

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA
WASHINGTON, DC**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 22-00139-01-CR-RCL
)	
CALE DOUGLAS CLAYTON,)	
)	
Defendant.)	

MOTION TO CONTINUE CHANGE OF PLEA HEARING

Comes now the defendant, Cale Douglas Clayton, by his undersigned counsel, Carie Allen, Assistant Federal Public Defender for the Western District of Missouri and moves this Court to continue the change of plea hearing currently set for February 1, 2023, to another date to be determined by the Court.

SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE

1. On March 28, 2022, defendant was charged by indictment with violations of 18 U.S.C. § 111(a)(1)- Assaulting, Resisting, or Impeding Certain Officers; 18 U.S.C. § 231(a)(3)- Civil Disorder; 18 U.S.C. § 641- Theft of Government Property; 18 U.S.C. § 1752(a)(1)- Entering and Remaining in a Restricted Building or Grounds; 18 U.S.C. § 1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds; 40 U.S.C. § 5104(e)(2)(D)- Disorderly Conduct in the Grounds or a Capitol Building..

2. On April 7, 2022, defendant appeared before the Honorable G. Michael Harvey, United States Magistrate Judge, for an initial appearance and detention hearing. The office of the Federal Public Defender was appointed to represent defendant.

3. This plea hearing is currently set for February 1, 2023. Defense counsel will be in

a two-week, fourteen count, Hobbs Act Robbery trial starting February 6th. At the time of scheduling the plea date in the above case, counsel believed that the February 6th trial would be resolved. Counsel will need to be in Kansas City the week of January 30th – February 3rd for trial preparation, including court hearings and meetings with the client. Because of this, counsel would have extreme difficulty traveling from Kansas City to Washington DC during that particular time. Additional time is also needed to review the plea agreement with Mr. Clayton in this matter.

4. Barry Disney, Assistant United States Attorney, has no objection to this continuance request.

WHEREFORE defendant, Cale Douglas Clayton, respectfully requests this Court to continue the change of plea hearing, formally set for February 1, 2023, to a date to be determined by the Court.

Respectfully submitted,

/s/ Carie Allen
CARIE ALLEN
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CERTIFICATE OF SERVICE

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that the foregoing motion was electronically filed and emailed to Rudolph Rhodes, Assistant United States Attorney, this 17th day of January 2023.

/s/ Carie Allen
CARIE ALLEN