

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

UNITED STATES OF AMERICA	)	
	)	Case No. 1:24-CR-00040
v.	)	
	)	The Honorable Patricia Tolliver Giles
Craig David Davis	)	
Defendant	)	BOP Self-Surrender Date: June 12, 2025
_____	)	

DEFENDANT'S MOTION TO DELAY SELF-SURRENDER

COMES NOW the Defendant, by Counsel, having consulted with the Probation Officer and Assistant United States Attorney assigned to the case, to ask the Court to allow Mr. Davis to surrender himself to Bureau of Prisons officials at a later date.

A memorandum in support of this motion is attached.

Respectfully submitted,

Craig David Davis
By Counsel

/s/

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MEMORANDUM IN SUPPORT OF THE DEFENDANT'S
MOTION TO DELAY SELF SURRENDER

On March 6, 2025, the Defendant appeared before the Court for sentencing, following his entry of a guilty plea. The Court sentenced him to a term of 93 months in prison, and allowed him to continue on bond pending his surrender to the Bureau of Prisons at a later date.

On April 24, the Defendant filed a motion asking the court to allow him to surrender himself to the Bureau of Prisons at a later date, citing his father's extraordinary need for assistance following a mental and physical health crisis. The Court graciously allowed Mr. Davis to have an additional 45 days.

At that time, the Court expressly ordered that there would be no further extensions granted. And, at that time, the Defendant believed that 45 days would be enough time for him to do what needed to be done. Unfortunately, however, the task has grown significantly more difficult than expected. Understanding that this is an extraordinary request, especially following this Court's express order to the contrary, we are asking for an additional delay for Mr. Davis to be able to assist his father.

Procedural History

On February 14, 2024, the Grand Jury returned a four-count indictment against Mr. Davis, alleging that he engaged in a variety of wire fraud schemes over a number of years.¹ The indictment was issued under seal, pending the Defendant's arrest and appearance in this District.² Mr. Davis was arrested at his home in Los Angeles on February 21, appeared before a Magistrate in that district the same day, and was released on bond pending his arraignment before this Court on March 7.³ The case was certified as complex and a trial date was set for October 22, 2024.⁴

Following the production and review of discovery,⁵ a superseding indictment,⁶ and a negotiation between counsel for the Defendant and the United States, Mr. Davis entered a guilty plea on August 28, 2024.⁷ A pre-sentence report was ordered, and following a consent order filed by the Defendant,⁸ sentencing was scheduled for January 16, 2025.⁹

On January 12, 2025, citing his family's multi-week evacuation due to the Palisades wildfire then ravaging Los Angeles, the Defendant moved for a second continuance of his sentencing hearing; the Court later scheduled Mr. Davis' sentencing for March 6, 2025.¹⁰

On March 6, 2025, following the submission of the Probation Officer's Pre-Sentence Investigation Report¹¹ and written positions from the United States¹² and the Defendant,¹³ the

¹ ECF 1

² ECF 5,6

³ ECF 9

⁴ ECF 11

⁵ ECF 17

⁶ ECF 25

⁷ ECF 37-39

⁸ ECF 42

⁹ ECF 43

¹⁰ ECF 47

¹¹ ECF 50

¹² ECF 44

¹³ ECF 46

Court sentenced Mr. Davis to serve a term of 93 months in prison. The Court also allowed Mr. Davis to remain on bond pending his surrender to the Bureau of Prisons at a later date.¹⁴

As noted above, the Defendant filed a motion on April 24, 2025, asking to delay his self-surrender date by 45 days so that he could help his father recover from a significant physical and mental health crisis that left the elder Mr. Davis involuntarily hospitalized and in need of significant help to get back to his own home.¹⁵ The Court granted that request on April 28 and expressly ordered that there would be no further extensions granted.¹⁶

The Elder Mr. Davis' Needs

Though Mr. Davis' father has friends and other living relatives, Mr. Davis is his primary source of help.¹⁷ Even though they live thousands of miles apart, the Davises have always done a great deal for each other. The elder Mr. Davis even served as the surety on the Defendant's bond.¹⁸

Following Mr. Davis' April 24 motion, he spent a considerable amount of time helping his father recover from his physical and mental health crisis, communicating with doctors and home health care providers. Unfortunately, the process of getting him out of the hospital and back in his home has proven that the elder Mr. Davis really does need a new place to live where his mobility and mental health needs can be better met. For more than a month now, the Davis family has been looking for a suitable senior community in the Los Angeles area while also working to dispose of a lifetime of personal property in the father's Miami home.

