

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

BRUNO JOSEPH CUA

Criminal Action No. 21-00107 (RDM)

**CONSENT MOTION TO RESCHEDULE MOTIONS HEARING, TO EXCUSE
DEFENDANT FROM ATTENDING MOTIONS HEARING IN PERSON,
AND FOR EXTENSION TO FILE TRIAL BRIEFS**

Bruno Joseph Cua, through undersigned counsel, hereby moves this Honorable Court for an order (1) rescheduling the motions hearing currently scheduled on January 25, 2023, at 10:00 a.m. to January 30, 2023, at a time that is convenient for the Court; (2) excusing Mr. Cua from attending motions hearing in person and permitting him to attend by telephone or videoconference; and (3) extending the deadline for the parties to file pretrial briefs from January 30, 2023, to February 3, 2023.

Undersigned counsel has discussed these requests with counsel for the government who has indicated that the government consents to rescheduling the hearing and is available on January 30 and consents to the extension of time to file trial briefs until February 3, 2023.

In support of this motion, Mr. Cua states as follows:

1. On January 10, 2023, after granting Mr. Cua's motion to waive his right to a jury trial and proceed with a bench trial, the Court entered a Minute Order that vacated the pretrial conference previously scheduled on February 2, 2023, at 10:00 a.m., and scheduled a motions hearing on January 25, 2023, at 10:00 a.m. in Courtroom 8. The Minute Order also ordered the parties to file trial briefs by January 30, 2023.

2. A bench trial in this case is scheduled to begin on February 13, 2023.

Rescheduling January 25, 2023 Motions Hearing

3. A motions hearing is currently scheduled on January 25, 2023, at 10:00 a.m. Defense counsel has a conflict that day.

4. Defense counsel consulted with counsel for the government regarding their availability and the two sides agreed that they are both available January 30, 2023. Defense counsel then contacted chambers and was informed that the Court is available on January 30, 2023, as well.

5. Accordingly, Mr. Cua respectfully requests that the Court reschedule the motions hearing currently scheduled on January 25, 2023, at 10:00 a.m., to a time convenient for the Court on January 30, 2023.

Mr. Cua's Attendance at Motions Hearing

6. With respect to Mr. Cua's attendance at the motions hearing, Federal Rule of Criminal Procedure 43(b)(3) states:

“When Not Required: A defendant need not be present under the following circumstances:

....

(3) Conference or Hearing on a Legal Question. The proceeding involves only a conference or hearing on a question of law.”

7. Mr. Cua resides and is located in Georgia. It would be very inconvenient for Mr. Cua to be required to travel to Washington, D.C., for one day to attend a motions hearing addressing legal issues, at which he presumably would not need to speak. Attending by telephone or videoconference will permit him to attend remotely and speak with the Court if necessary.

8. Accordingly, Mr. Cua respectfully requests that he be permitted to attend the motions hearing by telephone or by videoconference, rather than in person.

Extension of Time for Parties to File Trial Briefs

9. Under the current schedule, the parties are required to submit trial briefs on January 30, 2023.

10. In drafting the trial briefs, the parties believe they would benefit from the motions hearing that Mr. Cua is requesting to be moved to January 30, 2023.

11. In addition, undersigned counsel will be out of the office entirely on January 27, 2023, and that weekend, to attend the inurnment of his family member and has upcoming competing deadlines in this case and others.

12. Accordingly, Mr. Cua respectfully requests that the time to file trial briefs be extended four days to February 3, 2023.

A proposed order accompanies this motion.

Respectfully submitted,

DATED: January 19, 2023

/s/ William E. Zapf
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Attorneys for Bruno Joseph Cua

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of January, 2023, I filed the foregoing with the Clerk of the United States District Court for the District of Columbia by using the CM/ECF system, which system I understand has provided electronic notice counsel of record.

Dated: January 19, 2023

/s/ William E. Zapf

William E. Zapf