

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL BLAKE DEFRANCE,

Defendant.

CR 21–29–M–DLC

ORDER

Before the Court is Defendant Michael Blake DeFrance’s Unopposed Motion to Continue Trial and Other Attendant Deadlines. (Docs. 40–41.) The Motion requests that the trial set for October 4, 2021 and attendant deadlines be continued to allow time for filing and consideration of Mr. DeFrance’s third motion to dismiss, which will be filed by September 20, 2021. (Doc. 40 at 2.) The Motion states that Mr. DeFrance has been advised that the requested continuance would impact his constitutional and statutory rights to a speedy trial, and, through counsel, Mr. DeFrance advises that he understands his speedy trial rights but desires to waive them in the interest of better pretrial preparation. (*Id.* at 2–3.) The United States does not oppose the Motion. (*Id.* at 3.) The Motion does not specify the length of the continuance requested.

Accordingly, IT IS ORDERED that the Motion (Doc. 40) is GRANTED.

The jury trial currently scheduled for October 4, 2021 and all associated deadlines (Doc. 18) are VACATED, to be reset, if necessary, by future order.

IT IS FURTHER ORDERED that all time from September 15, 2021 to the disposition of the currently pending motions to dismiss (Docs. 14, 16) and the anticipated third motion to dismiss is hereby excluded from any Speedy Trial Act calculations in the above-captioned matter pursuant to 18 U.S.C. § 3161(h)(1)(D) (The Court may exclude any “delay resulting from” the timely adjudication of a pretrial motion “in computing the time within which the trial of any offense must commence.”).

IT IS FURTHER ORDERED that Mr. DeFrance must file his anticipated third motion to dismiss on or before September 20, 2021; any response brief must be filed on or before October 4, 2021; and any reply brief must be filed on or before October 12, 2021.

DATED this 15th day of September, 2021.



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Dana L. Christensen, District Judge  
United States District Court