

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC SHIBLEY,

Defendant.

CASE NO. CR20-0174-JCC

ORDER

The Court, being fully advised, having reviewed the pleadings in this matter including the Defendant's Status Memorandum filed at Docket Number 66 and the Redacted Competency Report filed at Docket Number 68, having heard from the parties at a status conference on February 10, 2021, and having considered the General Orders of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19 (*See* W.D. Wash. General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20, 18-20), those Orders and findings incorporated herein, hereby makes the following additional findings:

1. As discussed in General Order 18-20, given the current state of COVID-19 pandemic, the likely timeline for the distribution of the vaccine, and the resulting effect of this public health situation on the ability for jurors, witnesses, parties, counsel, and Court staff to be present in the courtroom, it is not possible to go forward with a jury trial between now and April 6, 2021. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

2. Further, in light of the voluminous discovery in this case, which contains numerous loan applications, bank records, and other financial information, as well as the Redacted Competency Report, counsel for the defendant has requested additional time to prepare for trial. The failure to grant a continuance in this matter would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
3. Due to the complex nature of this case, the failure to grant a continuance of the trial date in this case would likely result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by continuing the trial in this case outweighs the best interest of the public and the defendant to a speedy trial.

IT IS ORDERED that a status conference be set in this case for April 6, 2021, to discuss the trial date. The period of time from the date of this order up to and including the date of the status conference, shall be excludable time pursuant to 18 U.S.C. § 3161.

SO ORDERED.

DATED this 11th day of February 2021.

A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE