

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)

v.)

DANIEL GOODWYN,)

Defendant.)

Case No. 1:21-cr-00153 (RBW)

UNOPPOSED DEFENDANT'S MOTION TO EXTEND TIME

Comes now the Defendant, Daniel Goodwyn, by and through undersigned counsel, and respectfully moves this court to extend the November 11, 2022 deadline date for joint proposed voir dire questions, jury instructions, and verdict forms to November 21, 2022. The Government does not oppose this motion. The following supports this request:

I. BACKGROUND:

Mr. Goodwyn's trial is scheduled to begin on February 27, 2023. In the Pre-Trial scheduling order entered on August 2, 2022, the parties were ordered to provide joint proposed *voir dire* questions, jury instructions, and verdict forms on or by November 11, 2022. 1:21-cr-00153 ECF No. 54. The order also established that motions in limine, responses, and replies would be conducted during and within the same time frame. *Id.*

II. LEGAL STANDARD:

According to the General Order at ECF No. 53, motions for an extension of time require good cause and shall be filed at least four (4) days before the due date. The motion must include:

- (a) how many, if any, previous extensions of time the Court has granted to each party;
- (b) the specific grounds for the motion . . . ;
- (c) a statement about the effect the Court's granting the motion will have on all other previously scheduled deadlines;

- (d) the period of time requested for the extension; and
- (e) a statement of opposing counsel's position regarding the motion.

ECF No. 53 at 3-4.

III. ARGUMENT:

In accordance with this Court's standards, the Defense provides the following information and good cause.

This motion is being made four days prior to the scheduled due date of November 11, 2022. However, the filing deadline is in reality November 14, 2022 because November 11, 2022 is a federal holiday. The good cause basis involves the arrival of Hurricane Ian in central Florida on September 28, 2022. The below Florida-based counsel, who in the delegation of tasks among co-counsels, was working on Mr. Goodwyn's motions, responses, replies, and other input related to the jury, lost all electric power at home and offices on the morning of September 28, 2022. Because of downed trees and serious wind damage in the area, grid electric power was out for six (6) days. Inability to recharge laptops (where unconditioned generator power for recharging provides a recipe for harm to laptops and computers), and rain interference with internet services disrupted a schedule that was in-progress to meet timelines for this case and to tend to other legal matters.

Overall, the power outage created backlogs for research and drafting. Service provider legal research on a cell phone or i-Pad mini for example is not as legible or speedy as when performed on a computer, but work did not cease. Florida counsel's motion work was well underway prior to the unforeseen six day power outage; and all deliverables due by September 30 were timely.

In this period until the present, co-counsel carried his own heavy caseload, to include preparing for a significant hearing and other scheduled matters. He provided review and editing work when Florida counsel's lighting was limited to a few lamps at night. The disruption to Florida counsel's schedule for all legal work created an eventual cascade of delays whereby she was unable

to start work as planned on the jury-related matters. Adding figurative insult to injury, tropical storm Nicole has formed where the models predict that this upcoming week may see a hurricane in Florida, with the many models' spaghetti charts running all across the state. Hurricane preparations require time even when the storm goes elsewhere.

These documents due on November 11 - 14 are for important subjects that require an appropriate amount of study, attention, and discussion, and should not be rushed.

As required by the Court's General Order, the following paragraphs answer the questions from ECF 53 at 3-4:

(a) Regarding the Pre-Trial matters, the Court has not granted any extensions. The Government submitted a request to be late in responding to ECF 59 that has yet to be decided.

(b) The grounds for the motion are good cause due to disruptions in schedule caused by Hurricane Ian and a subsequent 6-day power outage. Counsel requests an appropriate amount of time to catch-up and dedicate to the jury-related documents.

(c) The Court's granting of this extension of time should not impact any other scheduled deadlines. All other deadlines under the Pre-Trial order have been and will be timely.

(d) Defense requests a one week extension from November 14, 2022 such that the jury-related documents will be due on November 21, 2022.

(e) The Government does not oppose this motion. The Government has provided its version of the jury-related documents as a starting point.

IV. CONCLUSION. The disruptions in schedule that caused a cascade of delays in all legal work came from the unforeseen event of Hurricane Ian and the damage it caused. With good cause shown for an extension, the undersigned counsel team should be able to devote the time

needed to produce the required jury-related documents by November 21, 2022. In effect, this is a reasonable one week extension from the original deadline to file.

Wherefore, Mr. Goodwyn respectfully requests that the Court order an extension until November 21, 2022 to file the proposed voir dire questions, jury instructions, and verdict forms as shown in the proposed order.

Dated November 7, 2022

Respectfully submitted,
/s/ Carolyn A. Stewart

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Dated November 7, 2022

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify on the 7th day of November 2022, a copy of the foregoing was served upon all parties as forwarded through the Electronic Case Filing (ECF) System.

/s/ Carolyn A. Stewart
Carolyn A. Stewart, Esq.