IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

CRAIG DAVID DAVIS,

Defendant.

Case No. 1:24-CR-40 (PTG)

CONSENT MOTION OF THE UNITED STATES TO
CERTIFY CASE AS "COMPLEX" UNDER THE SPEEDY TRIAL ACT

With the consent of the defendant, the United States respectfully moves that the Court certify this case as "complex" under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(ii), and to set a trial date accordingly.

Under the Speedy Trial Act, trial of a defendant charged in an indictment "shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs." 18 U.S.C. § 3161(c)(1). Nonetheless, this Court may schedule a trial beyond the 70-day time limit of the Speedy Trial Act where "the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). In determining whether the ends of justice are so served, this Court shall consider whether a "case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section." 18 U.S.C. § 3161(h)(7)(B)(ii); *see United States v. Reavis*, 48 F.3d 763, 771 (4th Cir. 1995). Under this standard, the instant case is sufficiently complex to render a trial date outside the normal Speedy Trial Act limits appropriate.

BASIS FOR MOTION

The indictment charges the defendant, Craig Davis, with four counts of wire fraud in violation of 18 U.S.C. § 1343. The indictment arises out of a lengthy investigation involving pandemic-relief loans sought by the defendant.

There is substantial evidence underlying this case that will be produced in discovery. This is due to the nature of the wire fraud charges in the case and the underlying allegations of loan fraud. The United States anticipates producing hundreds of thousands of pages in discovery, including extensive financial records, financial analysis, other investigative records, and interview reports. The parties may also need to retain expert witnesses for this case which would also present timing issues.

Given the volume of the evidence in this case the government anticipates that the provision and review of the discovery will be sufficiently time-consuming to render it "unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself" within the time limits established by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(B)(ii). Counsel for the defendant, who is not in custody, has been advised of the substance of this motion, and has consented to its filing.

CONCLUSION

Accordingly, the United States, with the consent of the defendant, respectfully requests that the Court designate the case as "complex"; and that it further find that the ends of justice are best served by scheduling a trial date beyond the 70-day deadline set forth in the Speedy Trial Act. The parties have discussed their availability and anticipate that at the arraignment of this matter, they will ask the Court to set a trial date in October 2024.

Respectfully submitted,

Jessica D. Aber
United States Attorney

/s/

Kathleen E. Robeson
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2024, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will send an electronic notification to all counsel of record.

/s/

Kathleen E. Robeson
Assistant United States Attorney
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314
Phone: 703-299-3700
Fax: 703-299-3982
Email: kathleen.robeson@usdoj.gov