

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 10th 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 August 12, 2022 or such other date as may be set by the Court, for an Order rescheduling the current Status Conference date of August 12, 2022 by 30-60 days until September 23, 30 or October 14, 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. 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. At that time, a status conference was set for July 22, 2022; however, the parties requested an extension of about 30 days, given that undersigned counsel had a trial that started July 18 which would proceed through the July 22 status conference date. A new status conference date of August 18, 2022 was set, and then moved up earlier to August 12, 2022 due to the Court's scheduling matters.

5. The contents of defendant's cell phone search via Cellebrite were recently turned over on July 14, while undersigned counsel was preparing for trial, and trial continued through July 25th. Counsel needs the opportunity to review this discovery and discuss it with the defendant. Undersigned counsel has requested a two-week continuance of the plea agreement deadline of August 15, until August 29, to allow time for this review and discussion process to take place. Counsel for the

Government, Mr. Franks has agreed to extend this deadline to August 29.

6. Accordingly, three previous extensions of time or continuance have 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 needs additional time to review the voluminous discovery recently disclosed while she was on trial, and to discuss it with the defendant to determine whether a plea agreement can be negotiated, which will save the Court and the parties' significant time and resources. The Government has proposed a revised plea agreement, which may result in resolution of this matter. In the event a plea agreement is not negotiated, the current motion deadline of October 26, 2022 should be sufficient time for pre-trial motions to be filed.

7. Granting this motion for a continuance and to reschedule the Status Conference until September 23, September 30 or October 14 should have minimal to no effects on the existing deadlines, as those deadlines were set forth above at paragraph 3.

8. Having discussed potential alternative dates for the Status Conference, it appears counsel for both parties will be available September 23, September 30 and October 14, 2022.

9. 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: August 9, 2022