

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

UNITED STATES OF AMERICA	)	
	)	Criminal No. 20-074-MSM
v.	)	
	)	[Civil Action No. 22-cv-00315-MSM]
DAVID STAVELEY,	)	
Defendant.	)	

GOVERNMENT’S MOTION FOR 30-DAY CONTINUANCE

The United States of America, by and through the undersigned attorneys, hereby moves this Court for an extension of 30 days to file its response to defendant’s petition for habeas corpus under 18 U.S.C. § 2255. The Government requests that the date by which it must respond to this petition be continued from November 3, 2022, to December 2, 2022.

As grounds for this motion, the United States avers that additional time is needed for defendant’s former counsel, Jason Knight, Esq., to review his case file and to provide the Government with an accurate summary of his interactions with the defendant that pertain to the allegations made in the petition. Once this information is provided to the Government, the Government will need additional time to prepare a thorough response.

On October 26, 2022, the Court granted the Government’s motion to declare that the attorney-client privilege had been waived with respect to the allegations made in the 2255 petition. Prior to the entry of this order, in his desire to protect the attorney-client privilege, Attorney Knight declined to provide the Government with any information concerning his communications with the defendant. Following the entry of the order declaring a limited waiver of the privilege, the undersigned spoke with Attorney Knight who agreed to provide the Government with the information necessary to respond to the 2255 petition. However, Mr.

Knight indicated that he will need time to review his case file to ensure that only information directly relevant to defendant's allegations be produced. Mr. Knight will then need additional time to provide the Government with a Declaration concerning his communications with the defendant as they pertain to the allegations made in the petition¹. Due to his heavy work schedule, Mr. Knight indicated that he will not be able to complete this process in time for the Government to provide a comprehensive response to the petition next week. An additional 30 days is therefore requested so that former counsel can provide the requested information and the Government has sufficient time to provide a thorough response to the allegations in the petition.

Respectfully submitted,

ZACHARY A. CUNHA
UNITED STATES ATTORNEY



LEE H. VILKER
TERRENCE DONNELLY
Assistant U.S. Attorneys

¹ Although the Court's order directs Attorney Knight to provide the Government with all documents that pertain to the allegations made in the petition, the United States does not believe it is currently necessary for Mr. Knight to provide the Government with documents concerning his meetings and communications with the defendant. Although the attorney-client privilege has been waived with respect to these communications, the United States still wishes to protect the confidential nature of attorney-client communications to the greatest extent possible. Instead of filing heretofore privileged documents in its response, the United States intends to submit a declaration signed by Mr. Knight pertaining to the allegations made in the petition. If the Court, however, believes that it needs to review the underlying notes and other documentation made by Mr. Knight during his representation of the defendant, the Government will endeavor to obtain this material and provide it to the Court for its consideration.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October 2022, I caused the within Government's Motion to be filed electronically and it is available for viewing and downloading from the ECF system. I also certify that this Motion has been mailed to:

David Staveley
Reg. No. 04230-049
FMC Devens – Camp
P.O. Box 879
Ayer, MA 01432

/s/ Lee H. Vilker
LEE H. VILKER
Assistant U. S. Attorney,
U. S. Attorney's Office
50 Kennedy Plaza, 8th Floor
Providence, RI 02903
401-709-5000, 401-709-5001 (fax)