



defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance would "result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant ... reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Flynn in a speedy trial. Based on Flynn's representations in his continuance motion, the government has filed a superseding indictment and informed his counsel that more discovery will be forthcoming. A continuance is warranted to allow Flynn's

counsel the opportunity to prepare fully and effectively for trial in light of the superseding indictment.

The government does not object to a continuance.

\*\*\*

Accordingly, it is ORDERED as follows:

(1) Defendant Michael Wesley Flynn motion for continuance (doc. no. 31) is granted.

(2) The jury selection and trial for defendant Flynn, now set for July 10, 2017, are reset for September 5, 2017, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 30th day of June, 2017.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE