

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Case No. 23-cr-60173-KMW

Plaintiff,

v.

CAROLYN WADE,

Defendant.

_____ /

**DEFENDANT’S UNOPPOSED MOTION FOR RECONSIDERATION OF ORDER
DENYING UNOPPOSED MOTION FOR CONTINUANCE**

The Defendant, CAROLYN DENISE WADE (“Ms. Wade”), through counsel, respectfully files this Motion for Reconsideration of this Court’s Order Denying Defendant’s Unopposed Motion to Continue the calendar call and trial of this matter. In support thereof, Ms. Wade states the following:

1. Ms. Wade is charged by Indictment with one count of wire bank fraud in connection with a PPP loan application, in violation of 18 U.S.C. Section 1343.
2. Ms. was arraigned on October 19, 2023.
3. This matter is currently scheduled for a calendar call on April 2, 2024, at 11:00 a.m.
4. A jury trial is also scheduled to commence on April 8, 2024, at 9:00

a.m.

5. On February 21, 2024, this Honorable Court entered an Order of Substitution of Counsel (DE 24) granting leave for the undersigned to represent the interest of Ms. Wade.

6. In the Motion for Substitution of Counsel (DE 23), which was filed on February 20, 2024 the undersigned counsel, a solo practitioner, disclosed to the court that:

If the undersigned is allowed to substitute in as attorney-of-record, the undersigned respectfully requests that this matter be set for April 29, 2024 as the undersigned starts a state court 5-6-day trial on Tuesday February 20, 2024 and an estimated 4-5-day PPP fraud trial on February 26, 2024, before The Honorable Judge James Cohn (United States v. Stephanie Smith, Case# 23-cr-60203-Bloom). Thereafter, the undersigned has very longstanding [vacation] plans to be out of the country from March 19 through March 31, 2024. Non-refundable airline tickets and other event tickets have been purchased.

7. This Honorable Court entered a paperless Order DE [26] Motion to Continue Trial as to Carolyn Denise Wade on March 13, 2024.

8. The undersigned counsel, in full transparency, disclosed to this Honorable Court when it applied to come into this case that it would be extremely difficult for him to be ready for trial on April 8, 2024.

9. The undersigned counsel would not have agreed to come into this case had he been made aware that a continuance would not be granted. The undersigned does not want to compromise effective assistance of counsel in representing Ms. Wade.

10. The discovery in this case was sent by the government to the

undersigned and received last Thursday, March 14, 2024. Further, additional discovery was received today by the defense. Additional time is needed to adequately prepare for trial in this cause.

11. Since the undersigned counsel is leaving the country on Thursday, March 21, 2023, he will not be in a position to file anticipated motions during his absence stemming the government's discovery submission, as well as necessary pretrial motions. Moreover, the undersigned will be unable to file responses to the government's motion.

12. The undersigned counsel commenced a federal jury trial on February 29, 2024 before the Honorable Judge James Cohn, which ended March 5, 2024. AUSA David Snider was the assigned prosecutor in that case. No work was done on the instant case during that time, especially since the discovery had not been provided

13. The undersigned has contacted the assigned Assistant United States Attorney David Snider, who advises he has no objection to continuing the calendar call and trial in this matter.

14. Both the defense and the government request that this matter be set for trial April 29, 2024. It is expected the trial will take roughly 4 days to try.

WHEREFORE, the Defendant, CAROLYN DENISE WADE, respectfully requests this Honorable Court continue the trial of this matter until April 29, 2024.

By: /s/ Johnny L. McCray, J. Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 19, 2024, I electronically filed the foregoing motion/document with the Clerk of the Court using CM/ECF. I also certify that the foregoing motion/document is being served on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing, on this 19th day of March, 2024.

/s/ Johnny L. McCray, Jr.
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cc: Client