

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

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
JACK WADE WHITTON, )  
)  
Defendant. )  
\_\_\_\_\_)

CASE NO.: 1:21-CR-35 (EGS)

**UNOPPOSED MOTION TO DELAY DEFENDANT’S TRANSPORT TO  
THE DISTRICT OF COLUMBIA PENDING A RULING ON THE  
GOVERNMENT’S MOTION FOR REVIEW AND REVOCATION OF  
JUDGE CANON’S RELEASE ORDER**

**COMES NOW** Defendant, **JACK WADE WHITTON**, by and through his undersigned counsel, and hereby files his Motion To Delay Defendant’s Transport To The District Of Columbia Pending A Ruling On The Government’s Motion For Review And Revocation Of Judge Canon’s Release Order. In support of thereof, Defendant shows as follows:

1.

Mr. Whitton was arrested on April 1, 2021. His detention hearing was held on April 2, 2021 wherein Magistrate Judge Canon heard argument from the government and from undersigned counsel. Judge Canon determined that Mr. Whitton did not pose a risk of flight and that he did not pose a danger to the

community and ordered him released on a \$10,000 unsecured bond. On April 4, 2021, the government filed its “Motion For Emergency Stay And For Review and Revocation Of Release Order.” (**Doc. 35**) A hearing on the government’s Motion is scheduled for April 12, 2021 at 1:00 p.m. via video-conference.

2.

Defendant is currently being held at the Robert A. Deyton Detention Center in Lovejoy, Georgia while he awaits transport to the District of Columbia. Based on the experience of the co-defendants in this case, undersigned counsel believes that it could take several weeks for Defendant to be transported from Georgia to the District of Columbia. Therefore, Defendant respectfully requests that this Court order the Marshals to not transport Defendant to the District of Columbia until after this Court can rule on the government’s motion. This will ensure that this Court can timely hear and rule on the government’s Motion. Defendant expressly waives any speedy trial time constraints associated with any delay caused by this Motion.

3.

The government has advised undersigned counsel that it does not oppose the granting of this Motion.

**WHEREFORE**, for all of the foregoing reasons, Defendant respectfully prays that this Court order the Marshals to not transport Defendant until after this

Court rules on the government's Motion to revoke Judge Canon's release order.

**This, the 8<sup>th</sup> day of April, 2021.**

Respectfully submitted,

*s/ Benjamin Black Alper*

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BENJAMIN BLACK ALPER

Georgia Bar No. 940406

Attorney for Defendant Jack Wade Whitton

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_____	)	

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the above date, I electronically filed this document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

**This, the 8<sup>th</sup> day of April, 2021.**

Respectfully submitted,

s/ Benjamin Black Alper  
BENJAMIN BLACK ALPER  
Georgia Bar No. 940406  
Attorney for Defendant Jack Wade Whitton

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CASE NO.: 1:21-CR-35 (EGS)

**DEFENDANT’S PROPOSED ORDER DELAYING DEFENDANT’S  
TRANSPORT TO THE DISTRICT OF COLUMBIA UNTIL AFTER THIS  
COURT RULES OF THE GOVERNMENT’S MOTION TO REVOKE  
JUDGE CANON’S RELEASE ORDER**

Upon Motion of Defendant, and without any opposition from the government, **IT IS HEREBY ORDERED** that Defendant’s transport from Georgia to the District of Columbia is to be delayed pending a ruling on the government’s Motion to revoke Judge Canon’s release order. The Marshals are directed not to transport Defendant to the District of Columbia until further Order of this Court. With Defendant’s consent, any time delay caused by this Order shall be excluded from speedy trial time calculations.

**This the \_\_\_ day of April, 2021.**

\_\_\_\_\_  
EMMET G. SULLIVAN  
United States District Judge