

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

UNITED STATES OF AMERICA

v.

Criminal No. 2:22-00084

MALIK BRECKENRIDGE

MOTION TO CONTINUE TRIAL AND CASE RELATED ACTION

The defendant, Malik Breckenridge, by Assistant Federal Public Defender Rhett H. Johnson, respectfully moves this Court for an Order continuing the trial and all pretrial deadlines for a period of sixty (60) days, and for a finding of excludable time under the Speedy Trial Act as found in Title 18, United States Code, Sections 3161, *et seq.*, for the following reasons:

1. Per the Arraignment Order entered on May 4, 2022, pretrial motions were due to be filed on May 13, 2022, and the trial is scheduled to commence on June 6, 2022, at 9:00 a.m., before United States District Court Judge Irene C. Berger in Charleston. Dkt. No. 12.

2. The government's standard discovery responses are not due to be received until May 18, 2022. Upon receipt of these responses, ample time will be needed to review this material and consult with Mr. Breckenridge regarding the same. Further, additional investigation and necessary research may need to be conducted prior to determining what, if any, motions need to be filed on his behalf.

3. The current pretrial deadlines and trial do not afford counsel sufficient time to complete these necessary tasks.

4. The undersigned is authorized to state that the government does not oppose the relief sought.

5. As Mr. Breckenridge is presently on bond, he will not be prejudiced by the requested continuance.

6. The ends of justice outweigh the best interests of the public and the defendant in a speedy trial as the same is specifically defined in the aforesaid Act.

The undersigned certifies that the reasons for the request do not include general congestion of the Court's calendar, or lack of diligent preparation on the part of the parties involved.

WHEREFORE, Mr. Breckenridge respectfully requests that this Honorable Court enter an Order continuing the trial and all related pretrial deadlines for a period of sixty days.

Date: May 16, 2022.

Respectfully submitted,

MALIK BRECKENRIDGE

By Counsel

WESLEY P. PAGE
FEDERAL PUBLIC DEFENDER

s/Rhett H. Johnson

Rhett H. Johnson, WV Bar No. 12114
Assistant Federal Public Defender
Office of the Federal Public Defender
300 Virginia Street, East, Room 3400
Charleston, WV 25301
Telephone: (304) 347-3350
Facsimile: (304) 347-3356
E-mail: rhett_johnson@fd.org