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Attorney for Defendant

U.S. DISTRICT COURT
06 AUG 19 PM 2:37
CLERK OF COURT
COURT HOUSE
POCATELLO, IDAHO

**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

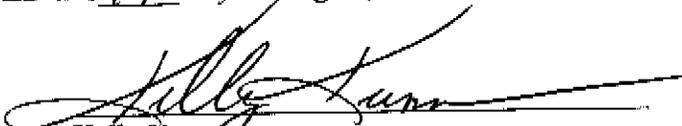
The defendant, Amy Fluckiger, by and through her attorney of record, Kelly Kumm, respectfully moves this court for an order vacating the trial setting of August 30, 2004, and rescheduling the trial to another date and time convenient to the court and counsel on the grounds and for the reasons that:

1. The undersigned was appointed as CJA counsel on May 17, 2004. Almost all of counsel's efforts to date have been focused on plea negotiations which have been unsuccessful. Due to counsel's lack of familiarity with the case he is in need of more time for trial preparation, and a continuance of the August 30, trial setting is necessary.

2. The undersigned has been informed and believes, and therefore alleges, that the United States Attorney intends to file a superceding indictment. Counsel will need additional time to respond to any new issues raised by the superceding indictment.

3. 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."

RESPECTFULLY SUBMITTED this 19th day of August, 2004.

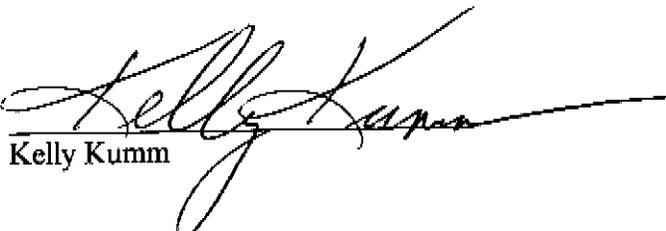

Kelly Kumm
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August, 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
Facsimile (208) 334-9018

By U. S. Mail
 By Facsimile
 By Hand Delivery


Kelly Kumm