

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES

v.

QUAGLIN

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Case No. 1:21-cr-40

NOTICE OF DEFENDANT'S INTENTION TO FILE A MOTION FOR A
CONTINUANCE OF TRIAL SCHEDULED FOR APRIL 10, 2023, AND REQUEST FOR
AN ORDER GRANTING A CONTINUANCE WITH DATE TO BE DETERMINED

TO THE COURT:

At a hearing before the Court on March 14, 2023, undersigned counsel gave notice on the record that his intention to file a motion for a continuance with the Court for the trial that is scheduled for April 10, 2023.

Counsel for Defendant, attorney Jonathan Gross, is Jewish and strictly observes the Biblical holidays, including the holiday of Passover, which falls this year from April 5 until April 13. Trial for the Defendant is currently scheduled for April 10, 2023, which is right in the middle of Passover. The trial was scheduled for that time long before Mr. Gross was retained by Mr. Quaglin.

On February 20, 2023, Mr. Gross contacted counsel for the government and asked, as a courtesy, for the government to consent to a continuance so that Mr. Gross could attend the trial. At that time, Mr. Quaglin's lead attorney was Joseph McBride, and at the time Mr. McBride had every intention of representing Mr. Quaglin at trial. Mr. Gross simply requested the government's consent to a continuance as a courtesy. The government declined to extend that courtesy. Mr. Gross informed Mr. McBride and Mr. Quaglin at that time that he would not be able to attend the trial due to observance of the Jewish holiday.

On March 6, 2023, Mr. McBride decided to withdraw from this case, and the Court approved his withdrawal within hours without arranging a hearing to consider how his withdrawal may affect the case. As a result, five weeks before trial, Mr. Gross unexpectedly became lead counsel.

Mr. Gross has since given the court notice that he would be filing a motion for a continuance at the hearing before the Court on March 14, 2023.

On March 15, Mr. Gross requested again that the government consent to a continuance given the new circumstances, but the government still refuses, and insists that Mr. Quaglin proceeded to trial even though his attorney cannot attend due to a religious holiday, through no fault of Mr. Gross.

At this time, the Defendant respectfully request that the Court order a continuance for the trial without setting a new date until the Defendant has a chance to properly brief a motion for a continuance that requests a fair amount of time for Mr. Quaglin's new counsel to prepare with his client for trial, given the unique circumstances of Mr. Quaglin's case. Mr. Gross asks for leave until March 23, 2023 to brief the motion for continuance.

CONCLUSION

For the foregoing reasons, Defendant requests that the Court issue an Order continuing the trial scheduled for April 10, 2023 for a date to be determined, and grant leave for the Defendant to file a Motion for Continuance until March 23, 2023.

Dated: March 15, 2023

Respectfully submitted,

/s/ Jonathan Gross

Jonathan Gross

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being served on opposing counsel via email on

March 15, 2023

/s/ Jonathan Gross