

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 3:23-CR-71-TAV-JEM
)
 ROBIN BLANKENSHIP,)
)
 Defendant.)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant’s Motion to Continue Trial and All Other Deadlines [Doc. 15], filed on March 20, 2024.

Defendant requests the Court continue the plea deadline and trial date by at least ninety days. In support of her motion, Defendant asserts that defense counsel has not been able to complete investigation into the facts and circumstances of the case and therefore cannot fully advise Defendant of the best possible outcome [*Id.* at 1]. Further, Defendant is recuperating from surgery on her leg which has limited her availability to meet with defense counsel [*Id.*]. Defendant understands that the period of time between the filing of the motion for continuance and a rescheduled court date will be fully excludable for speedy trial purposes [*Id.* at 2]. Further, Defendant notes that counsel for the Government does not oppose the requested continuance [*Id.*].

Based upon the information in Defendant’s motion and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C.

§ 3161(h)(7)(B). Specifically, the Court concludes that not granting a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs additional time to investigate the case in order to advise his client and prepare for trial, which has been compromised by Defendant’s recent surgery. All of this cannot be done by the April 23, 2024 trial date.

The Court therefore **GRANTS** Defendant’s Motion to Continue Trial and All Other Deadlines [**Doc. 15**]. The trial of this case is reset to **August 27, 2024**. A new, comprehensive, trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on March 20, 2024, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

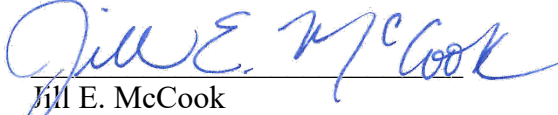
Accordingly, it is **ORDERED** as follows:

- (1) Defendant’s Motion to Continue Trial and All Other Deadlines [**Doc. 15**] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **August 27, 2024, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) all time between the filing of the motion on **March 20, 2024**, and the new trial date of **August 27, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **July 26, 2024**;
- (5) the deadline for filing motions *in limine* is **August 12, 2024**;
- (6) the parties are to appear before the undersigned for a final pretrial conference on **August 13, 2024 at 11:00 AM.**; and

- (7) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **August 16, 2024.**

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge