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Bar No. 7077  
 Attorney for Defendant

UNITED STATES DISTRICT COURT  
 DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,	)	
	)	No. CR07-1836-TUC-CKJ(JCG)
Plaintiff,	)	
	)	
vs.	)	<b>1<sup>st</sup> MOTION TO CONTINUE TRIAL</b>
	)	
CHARLES LEVOUGHT FLEMING,	)	
	)	
Defendant.	)	
_____	)	

Excludable delay under 18 U.S.C. Section 3161 (H)(1)(f) will occur as a result of this motion or of an order based thereon.

COMES NOW the Defendant, CHARLES LEVOUGHT FLEMING, by and through his attorney undersigned, and hereby moves this court to continue the trial of the above entitled matter presently scheduled for December 26, 2007, and the plea deadline of December 14, 2007, for the reason that the parties are discussing a possible non-trial resolution of this case. Additionally, counsel requires additional time to properly prepare for trial in the event the matter is not resolved.

Assistant U.S. Attorney Eric Markovich has no objection to this motion.

This motion is made in good faith and not for purposes of delay but rather to maintain the smooth and orderly administration of justice.

RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of November, 2007.

s/Harriette P. Levitt  
HARRIETTE P. LEVITT  
Attorney for Defendant

Copies of the foregoing delivered via ECF this 20<sup>th</sup> day of November, 2007, to:

Eric Markovich, Esq.  
Assistant U.S. Attorney  
405 West Congress, Ste. 4800  
Tucson, AZ 85701-5040

and mailed to:

Charles Levought Fleming