any and all period of delay resulting from the granting of this continuance, from the date of the Defendant's motion until the date of the rescheduled trial, shall be excludable time pursuant to 18 U.S.C. § 3161 (h)(7) and § (h)(8), considering the relevant factors under

subsection (B) of that provision.

IT IS SO ORDERED this 18th day of May, 2004.


EDWARD J. LODGE
UNITED STATES DISTRICT JUDGE

United States District Court
for the
District of Idaho
May 19, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:04-cr-00064

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

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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: 5-19-04

BY: *[Signature]*
(Deputy Clerk)