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U.S. COURTS
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CAMERON S. BURKE
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**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 AMY R. FLUCKIGER,)
 a.k.a AMY BROWN)
 Defendant.)
 _____)

CR- 03-217-E-BLW

MOTION FOR CONTINUANCE

The defendant, Amy R. Fluckiger, a.k.a Amy Brown, by and through her attorney of record, Kelly Kumm, respectfully moves the court for an Order vacating the pre-trial setting of June 24, 2004 and the trial setting of July 6, 2004 and rescheduling the trial and pre-trial to a date no sooner than sixty (60) days from the date of this Motion on the grounds and for the reasons that:

1. Counsel was formally appointed as new CJA counsel for the defendant by Magistrate Larry Boyle on May 17, 2004.
2. Counsel has not had sufficient time to familiarize himself with the serious charges contained in the indictment.

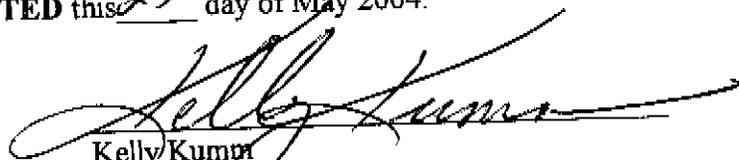
3. Defense counsel has not yet received any discovery from prior counsel or the government and has only the pleadings available for review and inspection.

4. The defendant is currently incarcerated at the Pocatello Women's Correctional Center and a continuance would not cause undue prejudice to her.

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."

6. Counsel for the defendant has discussed this motion with Michael J. Fica, Assistant United States Attorney, who offered no objection to a continuance.

RESPECTFULLY SUBMITTED this 25th day of May 2004.

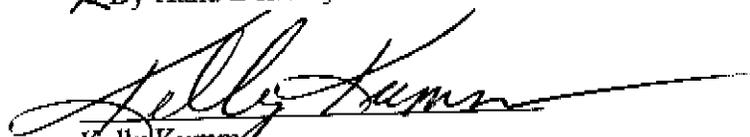

Kelly Kumm
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of May, 2004, I caused a true and correct copy of the foregoing **MOTION FOR CONTINUANCE** to be delivered to the party named below, as follows:

Michael Joseph Fica, Esq.
Assistant United States Attorney
801 E. Sherman
Pocatello, ID 83201
Fax No. 478-4175

By U. S. Mail
 By Facsimile
 By Hand Delivery


Kelly Kumm