

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 BLAKENSHIP,)
)
 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. 10], filed on August 15, 2023.

In her motion, Defendant asks the Court to continue the September 12, 2023 trial date for approximately ninety days. She explains that defense counsel has not been able to complete investigation into the facts and circumstances of this matter in order to fully advise Defendant of the best possible outcome. And Defendant’s availability to meet with counsel has been limited because she had surgery on her leg. Defense counsel has spoken with Defendant about her speedy trial rights, and Defendant understands that the period of time between the filing of the motion and a rescheduled trial date would be fully excludable for speedy trial purposes. In addition, Defendant informs the Court that the Government does not oppose a continuance.

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). Defendant was indicted on June, 7, 2023, and 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 September 12, 2023 trial date.

The Court therefore **GRANTS** Defendant’s Motion to Continue Trial [**Doc. 10**]. The trial of this case is reset to **January 16, 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 August 15, 2023, 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 [**Doc. 10**] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **January 16, 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 **August 15, 2023**, and the new trial date of **January 16, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing pretrial motions is extended to **September 8, 2023**, and responses to motions are due on or before **September 22, 2023**;
- (5) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **December 15, 2023**;
- (6) the deadline for filing motions *in limine* is **December 29, 2023**;
- (7) the parties are to appear before the undersigned for a final pretrial conference on **January 3, 2024 at 10:00 AM.**; and

(8) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **January 5, 2024.**

IT IS SO ORDERED.

ENTER:



Jill E. McCook
United States Magistrate Judge