

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-CR-589 (RDM)
	:	
JOSEPH IRWIN,	:	
	:	
	:	
Defendant.	:	

DEFENDANT’S MOTION TO CONTINUE TRIAL DATE

Comes the Defendant, Joseph Irwin, by counsel, and moves the Court to continue the trial herein currently scheduled for January 26, 2023. As grounds for said motion, Mr. Irwin states as follows:

A status conference was held in this matter on January 9, 2023. After exhaustive review of the schedules of the Court and counsels of record, the Court scheduled a jury trial to begin with jury selection on Thursday, January 26, 2023 and proof to start on Monday, January 30, 2023. At that time the Court advised that should the parties prefer to try this matter in August to consult with one another and advise the Court. Since the status conference, the defense has consulted with the U.S. to schedule this matter for jury trial in August, but a resolution has not been reached. The basis for the defense’s request to set this matter for trial in August is the defendant’s financial and child care issues which are addressed below.

This matter was previously set for bench trial on January 23, 2023 with the Honorable Thomas F. Hogan. Mr. Irwin moved to withdraw his waiver of a jury trial on December 27, 2022; this motion was granted by Judge Hogan on January 4, 2023. *See* January 4, 2023 Minute Entry. Due to Judge Hogan’s inactive status beginning at the end of January 2023, this matter was reassigned to the Honorable Randolph D. Moss. *See* January 4, 2023 Minute Order. As of January

4, 2023, Mr. Irwin, who is a stay-at-home father, had child care arranged for a portion of the week of the original trial date, January 23, 2023. Upon Judge Hogan remanding the January 23, 2023 trial date and advising that the matter would be assigned to a new judge, Mr. Irwin canceled those child care arrangements. When this Court set the matter for jury trial for January 30, 2023, Mr. Irwin started making child care plans. However, his previous arrangements were no longer viable for the week of January 23, 2023. Additionally, he has not been able to secure child care for the week of January 30, 2023. For this reason, Mr. Irwin respectfully requests the Court continue the trial date to August 2023 which would give him ample time to obtain child-care.

In addition to the child-care issue, Mr. Irwin is experiencing financial difficulties to pay for travel and his stay in Washington, D.C. for the currently scheduled trial. In the past, Mr. Irwin had relatives that lived in the Washington, D.C. area, but those relatives no longer reside in the area. Thus, he will need to secure a hotel stay for the trial. Previously, when this matter was set for a bench trial, Mr. Irwin had the financial ability to afford a hotel room, as most bench trials were averaging 1 to 2 days to conclude. As currently scheduled, Mr. Irwin will need to pay for a hotel room from January 25, 2023 to February 2, 2023 based on the jury selection occurring on Thursday, January 26, 2023, but proof not beginning until Monday, January 30, 2023. Mr. Irwin is a fully disabled veteran and his wife is a teacher. He has three minor children and has been deemed indigent in order to receive the services of the Federal Defender's Office. A trial date in 20 days, requiring Mr. Irwin to pay for a 7-8 night hotel stay places a significant burden on his family's finances. Should the Court continue the trial to August, it would provide ample time for Mr. Irwin to save money to pay for travel.

Defense counsel has conferred with the United States on this motion. The U.S. opposes the motion, but agrees that the motion should be heard as soon as possible.

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Counsel for Defendant.

CERTIFICATE

I hereby certify that on January 10, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the attorneys of record.

/s/ Chastity R. Beyl