

UNITED STATE DISTRICT COURT  
DISTRICT OF COULUMBIA

UNITED STATES OF AMERICA	)	
Plaintiff	)	Criminal Case 21-CR-28
	)	
v.	)	Hearing: February 3, 2023
	)	
WILLIAM ISAACS	)	Judge Amit P. Mehta
Defendant	)	

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**EMERGENCY MOTION TO CONTINUE *DAUBERT* HEARING**

COMES NOW Defendant William Isaacs, by the undersigned counsel, and hereby files with this Honorable Court an emergency motion for a one-day continuance of the in-person *Daubert* hearing, which is set for February 3, 2023 (1:30P), to Saturday, February 4, 2023; or alternatively, to a later date (February 6 or February 10), if our expert (Dr. Laurie Sperry) can appear virtually. Mr. Isaacs, who will appear in person, *does not seek a continuance of the voir dire or trial*. The defense has consulted with the government and they oppose a continuance of the hearing. However, although we cannot speak for the Government and guarantee such, we are cautiously optimistic that there is a chance that the parties can work out a compromise to alleviate the need to even have the hearing.

In support hereof, Defendant states as follows:

1. Defendant was diagnosed with an autistic disorder when he was a small child.
2. There is no doubt that he has autism, which has played a significant and limiting role in his life.
3. Experts have opined that an autistic disorder is a factor that should be considered, when the mental state of someone with such a disorder is at issue.
4. Thus, Defendant timely notified the Government of its intent to call Dr. Laura Sperry as an expert witness at trial.

5. The Government concedes that Dr. Sperry is an expert in autistic disorders and does not contest the incontrovertible proof that Defendant has autism.

6. On January 27, 2023, the Government filed its Motion to Exclude Evidence About Defendant's Alleged Mental Condition and Request for *Daubert* Hearing (Doc. 845) ("*Daubert* motion").

7. Later on January 27, this Court scheduled a hearing on the *Daubert* motion for February 3 after jury selection concludes (Minute Order dated January 31, 2023). At that time, undersigned counsel was fully prepared to *appear in person* for the hearing on February 3.

8. For the reasons that follow, the undersigned requests that the hearing be continued to Saturday February 4, 2023 (if by live presentation) or to any day the following week, if Zoom is allowed.

9. For many months, the undersigned has exclusively handled all substantive issues concerning Defendant's autism and related expert evidence.

10. The undersigned resides in Florida and is preparing to relocate to Washington, D.C., for a continuous period of four to six weeks during this trial. Because he will be away from his family, home, and office for this extended period, the undersigned must make a multitude of various arrangements to ensure that his cases are covered and his law practice continues while he is gone.

11. For the last few years, the undersigned has counseled an Iraq war veteran, who has become a close friend and suffers from severe PTSD issues. Unfortunately, last week, the veteran attempted to kill himself and injured others in the process. This traumatic event took time away that the undersigned desperately needed to devote to this case, as well as to his law practice and

family matters, and particularly to the *Daubert* motion. The traumatic event was literally a matter of life and death that required the attention of the undersigned.

12. Thus, the undersigned has not had adequate time to prepare for the *Daubert* hearing and the evidentiary presentation that will necessarily be required.

13. The undersigned has been working feverishly in an attempt to avoid making this motion. But he has been unable to accomplish all the tasks he must take care of before traveling to Washington for what could be multiple weeks of trial.

14. Therefore, the undersigned respectfully requests that the *Daubert* hearing be rescheduled by one day—to Saturday, February 4, if possible--or to February 6 or February 10. If the hearing does not occur this Saturday, then Dr. Sperry would need to appear by Zoom; she is available anytime the afternoon of February 6 or 10.

15. This motion is made in good faith and not for delay. The undersigned has been accommodating to the Government with respect to the *Daubert* issues, including arranging for an interview of Defendant on the only day proposed by the Government and agreeing to virtually every concession it requested.

16. We repeat that the Government opposes the request of Defendant to reschedule the hearing.

17. A short delay in the *Daubert* hearing will not prejudice the Government or any Defendants in this trial.

18. It would not be sufficient to assign this matter to another attorney for Defendant because the undersigned has exclusively handled the *Daubert* issues.

19. This motion is made on an emergency basis because of the obvious time constraints.

WHEREFORE, Defendant William Isaacs respectfully requests that this Honorable Court continue the February 3 *Daubert* hearing.

Respectfully submitted,

/s/

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*Counsel for Defendant William Isaacs*

**CERTIFICATE OF SERVICE**

I hereby certify that Emergency Motion to Continue *Daubert* Hearing was filed with the Clerk of the Court via ECF on Wednesday, February 1, 2023.

Respectfully submitted,

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Charles M. Greene, Esquire