

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO.: 2:24-cr-00192

KISHA SUTTON - 01,

Defendant.

**DEFENDANT KISHA SUTTON'S MOTION TO RECONSIDER ORDER (225)
REGARDING NEW TRIAL DATE AND JURY SELECTION DATE**

NOW COMES the Defendant, Kisha Sutton, by and through counsel, Connor Robertson, and respectfully asks the Court to reconsider the newly selected Trial Date (July 14) and potential Jury Selection date (July 11), as undersigned counsel has multiple scheduling conflicts, both personal and professional, which cannot be rearranged. For the reasons set forth below, undersigned counsel is respectfully asking the Court to consult with counsel in order to schedule a trial date and jury selection date where all parties can ensure availability. In the alternative, undersigned counsel will need to request a withdrawal as counsel for Defendant Sutton, so as to ensure she has counsel available to defend her interest. Undersigned counsel has plenty of open availability for trial and jury selection in close proximity to the already proposed trial date of July 14th and, therefore, is not asking for any extended period of time and any delay will be minimal. In support thereof, the Defendant states as follows:

1. The trial of Kisha Sutton and Shamise Wright was most recently scheduled for June 9, 2025.
2. Counsel for Shamise Wright requested a continuance on the grounds that additional time was needed to review voluminous discovery and for attorney-client consultation prior to trial. (ECF 209).
3. Undersigned counsel, on behalf of Kisha Sutton, did not join in Defendant Wright's Motion to Continue, but did not object to the Court granting the same. However, Defendant Sutton was ready and prepared for Trial on June 9, 2025.¹
4. On Monday, June 2, 2025, the Court Granted Defendant Wright's Motion to Continue and rescheduled Trial for July 14, 2025. (ECF 225). In the Court's Order, the Court instructed counsel to be prepared for Jury Selection on or about June 11, 2025 (the Friday prior to Trial).
5. Upon reviewing the Court's Order (ECF 225), several scheduling conflicts became apparent:
 - a. First and foremost, undersigned counsel will be out of the State of West Virginia on pre-arranged, pre-paid, and non-refundable family matter June 27th through July 13, 2025. Thus, it is impossible that undersigned counsel will be available for Jury Selection on or about July 11, 2025. Additionally, depending on travel mishaps, it is entirely possible that undersigned counsel would be unavailable for the start of trial on June 14, 2025. Undersigned counsel prioritizes family time very few times per year compared to keeping

¹ As an additional matter, it is important for the Court to know that the Government and Defendant Sutton have both proposed resolutions to this case which would alleviate the need for trial, but so far, neither proposal is acceptable to the other party. Undersigned counsel would anticipate further discussions to be had.

a busy law practice; therefore, undersigned counsel would ask the Court to withdrawal as counsel should the Court find rescheduling an impossibility. Counsel is not willing to reveal details of this scheduling on the record, but will happily disclose the same to the Court directly if necessary.

b. Secondly, it is less than ideal for a criminal defendant to have counsel returning from a lengthy trip the night before trial begins. Although undersigned counsel will be prepared to go forward if absolutely necessary, as he was for the June 9th trial date, undersigned counsel can envision the ineffective claim should the trial not turn out favorably.

c. Lastly, counsel has court appearances previously scheduled during the week of trial that would necessitate counsel to file a Notice of Scheduling Conflict pursuant to LR Civ. P. 83.12.

i. *State of West Virginia v. Thomas Ochoa*, Case No. 25-M40M-910, Putnam County Magistrate Court, scheduled on July 16, 2024 at 11:00 a.m.;

ii. *State of West Virginia v. Patricia & Gregory Laughlin*, Case No.: 25-F-22 & 25-F-23, Calhoun County Circuit Court, scheduled for Motions Arguments on July 17, 2025 at 11:00 a.m.

6. Undersigned counsel has plenty of Trial availability in the weeks following the presently scheduled trial week of July 14th - July 18, 2025. Undersigned counsel can block off the following weeks for Trial:

a. July 21, 2025 - July 25, 2025 - Counsel can also be available for Jury Selection - the Friday before July 21, 2025 which is July 18th;

- b. July 28, 2025 - August 1, 2025 - Counsel can also be available for Jury Selection on July 25, 2025 - the Friday before July 25, 2025;
 - c. August 4, 2025 - August 8, 2025 - Counsel can also be available for Jury Selection on August 1, 2025 - the Friday before August 4, 2025.
 - d. August 11, 2025 - August 15, 2025 - Counsel can also be available for Jury Selection on August 8, 2025 - the Friday before August 11, 2025.
 - e. August 18, 2025 - August 22nd - Counsel can also be available for Jury Selection on August 15, 2025 - the Friday before August 18, 2025.
7. Defendant Sutton, Defendant Wright, nor the Government will be prejudiced by this rescheduling. Both defendants are out on bond with no bond violations. The Government is not prejudiced as this Motion is being filed with plenty of time to reschedule witnesses.

WHEREFORE, Defendant Sutton, by and through counsel respectfully asks this Court:

- 1. to Reconsider the Trial date scheduled in the most recent Order Granting Defendant Wright's Motion to Continue to a date where all counsel can effectively participate;
- 2. promptly confer with all remaining counsel prior to setting the new date to ensure availability as undersigned counsel maintains a busy practice;
- 3. in the alternative, grant undersigned counsel's Motion to Withdraw as counsel and appoint Defendant Sutton new counsel to be available for trial.

RESPECTFULLY SUBMITTED,

By counsel,

s:// Connor D. Robertson

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IN THE UNITED STATES DISTRICT COURT
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CHARLESTON DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

CASE NO.: 2:24-CR-000192-01

KISHA SUTTON,

DEFENDANT.

CERTIFICATE OF SERVICE

I, Connor Robertson, certify that on the 4th day of June, 2025, a copy of the foregoing motion was served on the United States by ECF, to Jonathan Storage, Assistant United States Attorney to the following:

Jonathan Storage
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Jonathan.Storage@usdoj.gov

s:// Connor D. Robertson
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