

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.)
)
MICHAEL LEE FOSTER,)
)
Defendant.)
)
)
)

2:19-CR-193

ORDER

Defendant has filed a Motion to Continue [Doc. 31] with his counsel averring that while some discovery has been received, more is forthcoming. The discovery already produced contains voluminous electronic material and due to restrictions in place on communication with Defendant because of the COVID-19 pandemic, review of this discovery with Defendant has been complicated. Further, the pandemic has made it difficult for counsel to conduct necessary investigation and discuss filing pretrial motions with Defendant. The United States did not oppose the motion [Doc. 34].

Given the inability of counsel to effectively communicate with Defendant as a result of the pandemic, it is impossible for Defendant and his counsel to determine what motions may need to be filed and to prepare for trial. The Court offered to schedule a new trial date within the confines of the Speedy Trial Act, specifically in September 2020, but Defendant’s counsel requested that the Court continue the trial date beyond this date due to the reasons set forth in the motion, the pending appeal of Defendant’s detention order [Doc. 33], and the uncertainty related to the

COVID-19 pandemic. The Court finds that, based upon the foregoing, both Defendant's Motion to Continue and the oral motion to set outside the Act are well supported and are **GRANTED**.

The Court sets the following deadlines for this matter:

New Scheduling Dates	
Trial Date	October 8, 2020, at 9:00 a.m. U.S. District Judge Clifton L. Corker
Estimated length of trial	2 days
Defendant's Pretrial Motions Due:	August 18, 2020
Government's Responses Due:	September 1, 2020
Plea Deadline	September 24, 2020
Requests for Special Jury Instructions	5 days before trial

For the reasons stated above, all time between the filing of this order and the new trial date identified above is hereby declared "excludable time" under the Speedy Trial Act. The ends of justice served by the granting of this continuance outweigh the best interests of the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

If Defendant and the United States enter into plea negotiations which prove successful, a fully executed plea agreement shall be filed on or before the plea deadline identified above with an exact copy simultaneously furnished to the chambers of the district judge. All provisions in the Order on Discovery and Scheduling not explicitly amended by this order shall remain in effect.

SO ORDERED:

s/ Cynthia Richardson Wyrick
United States Magistrate Judge