¹⁴ ECF 56-57

¹⁵ ECF 61

¹⁶ ECF 63

¹⁷ See Roger Davis' letter to the Court, attached.

¹⁸ See Roger Davis Surety, attached.

As Counsel can attest, that is a herculean task even on a much longer timeline, but Mr. Davis was still prepared to surrender himself at FCI Atwater on June 12.

On Friday, June 7, 2025, Mr. Davis was notified that his father's house had been sold the day before to satisfy a relatively small amount of unpaid taxes and condominium fees.¹⁹ The demand for payment and notice of sale were apparently posted while the elder Mr. Davis was hospitalized, and the home was sold for nearly \$1,000,000 less than its appraised value.²⁰

That sale can be challenged under Florida law, and Mr. Davis has been able to retain representation for his father and file the necessary documents there to save the home,²¹ but the fact remains that the Davis family has a great deal more to do to ensure that the father is properly housed and financially secure, and this latest complication shows that they do not have the luxury to complete this work over a number of months. The elder Mr. Davis needs a new home, the assistance of a conservator who can manage his financial affairs, and a lot of help disposing of the car, the boat, and all the possessions acquired over half a century living in Miami.

The Position of the United States Attorney

Counsel has consulted with Kathleen Robeson, the Assistant United States Attorney assigned to the case, to explain Mr. Davis' position and his current needs. Ms. Robeson has notified Counsel that she and her office oppose our request and would object to any extension.

¹⁹ See Roger Davis Foreclosure, attached.

²⁰ See Plaintiff's Motion and 136 Golden Isles Drive Appraisal, attached.

²¹ See Mark Roher Retainer, attached

The Position of the Probation Office

Counsel has consulted with Nicole Andrews, the United States Probation Officer monitoring Mr. Davis' compliance with pre-trial supervision, to explain Mr. Davis' position and his current needs. Ms. Andrews has notified Counsel that though Mr. Davis has not violated the terms of supervision she and her office oppose our request and would object to any extension.

Conclusion

Mr. Davis knows that he is asking the Court for an extraordinary remedy. Self-surrender is a privilege many defendants never get. Even fewer get the Court to grant any sort of delay in that process, let alone a second delay. But Mr. Davis is not asking for this for himself. Indeed, his own affairs are in order and he is ready to report to FCI Atwater on Thursday.

Mr. Davis is asking the Court for an additional 45 days because his father needs him. And because there is no one else. Until this past weekend, Mr. Davis and his family believed that they had months or even years to help the father find a new home and move into a new, downsized life. Now they know that all of this needs to be done in a hurry. Someone needs to coordinate the legal effort to save the home and the nearly \$1,000,000 in equity the father will need to live on. Someone needs to do the difficult work of sorting through decades of personal property and choosing what needs to go. Someone needs to find a suitable financial advisor who can take charge of the father's financial affairs. And someone needs to convince a 77-year old retired lawyer that this is the right thing to do. These are the sorts of impositions that only a relative can undertake, and Mr. Davis is the only relative his father has.

This is an extraordinary request, but one born in extraordinary need. We appreciate the Court's consideration.

A proposed order is attached.

Respectfully submitted,

Craig David Davis
By Counsel

/s/

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ATTACHMENTS:

Roger Davis Letter to the Court
Roger Davis Surety
Roger Davis Foreclosure
Plaintiff's Motion
136 Golden Isles Dr. Appraisal
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ORDER

UPON A MOTION from the Defendant's Counsel, and for good cause shown, it is
hereby

ORDERED that the Defendant will be allowed a 45-day delay to surrender himself to the
custody of the Bureau of Prisons, at a date and time to be set in their discretion.

ENTERED this _____ day of June, 2025

The Honorable Patricia Tolliver Giles
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2025, I filed the foregoing document with the Clerk of the Court using the Court's electronic filing system, causing an exact copy to be sent to the Assistant U.S. Attorney by e-mail. Courtesy copies were also provided by email to the Court, the Assistant U.S. Attorney, and the Probation Officer by email.

/s/

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