

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL JAY HERENDEEN,

Defendant.

Criminal Case No. 21-278(BAH)

Hon. Beryl A. Howell

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**EMERGENCY UNOPPOSED MOTION TO DELAY SELF-SURRENDER**

Daniel Herendeen, through counsel Colleen P. Fitzharris, moves on an emergency basis to delay his self-surrender to the St. Clair County Jail. In support of the motion, he states as follows:

1. Mr. Herendeen pleaded guilty to Entering and Remaining in a Restricted Building or Grounds, 18 U.S.C. 1752(a)(1). On April 1, 2022, this Court sentenced Mr. Herendeen to 36 months' Probation. (Dkt. 87, Judgment)

2. This Court imposed as a special condition of Probation 14 days of intermittent confinement, which "shall be served in two periods of 7 days each within the defendant's first year of Probation, at a facility designated by the Bureau of Prisons."

3. More than a year has passed since Mr. Herendeen began Probation. During that time, he has continued to work and support his children. He has not

violated any of the conditions, and he has been in regular contact with his probation officer.

4. Over the last year, the supervising Probation Department in the Eastern District of Michigan has made numerous attempts to determine when and where Mr. Herendeen must serve the periods of intermittent confinement. The BOP provided no response.

5. On Tuesday, April 4, 2023, the BOP informed the Probation Department and Mr. Herendeen that he must report to the St. Clair County Jail in Michigan by Friday, April 7, 2023. He has only three days to get his affairs in order.

6. Recognizing the extraordinary challenges Mr. Herendeen faces to comply with this order, the Probation Department contacted the BOP to see if he could have an additional week to make arrangements and report to serve seven days. The BOP refused that modest accommodation.

7. Compliance with the BOP's directive to report to the jail by Friday will cause significant hardship. Mr. Herendeen is a member of the Union Millwright Local 1554 member and is on assignment in Huntsville, Alabama,<sup>1</sup> where he is a foreman at Toyota plant. In that position, he works with Japanese representatives from Toyota and runs a crew of three during the week. He is the member of the team with OSHA 30 Safety Training, and so he always must be there while workers are present.

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<sup>1</sup> The Probation Department was aware of this out-of-state work assignment and approved travel for this purpose.

If Mr. Herendeen must leave this assignment to return to Michigan by Friday, this could disrupt the work in the plant for 3–4 days while the company looks for a person to replace him. He may also lose work opportunities in the future.

8. Mr. Herendeen is able and willing to comply with this Court's judgment, but he needs adequate notice and time to prepare to leave his work and family for a week so that his absence does not negatively impact his employer or prevent him from finding work in the future. He asks this Court to extend the deadline to report to the jail by 30 days so that he can find coverage at work, return to Michigan, and make necessary arrangements for the care of his children.

9. The government does not object to this request.

### **CONCLUSION**

Mr. Herendeen respectfully asks this Court to order the BOP to extend the deadline to report to begin the first period of intermittent confinement by 30 days.

Date: April 6, 2023

Respectfully submitted,

**FEDERAL PUBLIC DEFENDER  
WESTERN DISTRICT OF WASHINGTON**

s/ Colleen P. Fitzharris  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 6, 2023, I electronically transmitted the foregoing document to the Clerk of Court using the ECF system for filing and transmittal of Notice of Electronic Filing to the following ECF registrant(s): Assistant United States Attorney Anita Eve.

Respectfully Submitted,

**FEDERAL PUBLIC DEFENDER  
WESTERN DISTRICT OF WASHINGTON**

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