

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

RICHARD BARNETT,

Defendant.

Case No. 21-cr-0038 (CRC)

DEFENDANT RICHARD BARNETT'S
MOTION FOR A CONTINUANCE AND AN EXTENSION OF TIME TO FILE
PRETRIAL MOTIONS

Pursuant to Rule 45(b)(1)(b) of the Federal Rules of Criminal Procedure, Richard Barnett, through his attorney, Joseph D. McBride, Esq., respectfully requests that this Honorable Court modify the June 10, 2022, MINUTE ORDER. Specifically, Mr. Barnett asks this Court to extend the due dates for the PRETRIAL MOTIONS by an additional thirty (30) days.

On June 8, 2022, undersigned counsel filed MOTION FOR AN EXTENSION OF TIME TO FILE PRETRIAL MOTIONS. (See Doc. No. 57). In that motion, undersigned counsel explained to this Honorable Court that he was still recovering from COVID 19. Today, undersigned counsel regrettably writes to inform this Honorable Court that he is still struggling with the recovery process.

Lingering and disruptive symptoms prompted undersigned counsel to pursue more specialized testing that discovered latent Lyme Disease antibodies. Undersigned counsel's physicians informed him that this combination of conditions is the culprit underlying his ability to work unencumbered by the long-term effects of COVID-19 and Lyme's Disease.

On July 7, 2022, undersigned counsel was evaluated by another doctor, who informed him that he has Chronic Lyme Disease. Undersigned counsel has been informed by his physicians that he needs to take an aggressive course of action to eradicate and neutralize this condition. Undersigned counsel began treatment to combat his illness on Thursday, July 7, 2022. Undersigned counsel has been informed that his condition is lifelong but that he is likely to be able to resume life as close to normal as is possible after treatment.

Treatment and recovery are expected to take, at a minimum—somewhere between one to two months. Coordinating management of care between undersigned counsel's residences in New York City and Washington, DC, a pharmaceutical regimen with poorly tolerated drugs, medical treatment, stress management, significant lifestyle changes, visits to various specialists located far from undersigned counsel's residence, and the need for rest, are a few of the things essential to the treatment and recovery process.

Undersigned counsel has spoken with AUSA Prout and AUSA Dohrmann regarding this request. The Government has agreed to a thirty (30) day extension for the Defense to file pretrial motions based on the information above. Undersigned counsel has also discussed this situation with his client, Mr. Barnett, who has no objection to any request for continuances related to the medical reasons in this writing.

While undersigned counsel is expected to recover, he does not have an exact timetable regarding recovery. Nor does he have a clear view as to what his capacity to work will be during this time. As such, he is also respectfully asking for a status conference this week or next week to alert this Honorable Court to his situation and discuss the potential impact on other deadlines.

Undersigned counsel recognizes that his requests impose an imposition on the Government and the Court. Still, the effects he has been experiencing have taken him by surprise and frankly leave him no other option than to make this Motion.

Thus, having demonstrated good cause and obtained consent from the Government, Mr. Barnett respectfully asks this Court to extend the due dates for the PRETRIAL MOTIONS by an additional thirty (30) days and to set a status conference to discuss the potential impact on other deadlines.

Dated: Washington, DC
July 12, 2022

Respectfully submitted,

/s/ Joseph D. McBride, Esq.

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