

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	CASE NO: 1:22-cr-00061-RBW
	)	
JON NICHOLAS HENEGHAN, et al.	)	
_____	)	

**DEFENDANTS’ JOINT MOTION TO CONTINUE SENTENCING  
DUE TO MEDICAL CONCERNS OF COUNSEL**

**COMES NOW**, Defendants, JON NICHOLAS HENEGHAN and CAROL O’NEAL KICINSKI, by and through the undersigned counsel, and file this Joint Motion to Continue the Sentencing Hearing in this matter, currently scheduled for Thursday, February 23, 2023, and in support thereof sets forth the following:

**Procedural Background**

On February 22, 2022, the Defendants were arrested pursuant to a Criminal Complaint. (Doc. 7; Case No. 1:22-mj-36). On February 25, 2022, the United States filed a four (4) count Information charging both Defendants with various Federal offenses. (Doc. 9).

On March 9, 2022, the United States filed a Superseding Information charging both Defendants with various Federal offenses. (Doc. 20). On November 8, 2022, both Defendants appeared before this Honorable Court, and pursuant to a Plea

Agreement, each entered a guilty plea as to Count One of the Superseding Information. (Docs. 42 and 43).

This matter is currently scheduled for a Sentencing Hearing before this Honorable Court on February 23, 2023. (Doc. 42).

### **Relief Requested**

Based on recent medical issues of undersigned counsel, the Defendants, and undersigned counsel, respectfully request that this Honorable Court GRANT this Motion to Continue the Sentencing Hearing currently scheduled in this matter and set this matter for a Status Conference in early April 2023, for purposes of selecting a new Sentencing Hearing date.

### **Facts in Support of the Requested Relief**

On Wednesday, February 1, 2023, undersigned counsel met with an orthopedic surgeon regarding the results of a recent magnetic resonance imaging (MRI) test. The results of the MRI indicate that counsel has a cervical disc bulge and a central protrusion flattening the ventral spinal cord. The MRI also indicates that counsel has a second cervical disc bulge with a broad-based protrusion causing significant spinal cord impingement.

Based on the results of the MRI, counsel's surgeon scheduled surgery to repair the cervical disc bulges for Monday, February 13, 2023. Surgery will consist of a double cervical discectomy and fusion. Full recovery from surgery is a month's long

process, and the first six (6) weeks of recovery require the daily wearing a cervical collar and travel restrictions during that period of time.

The surgeon has scheduled a post-op follow-up appointment at the six-week point for March 30, 2023 to evaluate recovery. At that time counsel will have an understanding on the recovery progress.

Therefore, the undersigned counsel is respectfully requesting that this Honorable Court schedule a telephonic Status Conference for a date after March 30, 2023, to select a new Sentencing Hearing date in this matter.

#### **United States' Position**

On Thursday, February 2, 2023, undersigned counsel conferred with Assistant United States Attorneys, Zachary Phillips and Kaitlin Klamann, and AUSA Phillips advised counsel that the United States **Does Not** object to the requested relief, and is in agreement with scheduling a Status Conference date in early April 2023 for purposes of selecting a new Sentencing Hearing date.

#### **Defendants' Positions**

Undersigned counsel has conferred with both Mr. Heneghan and Ms. Kicinski regarding the requested relief, and both have indicated they have no objection to continuing the Sentencing Hearing in this matter.

**WHEREFORE**, the Defendants and undersigned counsel respectfully request that this Honorable Court GRANT this Motion to Continue the Sentencing Hearing

currently scheduled in this matter, and set this matter for a Status Conference in April 2023, for purposes of selecting a new Sentencing Hearing date.

Respectfully submitted,

/s/ David E. Little

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that the original of the foregoing has been furnished by Electronic Filing to all interested persons on this 3rd day of February, 2023.

/s/ David E. Little

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