

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. : Cr. No. 21-738 (BAH)

MICHAEL OLIVERAS : MOTION FOR CONTINUANCE  
AND RESCHEDULE  
STATUS CONFERENCE DATE

Defendant. :

TO: Anthony L. Franks  
Assistant United States Attorney  
Eastern District of Missouri (On detail to the District of Columbia)  
Thomas F. Eagleton Courthouse  
111 South 10<sup>th</sup> Street, Suite 20.333  
Saint Louis, Missouri 63102

COUNSEL:

PLEASE TAKE NOTICE that the defendant, Michael Oliveras, through his attorney, Lori M. Koch, Assistant Federal Public Defender, shall move before the Honorable Beryl A. Howell, Chief United States District Judge for the District of Columbia, at the United States Courthouse, District of Columbia, on a date prior to July 22, 2022 or such other date as may be set by the Court, for an Order rescheduling the current Status Conference date of July 22, 2022 by 30 days until August 18, 19 or 22, 2022, for the following reasons, as required by this Court's Standing Order for Criminal Cases:

1. On December 16, 2021, I was appointed to represent defendant Michael Oliveras in this matter. An initial appearance was held on the criminal complaint on December 16, 2021, before the Honorable Zia M. Faruqui, United States Magistrate Judge, via videoconference. A Status Conference was scheduled for January 7, 2022.

2. On January 7, 2022 a Status Hearing was held before Chief Judge Howell via videoconference. On that date, a Status Conference was set for March 11, 2022 to provide additional

time for the production of voluminous discovery. On March 11, 2022, a Status Hearing was held, and a further Status Hearing was set for May 13, 2022 at 9:30 a.m., at which time the parties were to be ready to provide three proposed trial dates and a proposed motions schedule. Time was excluded from that date through May 13, 2022.

3. The May 13, 2022 status conference date was continued until May 27, 2022 due to the unavailability of undersigned counsel. However, on May 23, 2022, a Joint Status Report providing requested trial dates and motions deadlines was filed, as well as a Joint Motion to continue the May 27, 2022 status conference until July 22, 2022, to provide time for the parties to continue to exchange and review discovery and attempt to negotiate a plea agreement of this matter. On May 23, 2022, this Court entered a Minute Order (paperless) which adopted the parties' Joint Proposed Motions Deadline and Trial Date Schedule. Per that schedule, Pretrial motions are due 10/26/2022; opposition due by 11/7/2022; replies due 11/14/2022; Surreply accompanied by motion for leave to file the same due by 11/18/2022; Joint Pretrial Statement due by 12/2/2022; Pretrial Conference scheduled for 1/20/2023 (in-person); jury selection/jury trial scheduled for 9:00 am on 2/20/23 or 2/27/2023 (exact date to be determined at pretrial conference).

4. Accordingly, one previous extension of time or continuance has been requested and granted in this case. The present requested extension will not affect the Motions Deadlines and Trial Date Schedule already adopted by this Court. The good cause for this motion is that undersigned counsel begins a jury trial on July 18, 2022 in the District of New Jersey, which will likely continue into the July 22, 2022 date set for the Status Conference with this Court. Additional good cause for this motion is that on May 9, 2022, a proposed plea agreement was forwarded to undersigned counsel who reviewed it with her client. He requested to view the cell phone search data obtained from his cell phone seized on the date of his arrest, which discovery (via hard drive) is to be provided today, July 14, 2022. This may affect the Statement of Offense proposed by the Government. Additionally, a

somewhat revised plea agreement has been proposed, with an acceptance deadline of August 15, 2022. This will allow time for undersigned counsel and the defendant to review the discovery and discuss the proffered plea agreement.

4. Granting this motion for a continuance and to reschedule the Status Conference should have minimal to no effects on the existing deadlines, as those deadlines were as set forth above at paragraph 3.

5. Having discussed potential alternative dates for the Status Conference, it appears counsel for both parties will be available August 18, August 19, and August 22, 2022.

6. Counsel for the government has no opposition to this motion for a continuance.

Respectfully submitted,

/s/ Lori M. Koch

Lori M. Koch, Esq.

Assistant Federal Public Defender

DATED: July 14, 2022