IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CASE NO. 24-cr-00113-NYW

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. JON M. HALLFORD,
2. CARIE L. HALLFORD,

Defendants.

JOINT UNOPPOSED MOTION TO CONTINUE DEADLINE FOR SENTENCING FILINGS

Jon M. Hallford and Carie L. Hallford, through their respective attorneys, Laura H. Suelau and Chaz Melihercik, respectfully move this Court to continue and reset the deadline for filing sentencing positions or other motions pertaining to sentencing from February 27 to March 6, 2025. The government, through Assistant United States Attorneys Tim Neff and Craig Fansler, do not oppose this request and request the same. In support of this Motion, the defendants state:

1. On October 29, 2024, this Court amended the dates and deadlines set by Federal Rule of Criminal Procedure 32 and ordered, among other things, that the parties file their "sentencing positions or other motions pertaining to sentencing" no later than February 27, 2025. Doc. 54.

2. On February 24, 2025, this Court Ordered, *sua sponte*, a Status Conference for March 4, 2025. Docs. 79 and 80. In that Order, this Court indicated that it intends to reject the proposed Plea Agreements and ordered the defendants to "be prepared to either withdraw from the Plea Agreement or proceed pursuant to Rule 11(c)(1)(B)." *Id.* and Docs. 49 and 52.

3. To comply with that Order, counsel for Mr. and Mrs. Hallford must, among other tasks, meet with their respective clients, advise them of this Court's Order, and counsel them concerning their options.

4. Whether to enter into a materially different Plea Agreement pursuant to Rule 11(c)(1)(B), or to withdraw from the Plea Agreement, invoke one's Sixth Amendment rights, and proceed to trial, is a critical, and constitutionally protected, decision. Due process requires that decision be made voluntarily and constitute an "intelligent admission." *See Henderson v. Morgan,* 426 U.S. 637, 645 (1976). "[T]he Constitution insists," among other things, "that the defendant enter a guilty plea that is voluntary" and that the defendant must "make related waivers knowing[ly], intelligent[ly], [and] with sufficient awareness of the relevant circumstances and likely consequences." *United States v. Ruiz,* 536 U.S. 622, 629 (2002) (internal quotation marks omitted)).

5. Therefore, counsel for both defendants must take time between the Court's Order and the Status Conferences on March 4, 2025, to meet and confer with the defendants and ensure their decisions are knowing and voluntary. Of note, both defendants are in custody and Mr. Hallford is located approximately four hours, roundtrip, from counsel's office in Denver. Additionally, Mr. Hallford's facility has limited visitation times. Due to counsel's other work-related obligations, and that facility's limited visitation times, counsel is unable to meet and confer with Mr. Hallford until Friday, February 28, 2025.

6. Additionally, the defendants' decisions on March 4, 2025 will inform whether filing a "sentencing position" is either necessary or appropriate. Indeed, should the defendants choose to withdraw from the Plea Agreements and proceed to trial, filing sentencing-related documents may be inconsistent with their Fifth Amendment rights.

7. For the foregoing reasons, the defendants and the government respectfully request this Court continue the deadline for filing sentencing-related motions by one week, until March 6, 2025. The government requests the same continuance.

Respectfully submitted,

VIRGINIA L. GRADY
Federal Public Defender

s/ Laura H. Suelau
LAURA H. SUELAU
Assistant Federal Public Defender
633 17th Street, Suite 1000
Denver, CO 80202
Telephone: (303) 294-7002
FAX: (303) 294-1192
laura_suelau@fd.org
Attorney for Defendant Jon Hallford

MELIHERCIK LAW, LLC

s/ Robert C. Melihercik
ROBERT CHARLES MELIHERCIK
7765 Wadsworth Blvd., Suite 746327
Arvada, CO 80006
Telephone: (720) 707-2854
chaz@melihercliklaw.com
Attorney for Defendant Carie Hallford

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2025, I filed the foregoing ***Joint Unoppoed Motion to Continue Deadline for Sentencing Related Filings*** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following email addresses:

Craig Fansler, Assistant United States Attorney
Email: craig.fansler2@usdoj.gov

Tim Neff, Assistant United States Attorney
Email: tim.neff@usdoj.gov

Robert C. Melihercik
Email: chaz@melihercriklaw.com
Attorney for Carie Hallford

I hereby certify that I have mailed or served the document or paper to the following participant in the manner (mail, hand-delivery, etc.) indicated next to the participant's name:

Jon M. Hallford (via U.S. Mail)

s/ Laura H. Suelau
LAURA H. SUELAU
Assistant Federal Public Defender
633 17th Street, Suite 1000
Denver, CO 80202
Telephone: (303) 294-7002
FAX: (303) 294-1192
laura_suelau@fd.org
Attorney for Defendant Jon Hallford