

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	Case No. 1:21-cr-69
	)	
v.	)	Judge Atchley
	)	
DONNA J. CLARK,	)	Magistrate Judge Steger
	)	
Defendant.	)	

ENDS OF JUSTICE ORDER

Before the Court is Defendant Donna Clarks' Unopposed Motion to Continue [Doc. 13], requesting to continue the trial date and all associated deadlines in this matter by 30-days. The Speedy Trial Act requires a criminal defendant's trial to begin within (70) days of the defendant's initial appearance or indictment, but excludes from that time certain types of delay. *Bloate v. United States*, 559 U.S. 196 (2010); *see* 18 U.S.C.A. § 3161. Section 3161(h) lists certain excludable delays, including a continuance granted by the Court based on the Court's determination that the ends of justice served by granting the continuance outweigh the interests of the public and of the defendant in a speedy trial. § 3161(h)(7)(A). In making this determination, the Court must consider certain factors listed in § 3161(h)(7)(B),¹ including whether "the failure

¹ (B) The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:

(i) Whether the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.

(ii) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

(iii) Whether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

(iv) Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant

to grant such a continuance . . . would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” *Id.* “[A]lthough the order need not be lengthy,” the court must state “with particularity” the reasons for granting an ends of justice continuance. *United States v. Smith*, 510 F. App’x 390, 395 (6th Cir. 2013).

Here, Defendant’s counsel explains that she recently received 500 pages of supplemental discovery from the Government; and more time is needed to review, summarize, and discuss the supplemental discovery with the Defendant. [Doc. 18]. Defendant’s counsel explains that the Defendant needs to review all of the discovery in order to make a fully informed decision as to whether to proceed to trial. [*Id.*]. The Government is not opposed to the requested continuance. [*Id.*].

Based on these circumstances, the Court finds that the ends of justice served by granting the continuance outweigh the best interest of the public and the Defendant in a speedy trial. Specifically, the Court finds that the failure to grant the requested continuance would deny Defendant’s attorney the reasonable time necessary for effective preparation, taking into consideration the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, the Unopposed Motion to Continue [Doc. 13] is **GRANTED** and the following new trial schedule is **ORDERED** for Defendant Donna Clark:

Defendant’s Pretrial Motions Due:	December 21, 2021
Plea Deadline:	December 21, 2021
Jury Instructions Due:	January 4, 2021
Final Pretrial Conference	January 4, 2021 at 3:00 p.m.
Trial	January 11, 2021 at 9:00 a.m.

or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. § 3161(h)(7)(B).

The parties are **DIRECTED** to refer to the requirements of the Discovery and Scheduling Order [Doc. 6], all other provisions of which remain in full effect.

SO ORDERED.

/s/ Charles E. Atchley, Jr.
CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE