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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)	
Plaintiff(s),)	CR 07-291-TUC-FRZ (BPV)
vs.)	ORDER
DAVID EARLY,)	
Defendant(s).)	

Re: Continuance of trial

This matter is presently set for trial on October 2, 2007. The Defendant filed a motion to continue and for the reasons set forth therein additional time is required to adequately prepare for trial. The Government has no objection.

The Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial because, for the reasons set forth in the motion, failure to grant the continuance is likely to result in a miscarriage of justice if the defendant is required to go to trial on the present trial date.

IT IS ORDERED as follows:

1. The date by which the referred magistrate judge hears the change of plea must be no later than 3:00 p.m. on November 16, 2007.
2. That this matter is RESET for trial on **December 4, 2007 at 9:30 a.m. Counsel are to be present at 9:00 a.m.**
3. Excludable delay under 18 U.S.C. §3161(h)(8) is found to begin on October 3, 2007 and end on December 4, 2007. Such time shall be in addition to other excludable time

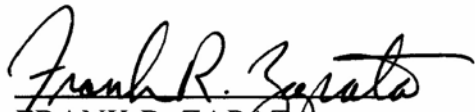
1 under the Speedy Trial Act and shall commence as of the day following the day that would
2 otherwise be the last day for commencement of trial.

3 4. That any and all subpoenas previously issued shall remain in full force and effect
4 through the new trial date.

5 5. Counsel shall file pretrial motions no later than forty-five (45) days prior to Trial.

6 6. Any motion or stipulation to continue the scheduled trial date and change of plea
7 hearing deadline shall be filed with the Clerk of Court no later than 5:00 p.m. Monday,
8 November 26, 2007.

9 DATED this 19th day of September, 2007.

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11 FRANK R. ZAPATA
12 United States District Judge
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