

**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-00192-01

KISHA SUTTON,

Defendant.

ORDER

By *Order* (Document 225) entered on June 2, 2025, the Court granted the motion of Defendant Wright for a trial continuance and scheduled the trial of this matter on July 14, 2025. In a subsequent *Order* (Document 242), the Court granted Defendant Sutton's motion to reconsider the date of jury selection but denied a continuance of the trial.

Now pending is *Defendant Kisha Sutton's Motion to Continue Trial* (Document 265). Therein, she requests that trial be continued so that the parties can litigate Rule 404(b) issues that were not applicable before the *Second Superseding Indictment* (Document 245). The Defendant argues that the new indictment has significantly altered the scope of the charges against her, and that it would be "patently unfair to not allow the Defense the proper procedure and time to mount an effective defense." (Document 265 at 4).

In its *Response* (Document 291), the Government argues that the continuance should be denied because the new indictment relies on the same set of facts and circumstances that were alleged in the original indictment that was filed in November 2024. Additionally, it states that

there is sufficient time to litigate Rule 404(b) issues prior to trial without further delay of a trial that has already been continued several times.

After careful consideration, the Court finds that the facts and circumstances as they relate to Ms. Sutton have not changed since the initial indictment. While the charges against her have changed, the alleged conduct and evidence to be introduced and defended against at trial have not. Additionally, there is sufficient time prior to trial for any Rule 404(b) issues to be litigated. Moving forward with the trial as currently scheduled will not result in prejudice to Ms. Sutton, as her counsel has stated in briefing that he “was ready for trial prior to the last continuance.” (Document 265 at 3–4). Accordingly, the Court **ORDERS** that *Defendant Kisha Sutton’s Motion to Continue Trial* (Document 265) be **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendants and their respective counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: June 30, 2025


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA