

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

U.S. COURTS
2004 AUG 23 PM 3:45

FILED
CANTON S. BURKE,
CLERK, IDAHO

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 AMY R. FLUCKINGER)
 a.k.a. AMY BROWN)
)
 Defendant.)
 _____)

Case No. CR-03-217-E-BLW

**ORDER GRANTING MOTION TO
CONTINUE TRIAL**

The Court has before it Defendant's Motion to Continue Trial. For the reasons set forth below, the Court will grant the motion.

The trial in this matter is currently scheduled to begin on August 30, 2004. Defendant's counsel advises that the Government has informed him that it intends to file a superseding indictment in this matter. Such indictment will necessitate further discovery and additional trial preparation. Although defense counsel did not specify the length of the requested continuance in the motion, he has informed court staff that he will need 90 days in order to adequately prepare the defense in this matter. The Government does not oppose the motion and acknowledges that it does intend to file a superceding indictment.

After consideration of all relevant information and the circumstances of

this case, including the seriousness of the charges, the Court finds that pursuant to 18 U.S.C. § 3161(h)(8)(A), the ends of justice are best served by granting a continuance and outweigh the interests of the public and defendant in having this matter brought to trial sooner. The Court also finds that the failure to grant this continuance would deny defense counsel the time necessary for effective preparation for trial. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court therefore finds that a continuance is necessary, that a continuance until November 8, 2004, is reasonable, and that the additional time caused by the continuance is excludable time.

NOW THEREFORE IT IS HEREBY ORDERED that the Motion to Continue Trial (Docket No. 21) is GRANTED.

IT IS FURTHER ORDERED that the present trial date is VACATED.

A new trial date is set for November 8, 2004, at 1:30 p.m. at the Federal Courthouse in Pocatello, Idaho.

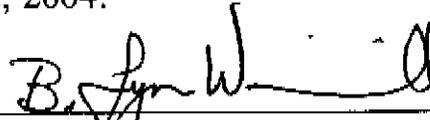
A pretrial conference shall be held with counsel and defendant present at the Federal Courthouse in Pocatello, Idaho, on October 28, 2004 at 4:30 p.m.

IT IS FURTHER ORDERED that the period of time between the prior trial date and the new trial be deemed excludable time under the Speedy Trial Act, 18

U.S.C. § 3161(h)(8)(A).

IT IS FURTHER ORDERED that the pretrial motion deadline shall be extended to October 7, 2004.

DATED this 23rd day of August, 2004.



B. LYNN WINMILL
Chief Judge, United States District Court

