

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)
) 1:21-CR-175-4
 v.)
)
 CHARLES DONOHOE,)
)
 Defendant.)

MOTION TO CONTINUE DETENTION HEARING

NOW COMES Defendant, CHARLES DONOHOE, by and through counsel, and moves that the Detention Hearing scheduled for April 12, 2021 at 3:00 p.m., be continued, and in support of this Motion respectfully shows unto the Court:

1. On April 6, 2021, the undersigned, who practices law in Winston Salem, North Carolina was appointed to represent Mr. Donohoe. At the time of the appointment, Mr. Donohoe was housed in the Alamance County Detention Center, located in Graham, North Carolina approximately 51 miles from the undersigned's office. Due to the COVID-19 virus, the undersigned regularly utilizes Jurislink, a confidential video conferencing system for inmates and attorneys which is available at the Alamance County Detention Center. Using Jurislink, attorneys can schedule meeting up to 120 minutes long. Jurislink also allows attorneys to review discovery and other documents with detained clients. The undersigned scheduled a

Jurislink meeting with Mr. Donohoe for Friday, April 9, 2021 at 4:15, and planned a second meeting for Sunday, April 11 to prepare for the upcoming detention hearing. The undersigned had two potential bench trials scheduled in state court on April 7 and April 8, therefore April 9 was the earliest date a meeting could be scheduled with Mr. Donohoe.

2. On Friday, April 9, 2021 at 4:15 pm, the undersigned learned that Mr. Donohoe was no longer housed at the Alamance County Detention Center. The undersigned was informed of this when Mr. Donohoe did not appear for the scheduled Jurislink meeting. The undersigned checked with all of the local jails that housed federal inmates and could not locate Mr. Donohoe. Later that evening, the undersigned learned that Mr. Donohoe had been removed from the Alamance County Jail earlier that day and flown to Oklahoma. Mr. Donohoe's current location in Oklahoma was confirmed this morning by the U.S. Marshal.
3. Because Mr. Donohoe was moved to Oklahoma, the undersigned was unable to confer with Mr. Donohoe and prepare for the hearing.
4. In order to provide effective representation to Mr. Donohoe it is necessary for the undersigned to meet with him prior to the detention hearing. Therefore, the undersigned respectfully requests a continuance of the scheduled detention hearing for one week, until

April 19, 2021 so that she can arrange to schedule meetings that will allow for confidential attorney/client discussions with Mr. Donohoe in order to fully prepare for the detention hearing.

5. The undersigned has not requested any previous continuances. This request is not for the purpose of unnecessary delay, and further that the ends of justice would be served by continuing this case until the undersigned can arrange to meet with Mr. Donohoe. For the reasons stated above, failure to continue this matter would result in a miscarriage of justice.
6. The period of delay, if any, occasioned by this continuance should be excluded in computing the time within which Defendant's trial must commence pursuant to 18 U.S.C. § 3161 (The Speedy Trial Act) as the ends of justice served by any such delay outweigh the best interests of the public and the Defendant in a speedy trial.
7. The undersigned has informed Assistant United States Attorney Jason McCullough of this motion, and he has no objection.

WHEREFORE, the undersigned requests that the Court continue the detention hearing in the above-captioned matter for one week, until April 19, 2021.

Respectfully submitted, April 12, 2021.

/s/ Lisa S. Costner

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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Jason McCullough
Assistant United States Attorney

Respectfully Submitted, April 12, 2021.

/s/ Lisa S Costner

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ORDER

THIS MATTER is before the Court on the Defendant’s motion to continue the detention hearing scheduled for April 12, 2021 at 3:00 p.m. for one week, until April 19, 2021.

The Court finds that such a continuance is necessary in order for counsel for Defendant to meet with the Defendant, who is currently in custody and was moved from the Alamance County Detention Center in the Middle District of North Carolina to Oklahoma on April 9, 2021. Counsel for the Government has no objection to the Defendant’s requested continuance. The Court finds that Defendant has waived the provisions of the Speedy Trial Act, 18 U.S.C. § 3161, *et. seq.* The Court, therefore concludes that the failure to grant the Defendant’s motion to continue would likely result in a miscarriage of justice by denying counsel for the Defendant a reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, the ends of justice served by the granting of a continuance of this matter outweigh the best interests of the public and the Defendant in

a speedy trial.

IT IS THEREFORE ORDERED that this matter is continued.

IT IS FURTHER ORDERED THAT THE period from April 12, 2021, up to and including April 19, 2021, is hereby excluded from the provisions of 18 U.S.C. § 3161, *et seq.*, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

SO ORDERED, This the ___ day of _____, 2021.

Honorable G. Michael Harvey
United States Magistrate Judge