

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

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:22-cr-00084

MALIK BRECKENRIDGE,

Defendant.

ORDER

The Court has reviewed the *Motion to Continue Trial and Case Related Action* (Document 19) filed in the above-styled matter. Therein, the Defendant moves for a sixty-day continuance of the trial and related deadlines on the grounds, *inter alia*, that additional time is needed for receipt and review of discovery, for attorney-client consultation, for further research and investigation, and for filing pretrial motions in advance of trial. The requested delay is not attributable to lack of diligent preparation or failure to obtain evidence or witnesses on the part of the Government, or to congestion of the Court's calendar.

WHEREFORE, finding that the interest of the public and the Defendant in a speedy trial is outweighed by the ends of justice served by granting a continuance, the Court, for good cause shown as set forth in the Defendant's motion, and without objection from the Government, does hereby **ORDER** that the motion (Document 19) be **GRANTED**. The trial, previously scheduled for June 6, 2022, is **CONTINUED** to **August 8, 2022, at 9:00 a.m.**, in Charleston, West Virginia.

Counsel should be prepared to select a jury **on the preceding Friday** if so ordered by the Court. The Court **ORDERS** the deadline for filing superseding indictments, if any, shall be thirty days prior to the trial date and that the parties submit their respective witness lists and any proposed voir dire and jury instructions (which shall be numbered) no later than **July 25, 2022**.

The Court further **ORDERS** that a pretrial motions hearing be **SCHEDULED** for **July 21, 2022, at 11:00 a.m.**, in Charleston, West Virginia, before the Honorable Omar J. Aboulhosn, and that any motions to be addressed at the pretrial motions hearing, as well as any motions in limine, shall be filed no later than **July 14, 2022**.

Lastly, the Court **ORDERS** that the parties notify the Court of any proposed plea agreement in sufficient time such that a plea hearing may be scheduled by the Court no later than a week before trial. Furthermore, the parties are put on notice that, should a scheduled plea hearing not be completed, the Court will not consider the same to be good cause to support a continuance of the trial.

The Court **FINDS** that the time between June 6, 2022, and August 8, 2022, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7).

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Aboulhosn, to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: May 16, 2022



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