



USA v. Pollestad

2020 | Cited 0 times | W.D. Washington | December 15, 2020

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. BRYAN MICHAEL POLLESTAD, Defendant.

Case No. CR20-88RSL ORDER GRANTING UNOPPOSED MOTION TO CONTINUE TRIAL AND PRETRIAL MOTIONS DATES

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Dates." Dkt. # 26. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: specifically, that defense counsel has been unable to meet in person with defendant, that telephone and video meetings have been increasingly difficult to arrange, that defendant is charged in a separate case that complicates his decision on how to proceed in this case, that the investigator originally assigned to the case has left the Federal Defender Office, and that defense counsel requires additional time to investigate and prepare the case. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).
2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).
3. The Court finds that the additional time requested between January 19, 2021 and the proposed trial date of June 14, 2021, is a reasonable period of delay. The Court finds that this additional time is necessary to provide defense counsel reasonable time to prepare for trial, considering all the facts set forth above.
4. The Court further finds that this continuance would serve the ends of justice, and that these factors outweigh the best interests of the public and defendant in a speedier trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).
5. Defendant has executed a waiver indicating that he has been advised of his right to a speedy trial



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and that, after consulting with counsel, he has knowingly and voluntarily waived that right and consented to the continuation of his trial to a date up to and including June 28, 2021, Dkt. # 27, which will permit his trial to start on June 14, 2021.

IT IS HEREBY ORDERED that the trial date shall be continued from January 19, 2021 to June 14, 2021, and pretrial motions are to be filed no later than May 10, 2021;

IT IS FURTHER ORDERED that the period of time from the current trial date of January 19, 2021, up to and including June 14, 2021, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, et seq. The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B)(i), (iv).

DATED this 15th day of December, 2020.

A Robert S. Lasnik United States District Judge

