

United States District Court
District of Columbia

United States of America,

Plaintiff,

v.

Daniel Rodriguez,

Defendant.

Case No. 1:21-cr-00246-ABJ-1

**UNOPPOSED MOTION TO EXTEND RESPONSE TO MOTION IN LIMINE
DEADLINE TO FEBRUARY 3, 2023**

Defendant Daniel Rodriguez moves this Court for a brief extension of time to file responses to the motions in limine. Mr. Rodriguez requests this Court extend the deadline to Friday, February 3, 2023. As detailed below, due to the timing of when undersigned counsel received the plea agreement from the government combined with the unforeseeable movement of Mr. Rodriguez to a different detention facility, undersigned counsel needs a brief extension of time to respond to the motions in limine. This motion is unopposed.

On Friday, December 16, 2022, undersigned counsel received a draft plea agreement from the government. Following receipt of the agreement, undersigned counsel mailed Mr. Rodriguez a copy and immediately scheduled a video visit. The earliest available visit was December 21, 2022.

Undersigned counsel informed the government that, due to the holidays, she was out of the office from December 26, 2022, until January 10, 2023, and

would need time to meet with Mr. Rodriguez to discuss the terms of the plea agreement.

On December 21, 2022, undersigned counsel met with Mr. Rodriguez to begin reviewing the terms of the plea agreement.

On December 26, 2022, undersigned counsel attempted to schedule a follow-up visit with Mr. Rodriguez. Undersigned counsel discovered Mr. Rodriguez was no longer at Northern Neck Regional Jail. Sometime between December 22, 2022, and December 26, 2022, Mr. Rodriguez was moved from Northern Neck Regional Jail. Undersigned counsel was not informed of the move or where Mr. Rodriguez was relocated to.

On December 27, 2022, undersigned counsel reached out to the United States Marshal Service. The Marshals were able to locate Mr. Rodriguez and informed undersigned counsel he was moved to a BOP facility in Lewisburg, Pennsylvania. Undersigned counsel scheduled a visit with Mr. Rodriguez on January 12, 2023.

On January 12, 2023, undersigned counsel met with Mr. Rodriguez via video at his new facility in Lewisburg, Pennsylvania, to review the terms of the plea agreement. During the visit, undersigned counsel became aware that Mr. Rodriguez had not yet received a copy of the plea agreement, likely due to the move to another facility.

On January 27, 2023, undersigned counsel again met with Mr. Rodriguez via video visit to continue discussing the terms of the plea agreement.

Undersigned counsel attempted to schedule an in-person visit with Mr. Rodriguez in the Lewisburg facility. Due to the facility's scheduling limitation to weekends only, the earliest feasible date for an in-person visit was February 11, 2023. However, because of the upcoming Pretrial Conference, Mr. Rodriguez was scheduled to be moved back to a DC facility. Thus, undersigned counsel has an in-person visit scheduled for February 8, 2023.¹ Undersigned counsel also has two video visits scheduled with Mr. Rodriguez—one on Wednesday, February 1, 2023, and one on Thursday, February 2, 2023.

There have been several issues to address, in a limited amount of time since receiving the government's plea agreement. Undersigned counsel has been working diligently to review the terms of the plea agreement with Mr. Rodriguez and answer his questions. A majority of the time spent with Mr. Rodriguez has been focused on addressing the plea agreement, which was received on December 16, 2022. In addition to addressing the terms and conditions of the plea agreement, undersigned counsel has also needed to discuss the government's motion in limine addressing Mr. Rodriguez's statement and the government's expert notice—both of which were filed on December 15, 2022.

¹ In light of the change to the Pretrial Conference, undersigned counsel will need to reschedule this visit with Mr. Rodriguez at his current BOP facility in Lewisburg, Pennsylvania. The visits at this facility are limited to weekends.

In light of the scheduling obstacles and Mr. Rodriguez's ultimate decision to proceed to trial, undersigned counsel needs a brief extension of time to respond to the motions in limine. For the foregoing reasons, Mr. Rodriguez respectfully requests this Court extend the motion in limine response deadline to February 3, 2023.

Dated: January 30, 2023.

Respectfully submitted,

RENE L. VALLADARES
Federal Public Defender

/s/Rebecca A. Levy
/s/Margaret W. Lambrose
By: */s/Katherine Tanaka*

REBECCA A. LEVY
MARGARET W. LAMBROSE
KATHERINE TANAKA
Assistant Federal Public Defenders

Attorneys for Daniel Rodriguez

Certificate of Electronic Service

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on January 30, 2023, she served an electronic copy of the above and foregoing **MOTION TO EXTEND RESPONSE TO MOTIONS IN LIMINE DEADLINE** by electronic service (ECF) to the person named below:

CHANNING D. PHILLIPS
United States Attorney
Kimberly L. Paschall
Assistant United States Attorneys
555 4th Street, NW
Washington, DC 20530

/s/ Cecilia Valencia

Employee of the Federal Public
Defender