

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

CHRISTNEL ORISCA,
Defendant

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Crim. No. 1:24-cr-10378-JEK

DEFENDANT'S EMERGENCY MOTION TO CONTINUE SENTENCING

NOW COMES the Defendant, Christnel Orisca, by and through undersigned counsel, and respectfully moves this Honorable Court, pursuant to Local Rule 40.2 of the Local Rules of the United States District Court for the District of Massachusetts and the Court's inherent authority to manage its docket, for a brief continuance of the sentencing hearing presently scheduled for **May 12, 2025, at 11:00 a.m.** In support thereof, undersigned counsel states as follows:

I. GROUND'S FOR RELIEF & BACKGROUND

Undersigned counsel is undergoing an acute respiratory episode that arose suddenly on the evening of May 10, 2025, that has rendered it difficult for him in good conscience, to proceed to sentencing tomorrow morning without first obtaining medical evaluation and clearance. Counsel submits this motion on an emergency basis, **with no objection by the government**, and respectfully requests that the Court continue the sentencing to a date convenient for the Court, counsel, and all parties.

On the afternoon of Friday, May 8, 2025, defense counsel traveled to Newark, New Jersey, to attend a meeting in connection with a separate federal criminal matter in the United States District Court for the District of New Jersey. Following that meeting, counsel remained in the New York metropolitan area over the weekend on personal matters, returning to Boston by train on the evening of Sunday, May 11, 2025. Upon his return, counsel experienced significant and escalating respiratory distress, including persistent coughing and wheezing throughout the night. Counsel has a documented pre-existing condition of asthma. The acute episode, which counsel attributes in part to allergen or irritant exposure encountered during travel, has progressed to the point where

counsel's primary care physician ("PCP") has arranged for counsel to be seen by a nurse practitioner on the morning of May 12, 2025 - **the same morning as the scheduled sentencing hearing.**

Given the medical appointment and the uncertain prognosis as of the filing of this motion, defense counsel is unable to represent with confidence that he will be fit to appear and advocate effectively on behalf of Mr. Orisca at **11:00 a.m. on May 12, 2025.** The right of a criminal defendant to the effective assistance of counsel is a constitutional guarantee of the highest order, and **while all sentencing materials have been properly filed in this matter,** counsel is, regretfully, not prepared to present Mr. Orisca at sentencing while his own condition remains unresolved and potentially compromised.

II. LEGAL STANDARD

The Court possesses broad inherent authority to manage its docket, including the discretionary power to grant continuances. United States v. Barnette, 211 F.3d 803, 820 (4th Cir. 2000) (trial court has broad discretion in ruling on continuance motions). The First Circuit has recognized that denial of a continuance may constitute an abuse of discretion and a violation of due process where it results in prejudice to the defendant, the denial of adequate representation, or the deprivation of the defendant's right to present a full defense. United States v. Cronin, 466 U.S. 648, 659 (1984). A defendant's Sixth Amendment right to counsel encompasses the right to counsel who is not operating under significant physical or cognitive impairment at a critical proceeding such as sentencing. See Strickland v. Washington, 466 U.S. 668, 688 (1984). Local Rule 40.2 of the Local Rules of the United States District Court for the District of Massachusetts governs the reassignment and continuance of hearings. Courts within this District have recognized that good cause, including counsel's sudden incapacity, supports the granting of a continuance. See also D. Mass. L.R. 7.1(a)(2) (requiring good faith consultation with opposing counsel prior to filing non-dispositive motions, including continuance requests).

Good cause plainly exists here. Counsel's respiratory condition is acute and unanticipated. The medical appointment scheduled for the morning of May 12 is precisely the kind of circumstance that courts routinely recognize as warranting relief. Moreover, counsel has complied with Local Rule 7.1(a)(2) by conferring with the government's representative, Assistant United

States Attorney Dustin Chao, who has confirmed that the government does not object to the requested continuance.

III. ABSENCE OF PREJUDICE

No party will be prejudiced by the requested continuance. The government does not object. Mr. Orisca, who has been compliant with all conditions of his supervision pending sentencing, does not object to the brief delay. Indeed, it is in Mr. Orisca's manifest interest that sentencing proceed before counsel who is fully fit and able to advocate vigorously on her behalf, as her circumstances and mitigating factors deserve. The continuance sought is the product of an unforeseeable medical circumstance arising less than twenty-four hours before the scheduled hearing. Granting this motion will cause no disruption to the administration of justice and will preserve the integrity of the sentencing proceeding.

WHEREFORE, for the foregoing reasons, Defendant Christnel Orisca, through counsel, respectfully requests that this Court grant this Emergency Motion to Continue the sentencing hearing presently scheduled for May 12, 2025, at 11:00 a.m., and reschedule the proceeding at the Court's convenience.

Respectfully submitted:
CHRISTNEL ORISCA
Defendant
By and through his Attorney:

Dated: May 11, 2026

/s/ Vikas S. Dhar
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CERTIFICATE OF SERVICE

I hereby certify that this Sentencing Memorandum was filed electronically via ECF on May 4, 2026, and that a copy was transmitted electronically to counsel for the Government, AUSA Dustin Chao, and to U.S. Probation Officer Carolyn Patten.

/s/ Vikas S. Dhar
Vikas S. Dhar