

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

---

UNITED STATES OF AMERICA,

v.

TIMOTHY HALE-CUSANELLI,

Defendant.

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 1:21-cr-37-TNM

**DEFENDANT HALE-CUSANELLI'S MOTION FOR LEAVE TO FILE OVERSIZED  
BRIEF**

Defendant Hale-Cusanelli, through this counsel, moves the Court for permission to file an oversized memorandum in support of his combined Motion for Judgment of Acquittal and Motion for a New Trial.

The Local Rules set a default page limit of 45 pages for a memorandum of points and authorities in support of each motion. LCrR 47(e). The Defendant's combined memorandum is 64 pages. Because the memorandum combines two different motions (for a judgment of acquittal under Rule 29 and for a new trial under Rule 33), the Defendant could have simply split up the brief into two separate filings, both of which would be under the Local Rule page limit. He is therefore not sure whether he needs leave to file "extra" pages in that circumstance. But if he does, the Defendant believes that combining the motions into a single brief will be more convenient for the parties and Court.

The government's case featured a sizeable number of witnesses for a five-day trial. In addition, the legal issues raised by this novel obstruction-of-justice prosecution are numerous and involved. Pretrial briefing on them was relatively light. And the potential penalties on the

Defendant's felony conviction are serious. For all these reasons, the Defendant believes that some additional briefing length is appropriate and useful. The Defendant has no objection to any government request for an equivalent number of extra briefing pages in its opposition memorandum. The Defendant is grateful for the Court's consideration of this request.

Dated: June 24, 2022

Respectfully submitted,

/s/ Nicholas D. Smith

Nicholas D. Smith (Va. Bar No. 79745)  
7 East 20th Street  
New York, NY 10003  
Phone: (917) 902-3869

**Certificate of Service**

I hereby certify that on the 24th day of June, 2022, I filed the foregoing motion with the Clerk of Court using the CM/ECF system, and counsel of record were served by electronic means.

/s/ Nicholas D. Smith

Nicholas D. Smith (Va. Bar No. 79745)  
7 East 20th Street  
New York, NY 10003  
Phone: (917) 902-3869