

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

UNITED STATES OF AMERICA :
 :
 :
 V. : **CRIMINAL NUMBER 21-158 (RC)**
 :
 :
 KYLE FITZSIMONS :

**DEFENDANT'S UNOPPOSED MOTION
FOR A THIRTY (30) DAY CONTINUANCE OF TRIAL**

Kyle Fitzsimons, by and through his attorney, Natasha Taylor-Smith, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania respectfully requests a continuance of trial for the above captioned case. As grounds, counsel avers as follows:

1. On April 22, 2021, Mr. Fitzsimons was arraigned before the Honorable Reggie B. Walton and entered a plea of not guilty to the instant Indictment.
2. On December 14, 2021, Mr. Fitzsimons pled not guilty to the superseding indictment filed on November 10, 2021.
3. Trial in this matter is scheduled to commence on June 13, 2022.
4. On May 18, 2022, the Government filed a second superseding Indictment. Mr. Fitzsimons was arraigned on May 27, 2022 and entered a plea of not guilty.
5. Defense counsel has thoroughly discussed 18 U.S.C. § 3161(c)(2) with Mr. Fitzsimons and he does not consent to be tried within 30 days of his initial appearance on the second superseding indictment.
6. Pursuant to 18 U.S. § 3161(c)(2), a continuance of not less than thirty (30) days is respectfully requested.

7. Failure to grant this request for a continuance would result in a miscarriage of justice, 18 U.S.C. § 3161(h)(7)(B)(i).

8. Failure to grant the continuance would deny counsel for the defendant the reasonable time necessary for preparing effectively to represent defendant at trial.

9. Assistant United States Attorneys, Douglas B. Brasher and Michael M. Gordon, does not oppose this application for a continuance.

WHEREFORE, for the reasons cited and in the interests of justice, this Court is respectfully requested to grant not less than a thirty (30) day extension for commencement of trial.

Respectfully submitted,

/s/ Natasha Taylor-Smith
NATASHA TAYLOR-SMITH
Assistant Federal Defender

CERTIFICATE OF SERVICE

I, Natasha Taylor-Smith, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have caused a copy of Defendant's Motion for Continuance of Trial, to be filed and served electronically through the Eastern District Clerk's Office Electronic Case Filing ("ECF") upon:

Douglas B. Brasher
Assistant United States Attorney
United States Attorney's Office
1100 Commerce Street, 3rd Floor
Dallas, TX 75242

Michael M. Gordon
Assistant United States Attorney's Office
400 North Tampa Street
Suite 3200
Tampa, FL 33602

/s/ Natasha Taylor-Smith
NATASHA TAYLOR-SMITH
Assistant Federal Defender

DATE: June 2, 2022