

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

UNITED STATES OF AMERICA )

v. )

DONNIE DUANE WREN )  
THOMAS HARLEN SMITH )  
Defendants. )

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Case No. 21CR00599-RBW

**DEFENDANTS' WREN AND SMITH'S JOINT MOTION TO CONTINUE  
TRIAL DATE AND FOR EXTENSION OF TIME TO FILE PRE TRIAL  
MOTIONS**

The Defendants, DONNIE DUANE WREN and THOMAS HARLEN SMITH, by and through their respective counsel, move this Honorable Court to enter its order continuing the trial in the above captioned matter and as grounds states the following:

1. This matter is currently scheduled for a pre-trial conference on **Friday, December 16, 2022**, and for Jury Trial commencing **Monday, January 9, 2023**.
2. On November 4, 2022, at status conference, the Court imposed a deadline for the filing of all pretrial motions of November 18, 2022, and reaffirmed the trial date of January 9, 2022. A defense request for continuance of the trial date, unopposed by the Government, was denied, in part, due to the Government's unavailability for trial until June, 2023.
3. On Monday, November 14, 2022, counsel for Mr. Wren, counsel for Mr. Smith, and both counsel for the government, met virtually to discuss, among other

things, substantive pre-trial motions, motions *in limine*, jury instructions and possible evidentiary stipulations. The meeting was productive, however, it became apparent that both sides needed more time to file pretrial motions, to further discuss stipulations (which would likely shorten the actual trial time) and, in general, to properly prepare this case for trial. The basis for this request by both Defendants and unopposed by the Government is as follows:

4. The Government now has availability to try this case in April, 2023, not June, 2023. All counsel can assure the Court that absent the most extraordinary of circumstances, the case will be tried that month if this request is granted.

5. The Government is now certain that they will be superseding on Mr. Smith by adding additional counts that substantially increase his estimated guideline range. Counsel for Mr. Smith needs additional time to respond to the new allegations and to review any additional discovery.

6. Undersigned counsel is laboring under a particular personal circumstance, and although reluctant to share, feels it's necessary that the Court is aware. Counsel's brother-in-law was diagnosed in early September with Stage 4 cancer. He is fifty-three (53) years old and was given 3 to 6 months to live. The cancer has metastasized to the extent that he is not even receiving chemotherapy to prolong his life. He is bedridden, unable to walk, and his sister, my wife, is his primary caregiver. While each of us at times have personal problems we must confront, this one is particularly grave. To be

sure, counsel is continuing to work on his caseload but truly fears his brother-in-law's inevitable passing would necessitate a last-minute continuance, or worse, a mistrial.

7. Regarding the November 18<sup>th</sup> motion deadline, Hurricane Nicole caused a court/office closure on Wednesday November 9<sup>th</sup> in addition to the customary closure of November 11<sup>th</sup> (Veteran's Day).

8. This motion is being made in good faith and is not interposed for the purposes of unnecessary delay.

WHEREFORE, the Defendants request this Honorable Court to grant this motion and enter its order extending the motion deadline and continuing the trial date to a date in April, 2023.

WE HEREBY CERTIFY on the 15 day of November 2022, a copy of the foregoing was served upon all parties as forwarded through the Electronic Case Filing System.

Respectfully submitted,

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