

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

US DC ID
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REC'D
CAMERON S. BUTTE,
CLERK, IDAHO

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

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

**ORDER GRANTING MOTION
TO CONTINUE TRIAL AND
FINDING EXCLUDABLE
TIME**

The Court has before it Defendant's Motion for Continuance. Trial presently is set for July 6, 2004. Defendant's counsel requests a continuance of at least sixty (60) days so that he might have additional time to adequately prepare so as to render constitutionally effective assistance.

In support of the motion, Defendant's counsel asserts that he was formally appointed as the new CJA counsel for the defendant on May 17, 2004; that he has not had sufficient time to familiarize himself with the serious charges contained in the Indictment; that he has not yet received any discovery from prior counsel or the Government; that the Defendant currently is incarcerated at the Pocatello Women's Correctional Center, and a continuance would not cause her undue prejudice.

Order Granting Motion to Continue Trial - 1

Counsel for the Government does not oppose the motion.

In light of these circumstances, the Court finds that a continuance is needed to give defense counsel an opportunity to provide an effective defense. The Court further finds that a continuance until August 30, 2004 would be reasonable. This continuance is warranted under 18 U.S.C. § 3161(h)(8)(B)(iv), which authorizes a finding of excludable time when the refusal to grant a continuance would "deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation...." Under these circumstances, the interests of justice in allowing the parties' time for effective preparation outweighs the defendants' and the public's interest in a speedy trial under 18 U.S.C. § 3161(h)(8)(A).

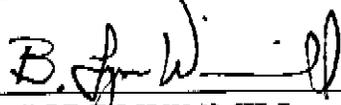
NOW THEREFORE IT IS HEREBY ORDERED that the Motion to Continue (Docket No. 18) is GRANTED. The present trial date is VACATED, and a new trial date set for August 30, 2004 at ^{1:30 p.m}~~1:00~~ p.m. in the Federal Courthouse in Pocatello, Idaho.

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 in-person pretrial conference shall be held on August 19, 2004 at 10:00 a.m.

IT IS FURTHER ORDERED that the pretrial motion deadline shall be extended to July 30, 2004.

Dated this 16th day of June, 2004



B. LYNN WINMILL
Chief Judge, United States District Court

United States District Court
for the
District of Idaho
June 18, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:03-cr-00217

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

Michael Joseph Fica, Esq. 1-208-478-4175
US ATTORNEY
801 E Sherman
Pocatello, ID 83201

Kelly Kumm, Esq. 1-208-232-2880
1305 E Center St
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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: 6-18-04

BY: *Jill Angelo*
(Deputy Clerk)