

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 ... the reasonable time necessary for effective preparation ...” Under these circumstances, the interests of justice in allowing the defense time for effective preparation outweighs the Defendant’s and the public’s interest in a speedy trial under 18 U.S.C. §3161(h)(8)(A).

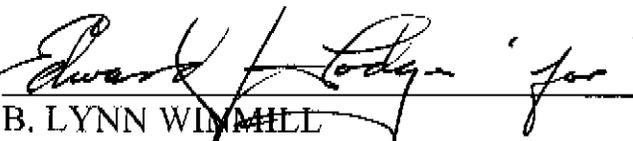
The statements of defense counsel establish that the trial should be reset on April 26, 2004, at 1:30 p.m. The Court finds that the period of time between the present trial date and the new trial date is excludable time under the Speedy Trial Act. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the Motion for continuance (docket no. 12) filed by Defendant be, and the same is hereby, GRANTED, and that the present trial date be VACATED, and that a new trial be set for **April 26, 2004 at 1:30 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 date be deemed EXCLUDABLE TIME under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A).

IT IS FURTHER ORDERED, that the pretrial conference shall be held on April 15, 2004, at 4:00 p.m. in the Federal Courthouse in Pocatello, Idaho.

Dated this th 27 day of January, 2004.


B. LYNN WIMMILL
CHIEF JUDGE, UNITED STATES DISTRICT COURT

United States District Court
for the
District of Idaho
January 28, 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:

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 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: 1-28-04

BY: 
(Deputy Clerk)