

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

RYAN TAYLOR NICHOLS,

Defendant.

Case No. 21-cr-00117 (TFH)

DEFENDANT RYAN TAYLOR NICHOLS' MOTION TO CONTINUE

Defendant, Ryan Taylor Nichols, by way of undersigned counsel, respectfully requests that the previously ordered trial date set for November 1, 2022, be continued into the new year.

Defendant seeks to continue this trial date because undersigned counsel has been informed by his physicians that he needs to take an aggressive course of action to eradicate and neutralize his recently diagnosed chronic Lyme disease, so that he can resume life as close to normal as possible after treatment. Undersigned counsel also respectfully points out the fact that he is still recovering from Long Covid, and that his medical treatment has already been impeded because the November 1, 2022, trial date has not yet been continued.

As this Honorable Court is aware, undersigned counsel's oral request for a continuance was denied at the last status hearing, which took place on July 21, 2022. This Honorable Court did, however, leave open the door to reconsidering its decision if undersigned counsel obtained a treatment plan from his doctors in writing—which undersigned counsel has submitted under seal as Exhibit A. To summarize, the treating physician's plan advises undersigned counsel to take a medically related, two to three months leave of absence to appropriately treat his condition.

Undersigned counsel submits that this is sufficient cause for granting a continuance, which is necessary, because if this Court proceeds with the trial as scheduled, he would be forced to unfairly balance the needs of preparing for trial versus the needs of restoring his health. Undersigned counsel further submits that having to balance his health care needs versus the demands of constitutionally sufficient representation is manifestly unjust, as it forces him to choose between his health and the demands of adequately preparing his client for trial. Because of this, it is entirely foreseeable that his representation of Mr. Nichols could be constitutionally deficient through no fault of his own. (*See United States v. Bailey*, 2021 WL 5798045, where the DC District Court granted defense counsel's motion to withdraw because proceeding with the trial as scheduled would be constitutionally deficient.)

Importantly, undersigned counsel has the full support and consent of his client, Defendant Ryan Nichols, regarding this request for a continuance. Co-counsel, Kira West has no objection to this request. And while the Government objects to this continuance request, undersigned counsel submits that his need to overcome a short-term, yet very serious health issue—far outweighs any cognizable inconvenience to the United States Government. Undersigned counsel apologizes for any imposition that his request brings upon this Court, while respectfully asking this Honorable Court to grant this motion.

Dated: New York, NY
August 11, 2022

Respectfully submitted,

/s/ Joseph D. McBride, Esq.

Bar ID: NY0403
THE MCBRIDE LAW FIRM, PLLC
99 Park Avenue, 6th Floor
New York, NY 10016
p: (917) 757-9537
e: jmcbride@mcbridelawnyc.com