

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION**

UNITED STATES OF AMERICA

v.

Criminal No. 2:22-cr-00161

CALVIN BUTLER

DEFENDANT'S MOTION TO CONTINUE

Comes now the defendant, Calvin Butler, by his counsel, and hereby moves this Court for an Order continuing the trial and all related pretrial deadlines for a period of at least sixty days, and for a finding of excludable time under the Speedy Trial Act as found in Title 18 U.S.C. § 3161, *et seq.* In support of this Motion, counsel states as follows:

1. The defendant has been charged with two counts of wire fraud in connection with the submission of a fraudulent application for a Paycheck Protection Program (“PPP”) loan during the COVID-19 pandemic. Dkt. No. 5. The application resulted in the approval of a PPP loan being made to the defendant. On June 7, 2021, PPP funds in the amount of \$16,040 were electronically deposited into the defendant’s bank account with Huntington National Bank.

2. The trial of this matter is currently scheduled for November 1, 2022, before the Honorable John T. Copenhaver, Jr., in Charleston, West Virginia. Pretrial motions are due October 7, 2022, and a pretrial motions hearing is scheduled for October 14, 2022, at 10:00 a.m. in Charleston. Dkt. No. 13.

3. The Government's initial discovery disclosures were provided to the defendant on September 14, 2022. Counsel needs additional time to undertake additional investigation concerning the application for a PPP loan which was submitted under the defendant's name and incorporated his personal information such as the account number for his checking account at Huntington National Bank. A sixty day continuance of the trial and all case-related deadlines should provide counsel with sufficient time to complete his investigation and to discuss the results of the same with the defendant.

4. The defendant is currently on bond and his activities are being monitored by the Probation Office. The defendant agrees that his counsel needs additional time to conduct further investigation in order to prepare for the submission of potential pretrial motions as well as for trial. Counsel has also spoken with AUSA M. Ryan Blackwell, who has advised that the United States does not object to the requested continuance.

The defendant certifies that the reasons for the request do not include general congestion of the Court's calendar, or lack of diligent preparation on the part of the parties involved.

WHEREFORE, defendant respectfully requests that this Honorable Court grant this Motion and enter an appropriate Order continuing the trial and all related pretrial deadlines for a period of at least sixty days.

Respectfully submitted this 7th day of October, 2022.

CALVIN BUTLER

By Counsel

**WESLEY P. PAGE
FEDERAL PUBLIC DEFENDER**

s/David R. Bungard

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