

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

UNITED STATES OF AMERICA,

v.

KLETE DERIK KELLER,  
*Defendant.*

Case No.: 1:21-cr-00104-RJL

Hon. Richard J. Leon

Sentencing: May 10, 2023 at 3:30 PM

**DEFENDANT'S UNOPPOSED  
MOTION TO CONTINUE SENTENCING**

Klete Derik Keller, by counsel, respectfully submits this motion, and accompanying Order, asking the Court to briefly continue the Sentencing hearing currently docketed for May 10, 2023 at 3:30 PM. In support thereof, Mr. Keller states as follows:

**DISCUSSION**

On January 15, 2021, Edward B. MacMahon, Jr., entered his Notice of Attorney Appearance, as Mr. Keller's counsel of record, in the above-captioned matter. (Dkt. 5). From January 2021 through September 2021, Mr. MacMahon engaged in negotiations with the government to resolve Mr. Keller's case, resulting in a Plea Agreement and Statement of Offense being filed with this Court on September 29, 2021. (Dkt. 25, 25). Currently, sentencing in Mr. Keller's matter is scheduled for May 10, 2023, with the parties' respective Positions on Sentencing due no later than May 3, 2023. (Min Entry, 1/20/23).

Sadly, on March 12, 2023, Mr. MacMahon passed away from various health-related complications. See *Edward MacMahon Obituary*, WASHINGTON POST (Mar. 21, 2023) (available at: <https://www.legacy.com/us/obituaries/washingtonpost/name/edward-macmahon-obituary?id=51261374>).

After speaking with Mr. Keller, MacMahon's law office contacted undersigned counsel to inquire about taking over Mr. Keller's representation. Counsel has spoken at length with Mr. Keller and has obtained his permission to take over the representation in this matter. On March 27, 2023, Counsel entered his Notice of Attorney Appearance on behalf of Mr. Keller, (Dkt. 42), and filed a motion seeking to be substituted as Counsel of Record in the above-captioned matter. (Dkt. 43).

Counsel has been in communication with MacMahon's law office and is currently coordinating the transfer of Mr. Keller's files. However, given the suddenness of Mr. MacMahon's passing, Counsel has been unable to obtain Mr. Keller's full file as of the date of the instant motion.

Moreover, Counsel has been in communication with both counsel for the government and the assigned probation officer. The parties are working towards providing Counsel access to the discovery material in this matter and to bring Counsel up-to-speed on the cooperation provided by Mr. Keller to government investigators. Again, however, given the suddenness of MacMahon's passing, Counsel has not received or reviewed the discovery files associated with Mr. Keller's criminal matter. Furthermore, the assigned probation officer has informed Counsel that U.S. Probation also could benefit from additional time to complete the PSI investigation and accompanying pre-sentence report.

Additionally, Mr. Keller has informed Counsel that he has been under the care of a physician for certain sinus-related issues and that his physician has tentatively scheduled him for minor sinus surgery on May 31, 2023.<sup>1</sup>

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<sup>1</sup> Should the Court require, Counsel is able to provide documentation concerning Mr. Keller's surgery. However, the procedure is minimally invasive and Mr. Keller should be discharged from the Hospital the same day of his procedure.



