

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

|                                 |   |                                     |
|---------------------------------|---|-------------------------------------|
| <b>UNITED STATES OF AMERICA</b> | ) |                                     |
|                                 | ) |                                     |
| v.                              | ) | <b>Case No. 1:24-cr-40</b>          |
|                                 | ) |                                     |
| <b>CRAIG DAVID DAVIS,</b>       | ) | <b>Hon. Patricia Tolliver Giles</b> |
|                                 | ) |                                     |
| <b>Defendant.</b>               | ) | <b>Arraignment: May 23, 2024</b>    |

**UNOPPOSED MOTION TO WAIVE APPEARANCE AT ARRAIGNMENT**

COMES NOW the defendant, Craig David Davis, through counsel, who states:

1. The government obtained an indictment in this case on February 15, 2024, charging Mr. Davis with four counts of wire fraud in violation of 18 U.S.C. § 1343. Mr. Davis made his initial appearance in the Eastern District of California on February 21, 2024, and traveled to this jurisdiction for his arraignment on March 7, 2024.
2. At the arraignment, the parties sought to certify the case as complex. This Court granted the parties' request and set trial for October 22, 2024.
3. Having advised the defense in advance of its intentions, the government obtained a superseding indictment, which was docketed on Friday May 17, 2024. The superseding indictment adds an additional count relating to the already charged conduct.
4. Arraignment on the superseding indictment was scheduled for Thursday, May 23, 2024.

5. Mr. Davis was released on bond conditions in this case and resides in California. Traveling from California to this jurisdiction on such short notice for a brief hearing is expensive and logistically complicated.
6. Mr. Davis has received and reviewed a copy of the superseding indictment and discussed its substance with counsel with whom he has been in regular contact. He understands that he has a right to be present at the arraignment hearing on May 23, 2024, but wishes to appear through counsel.
7. Federal Rule of Criminal Procedure 10(b) expressly authorizes a defendant to waive appearance, with leave of court, at an arraignment.
8. Undersigned counsel has conferred with government counsel, who does not oppose this motion.

Accordingly, the defense respectfully moves this Court to accept Mr. Davis's waiver of appearance at the arraignment hearing on May 23, 2024, and permit him to appear through counsel instead. An executed waiver signed by Mr. Davis and a proposed order are attached.

Respectfully submitted,  
CRAIG DAVID DAVIS

By Counsel,  
Jeremy C. Kamens  
Federal Public Defender

By: /s/ Cadence A. Mertz  
Cadence A. Mertz  
Va. Bar No. 89750  
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*Counsel to Mr. Davis*

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| v.                       | ) | No. 1:24-cr-40               |
|                          | ) |                              |
| CRAIG DAVID DAVIS,       | ) | Hon. Patricia Tolliver Giles |
|                          | ) |                              |
| Defendant.               | ) | Arraignment: May 23, 2024    |

DEFENDANT'S WAIVER OF APPEARANCE AT ARRAIGNMENT

Pursuant to Rule 10(b) of the Federal Rules of Criminal Procedure, the Defendant, Craig David Davis, and his counsel, Cadence Mertz, Assistant Federal Public Defender, hereby state that Mr. Davis has received a copy of the Superseding Indictment, waives formal reading of that Superseding Indictment, enters a plea of not guilty, requests a trial by jury, and waives his appearance at the arraignment in this matter.

  
\_\_\_\_\_  
Craig David Davis  
Defendant

  
\_\_\_\_\_  
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| <b>CRAIG DAVID DAVIS,</b>       | ) |                            |
|                                 | ) |                            |
| <b>Defendant.</b>               | ) |                            |

**ORDER**

Upon consideration of the Unopposed Motion to Waive Appearance at Arraignment on the superseding indictment, and for good cause shown, it is hereby

ORDERED that the Motion is GRANTED, and it is

FURTHER ORDERED that the defendant may appear through counsel at the arraignment scheduled for May 23, 2024.

Entered: \_\_\_\_\_, 2024  
Alexandria, VA

\_\_\_\_\_  
Hon. Patricia Tolliver Giles  
United States District Judge