

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA \*

\*

V. \* Case No. 1:21-CR-623-2 (CRC)

\*

KIRSTYN NIEMELA \*

\*

**UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING**

NOW COMES the Defendant, Kirstyn Niemela, by and through counsel, Richard Monteith and Paul Garrity, and moves to continue the April 27, 2023 Sentencing Hearing to either May 30, 2023 or May 31, 2023.

In support thereof, Ms. Niemela states as follows:

1. Ms. Niemela is scheduled for a Sentencing Hearing on April 27, 2023 at 10:00 a.m. at this Court. The Court issued a filing deadline of April 20, 2023 for the Sentencing Memorandums.
2. However, Attorney Garrity, counsel for Ms. Niemela, is scheduled to start Jury Selection/Trial, State of New Hampshire v. P. Preda, at the Hillsborough North Superior Court on April 24, 2023. Notice was issued on October 27, 2022. It is anticipated that the Jury Trial will last a couple days.
3. In addition, Attorney Garrity is also scheduled for an in-person Sentencing Hearing, US v. O. Santiago Torres, on April 27, 2023 at 2:30 p.m. at the US District Court of Massachusetts. The client in that federal case is currently detained.
4. Furthermore, Attorney Monteith, counsel for Ms. Niemela, is also scheduled for a Jury Selection/Trial, State v. M. Arsenault, on April 24, 2023 at the Hillsborough North

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 Monteith and Paul Garrity, and moves to continue the April 27, 2023 Sentencing Hearing to either May 30, 2023  
 or May 31, 2023. In support thereof, Ms. Niemela states as follows: 1. Ms. Niemela is scheduled for a Sentencing  
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 Attorney Garrity is also scheduled for an in-person Sentencing Hearing, US v. O. Santiago Torres, on April 27,  
 2023 at 2:30 p.m. at the US District Court of Massachusetts. The client in that federal case is currently detained.  
 4. Furthermore, Attorney Monteith, counsel for Ms. Niemela, is also scheduled for a Jury Selection/Trial, State  
 v. M. Arsenault, on April 24, 2023 at the Hillsborough North Superior Court. Notice of this Jury Trial was issued on  
 December 9, 2023. It is anticipated that the Jury Trial will last a couple of days. 5. It is unclear at this point  
 whether either of those trials will be pick and goes or whether those trials will involve selecting the juries on  
 April 24, 2023 with the trial to commence on a date subsequent to the April 24, 2023 jury selection. The undersigned  
 counsels most likely will not be informed about that issue until the final trials (April 12, 2023 for State v. Preda  
 and April 13, 2023 for State v. Arsenault) in both cases. 6. The US Attorney's Office has been contacted and does  
 not oppose the Court granting this motion and agrees to the two requested date options of May 30, 2023 or May  
 31, 2023. WHEREFORE, the Defendant, Kirstyn Niemela, respectfully requests that this Honorable Court: A)  
 Grant this Motion and continue the April 27, 2023 Sentencing Hearing to either May 30, 2023 or May 31, 2023 B)  
 Extend the April 20, 2023 filing deadline of the Sentencing Memorandum; C) Order such other relief as may be  
 just and proper. Respectfully submitted Kirstyn Niemela, By her Attorneys, Date: February 3, 2023 /s/ Paul J.  
 Garrity Paul J. Garrity, Bar No. 905 14 Londonderry Road Londonderry, NH 03053 603-434-4106  
 garritylaw@myfairpoint.net / Richard F. Monteith Richard Monteith, Bar No. 9352 14 Londonderry Road  
 Londonderry, NH 03053 603-437-2733 monteithlaw@aol.com CERTIFICATE OF SERVICE I, Richard F.  
 Monteith and Paul J. Garrity, herein certify that on this 3rd day of February, 2023, a copy of the within was e-filed,  
 WHEREFORE, the Defendant, Kirstyn Niemela, respectfully requests that this Honorable  
 Court:

- A) Grant this Motion and continue the April 27, 2023 Sentencing Hearing to either May 30, 2023 or May 31, 2023
- B) Extend the April 20, 2023 filing deadline of the Sentencing Memorandum;
- C) Order such other relief as may be just and proper.

Respectfully submitted  
 Kirstyn Niemela,  
 By her Attorneys,

Date: February 3, 2023

/s/ Paul J. Garrity  
 Paul J. Garrity, Bar No. 905  
 14 Londonderry Road  
 Londonderry, NH 03053  
 603-434-4106  
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/s/ Richard F. Monteith  
 Richard Monteith, Bar No. 9352

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603-437-2733  
[monteithlaw@aol.com](mailto:monteithlaw@aol.com)

**CERTIFICATE OF SERVICE**

I, Richard F. Monteith and Paul J. Garrity, herein certify that on this 3rdday of February, 2023, a copy of the within was e-filed for all parties involved and mailed, postage pre-paid, to Kirstyn Niemela.

Date: February 3, 2023

/s/ Paul J. Garrity  
Paul J. Garrity

/s/ Richard F. Monteith  
Richard Monteith