

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	§	
	§	
V.	§	NO. 1:21-CR-334-TJK-1
	§	
DALE JEREMIAH SHALVEY	§	

**DEFENDANT'S MOTION TO CONTINUE SENTENCING**

TO THE HONORABLE TIMOTHY J. KELLY,  
DISTRICT JUDGE, DISTRICT OF COLUMBIA:

COMES NOW, Dale Jeremiah Shalvey (Defendant), by and through his attorney of record, Cody L. Cofer (Counsel), and files this motion to continue sentencing. Defendant moves the Court to continue the sentencing hearing currently scheduled for January 20, 2023 and extend the deadline for sentencing motions and materials. **Counsel requests a continuance and extension of at least 50 days.** As grounds for continuance and in support thereof, Defendant would show the Court:

1. The Court has scheduled sentencing for January 20, 2023.
2. On January 4, 2023, Codefendant Tara Aileen Stottlemeyer's sentencing hearing scheduled for January 20, 2023 was rescheduled to February 24, 2023.
3. Based on the current scheduling order, Counsel cannot effectively prepare nor effectively advocate for Defendant (despite exercising due diligence) at the final sentencing hearing, because Counsel has been unable to draft appropriate sentencing pleadings and collect sentencing information within the time set forth in the scheduling order.

4. Counsel moves for a continuance to ensure effective representation of Defendant and to serve judicial economy.
5. Granting this motion shall serve the ends of justice. Granting this motion does not prejudice the defendant's or public interest in a speedy trial (to the extent the right applies to sentencing proceedings). Any prejudice to defendant's or public interest in a speedy trial is outweighed by the ends of justice served. Granting this motion will not likely make continuation of such proceedings impossible or result in the miscarriage of justice.
6. On December 6, 2022, Counsel began jury trial in case 3:18-CR-000345-L-1, *United States of America v. Andrew Kasnetz*, before the Honorable Judge Sam A. Lindsay, Northern District of Texas, Dallas Division. The trial concluded on December 16, 2022.
7. Counsel has had other conflicts inhibiting preparation for Defendant's sentencing. These obligations include:
  - a. On November 4, 2022, Counsel appeared for the final sentencing hearing in case 4:22-CR-141-O, *United States of America v. Michael Colson*, before the Honorable Reed O'Connor, Northern District of Texas, Fort Worth Division;
  - b. On November 18, 2022, Counsel appeared for a detention hearing in case 4:22-MJ-00913-BP-1, *United States of America v. Ian Ranney*, before the Honorable Magistrate Judge Hal R. Ray, Jr., Northern District of Texas, Fort Worth Division;

- c. On November 22, 2022, Counsel appeared for the final sentencing hearing in case 4:22-CR-093-Y, *United States of America v. Christopher Anderson*, before the Honorable Judge Terry R. Means, Northern District of Texas, Fort Worth Division;
  - d. November 23-25 Counsel was out of the office for Thanksgiving holiday;
  - e. On December 15, 2022, Counsel appeared for the final sentencing hearing in case 4:22-CR-00248-P, *United States of America v. Calvin Teague*, before the Honorable Judge Mark T. Pittman, Northern District of Texas, Fort Worth Division;
  - f. On December 29, 2022, Counsel appeared for a detention hearing in case 4:22-MJ-712, *United States of America v. Ignacio Zepada*, before the Honorable Magistrate Christine A. Nowak, Eastern District of Texas, Sherman Division; and
  - g. On January 5, 2023, Counsel appeared for the final sentencing hearing in case 4:22-CR-268-P, *United States of America v. Jaime Rodriguez*, before the Honorable Judge Mark T. Pittman, Northern District of Texas, Fort Worth Division.
8. Defendant moves the Court to continue the sentencing hearing until such time as Counsel can be present and properly prepared.
9. Counsel for Defendant has the following conflicts within the next 60 days:

- a. On January 10, 2023, Counsel has jury trial scheduled in *United States of America v. Billy James Menees*, case 6:21-CR-00151-TDD-1, before the Honorable Judge Timothy D. DeGuisti, Eastern District of Oklahoma. Counsel expects this is a firm trial date. Mr. Menees is charged with neglect and abuse of a child in Indian Country. Counsel has expended substantial time preparing for trial in *United States of America v. Menees* and expects to expend substantial time continuing preparation throughout the next several weeks;
- b. On January 19, 2022, Counsel is scheduled for the final sentencing hearing in case 3:20-CR-565-B-8, *United States of America v. Richard Quiroga*, before the Honorable Judge Jane J. Boyle, Northern District of Texas, Dallas Division. Counsel will be requesting a continuance because of his jury trial for *United States of America v. Meneese (supra)*;
- c. On January 26, 2022, Counsel is scheduled for the final sentencing hearing in case 4:22-CR-274-P, *United States of America v. John Lillie*, before the Honorable Judge Mark T. Pittman, Northern District of Texas, Fort Worth Division;
- d. On February 23, 2023, Counsel is scheduled for the final sentencing hearing in case 4:22CR-234-P, *United States of America v. Zimmie Daniels*, before the Honorable Judge Mark T. Pittman, Northern District of Texas, Fort Worth Division; and

e. On March 3, 2023, Counsel is scheduled for the final sentencing hearing in case 7:22-CR-00027-O, *United States of America v. Lionel Henderson*, before the Honorable Judge Reed O'Connor, Northern District of Texas, Fort Worth Division.

WHEREFORE PREMISES CONSIDERED, Defendant prays that in the above referenced and entitled cause, the Court continue the sentencing.

Respectfully submitted,

/s/ Cody L. Cofer  
Cody L. Cofer  
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Attorney for Defendant

CERTIFICATE OF CONFERENCE

I hereby certify that on January 4, 2023, I conferred with the attorney for the Government. The Government does not object to this motion.

/s/ Cody L. Cofer

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2023, I electronically filed the foregoing document with the clerk for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorney for the Government and the U.S. Probation Officer authoring the PSR.

/s/ Cody L. Cofer  
Cody L. Cofer  
Attorney for Defendant