

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

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 1:22-CR-00092-DLF
)	
BRIAN BINGHAM)	

MOTION TO CONTINUE TRIAL AND EXTEND PRETRIAL DEADLINES

BRIAN BINGHAM, through Undersigned Counsel, moves the Court to continue for 90 days his trial that is now set for November 13, 2023, and to extend the pretrial deadlines accordingly. In support of this motion, Mr. Bingham states as follows.

1. The United States, through Assistant United States Attorney Christopher Amore, does not oppose this motion.
2. A criminal complaint was filed against Mr. Bingham on May 17, 2021. He was arrested on the complaint in Montgomery, Alabama, on June 22, 2021. Another nine months elapsed before Mr. Bingham was indicted on March 18, 2022.
3. The Federal Defender for the Middle District of Alabama represented Mr. Bingham from June 30, 2021, until March 21, 2023, on which date the Court allowed the Federal Defender to withdraw and appointed Undersigned Counsel to represent Mr. Bingham. During the nearly 21 months that the Federal Defender represented Mr. Bingham, no trial date was set.
4. On May 30, 2023, the Court set this case for trial on November 13, 2023. At that time, Undersigned Counsel informed the Court that he would be traveling out of state for four

weeks during August and September (August 12th through September 10th) for a trip with his sister that had been planned since 2022, and he also informed the Court of his upcoming trial schedule for several cases in the Middle District of Alabama.

5. Undersigned Counsel's trial schedule has now changed significantly. His trial that was scheduled for June 6th has been continued to September 18th, one week after he returns from his extended trip to Nevada and California. His trial that began on July 24th resulted in a mistrial, and that trial has been reset for October 2nd. Both of these cases are certain to try; neither will be resolved with a guilty plea. Undersigned Counsel also has two trials scheduled for October 30th, one of which is a likely trial.

6. Undersigned Counsel has also experienced a challenging summer personally. He and his wife are caregivers for his wife's father, who suffers from Parkinson's disease and glaucoma, and who lives with them. Undersigned Counsel's father-in-law had surgery on each eye in July, some three weeks apart. He has also had other medical appointments related to other medical issues, on which either Undersigned Counsel or his wife has had to accompany him.

7. In addition to helping his wife attend to his father-in-law's medical issues, Undersigned Counsel's oldest daughter dealt with a high-risk pregnancy (her fourth child), which included two hospital stays. During those stays, Undersigned Counsel and his wife had three grandchildren (7, 5, and 2) in their home for about three weeks, as their son-in-law is employed full-time in a position that requires frequent out-of-town travel. This had an impact on Undersigned Counsel's legal practice, as he is a solo practitioner who works from home.

8. Undersigned Counsel also suffered through acute bronchitis, which is a recurring

long-Covid symptom he developed after a month-long bout with Covid during June of 2022.

9. This case is complex. Due to the complex nature of the case, as previously noted, the Federal Defender represented Mr. Bingham for nearly 21 months without the case being set for trial. Undersigned Counsel has represented Mr. Bingham for a little more than four months.

10. Considering the various health issues, both his own and those of other family members, with which Undersigned Counsel had to endure, as well as having two trials pushed into September and October, Undersigned Counsel does not believe he can be properly prepared to try this case on November 13th.

WHEREFORE, Mr. Bingham moves the Court to continue for 90 days his trial that is now set for November 13, 2023, and to extend the pretrial deadlines accordingly.

Dated this 6th day of August, 2023.

Respectfully submitted,

/s/ Donnie W. Bethel

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CERTIFICATE OF SERVICE

I certify that on August 6, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/ Donnie W. Bethel

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