

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

vs.

CRIMINAL NO. 1:21-CR-458(RJL)

RICHARD CROSBY, JR.

June 15, 2023

MOTION TO CONTINUE DEADLINE FOR PRETRIAL MOTIONS BY EIGHT DAYS

Counsel for the defendant in the above-captioned matter respectfully move to continue the deadline for pre-trial Rule 12(b) motions by 8 additional days to June 23. Motions are currently due on June 15, 2023. Counsel has completed significant work on the pre-trial motions but will not be done with them by the end of the day. Counsel for the government has no objection to the granting of this motion. The basis for this motion is stated herein.

1. Counsel is a member of the Federal Defender's Office for the District of Connecticut, an office that consists of approximately a dozen lawyers. When counsel agreed to the scheduling current scheduling order, he was going on leave and built-in time to complete pretrial motions upon his return. However, since that time, three attorneys have left counsel's office and are just recently being replaced; another is on leave. Accordingly, counsel his colleagues have had to devote considerable time to assuming those attorneys' caseloads and responding to urgent matters that were not foreseeable at the time the scheduling order was entered.
2. In spite of that, counsel has made efforts to address these motions and preserve time to complete them. However, he was the duty attorney for three days the week of June 5, 2023. On June 8, he was appointed in a new arrest in a drug distribution and money laundering matter, as well as a violent threats case. A detention hearing was scheduled in

the money laundering matter for June 13. As a result of the complexity of that case and the substantial assets, sums of money, and complicated issues of disclosure, privilege, and forensic accounting involved related to sureties and security, counsel spent nearly all of his available time June 9, 10, 11, 12 and 13, addressing that client's bond package and related legal issues with one exception. That exception was on June 9 when counsel had to cover a colleague's client in an emergency hearing when he was ejected from a rehabilitation facility and had to find emergency housing and a bond modification.

3. Counsel has nonetheless been diligent in preparing pretrial motions. At the filing of this motion, he has a 10-page draft underway. However, in writing the draft he has several questions he still needs to address, that have arisen as he writes, and may need the assistance of support staff given the volume of information and discovery related to January 6 cases.
4. Counsel did not intend to wait until the day motions were due to file for additional time. He has been researching and drafting all of June 14 including late into that night and all day June 15. He was hoping to press on and get the motion filed on June 15. However, he has to travel the night of the 15th and has limited time, if any, to address this between the 16 and 20th. Moreover, he hopes to review his filing with his client and a colleague given the unique nature of these case to be sure he provides Mr. Crosby with effective representation.

Based upon the forgoing, counsel for the defendant respectfully requests that the motions deadline be continued to June 23, 2023 and the government be given a similar amount of time to respond.

Respectfully Submitted,

/s/Daniel M. Erwin/s/

By Daniel M. Erwin (ct28947)
FEDERAL DEFENDER'S OFFICE
265 Church Street; Suite 702
New Haven, CT 06510
Tel: (860) 493-6260
Email: Daniel_Erwin@fd.org

CERTIFICATION OF SERVICE

This is to certify that on June 15, 2023, a copy of the forgoing was filed electronically via the Court's CM/ECF system, and by that system, counsel for the Government has been provided with a copy of the forgoing.

/s/Daniel M. Erwin/s/
Daniel M. Erwin