

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Case No. 23-cr60173-Williams/Graham

Plaintiff,

v.

CAROLYN DENISE WADE,
and TRACY D. WADE,

Defendants.

_____/

DEFENDANTS' COUNSEL MEMORANDUM OF GOOD CAUSE¹

The undersigned counsel, Johnny L. McCray, Jr., Esq., files this Memorandum of Good Cause, as follows:

1. This Honorable Court issued an Order on July 25, 2024, directing the parties to appear on July 30, 2024, for a conference call regarding the status of this case.
2. The undersigned was not in attendance at the meeting; as a result, this Honorable Court issued an Order on July 30, 2024, requiring counsel for defendants to file within three days of the date the July 30th Order a memorandum showing good cause for their failure to appear at the scheduled status conference. The order further provide that "Failure to comply with this Order may result in sanctions imposed against counsel".
3. Counsel was unaware of the Order because he was in Fort Myers, Lee County Florida, on Wednesday afternoon, July 24, 2024, for a long-scheduled Stand-Your Ground-Hearing, which convened Thursday morning, July 25, 2024, at 9:00 a.m., in

¹ The undersigned counsel would respectfully request this Memorandum be accepted on behalf of co-counsel, Daryl Wilcox, Esq., for the reasons set forth in this memorandum.

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the case of *State of Florida v. Joshara Harris*, Case No. 21-010420 CF, Judge Branning).

4. The undersigned returned to Broward County the next day, Friday, and after two quick state court hearings that morning went straight home well before noon because he was not feeling well. The undersigned was still unaware of the Order issued on July 25, 2024.

5. The undersigned had a scheduled doctor's appointment for July 22, 2024, with his urologist Monday morning but canceled it because he was feeling much better.

6. On Tuesday, July 30, 2024, the undersigned was in a scheduled jury trial all day in Broward County in *State of Florida v. Albert Lee Hill, Jr.*, Case No. 23-9334 MM10A, Judge Jill Levy.

7. The undersigned, a member of the Florida Bar for over 42 years and a solo practitioner for 38 years, has never and would never knowingly or willfully miss or forego a scheduled hearing.

8. The undersigned extends his sincerest and utmost apologies to the Court and the prosecution and will monitor his computer more vigilantly to ensure he does not miss future court orders or important dates.

9. Sadly, co-counsel, Mr. Daryl Wilcox, is currently in ICU at a local hospital in Broward County and has been there since Sunday, July 28, 2024, with a serious medical condition. Last evening, he was placed on a ventilator to help with his breathing.

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10. In speaking with Mr. Wilcox on Saturday, before he became ill, he never mentioned the July 25th court order setting the status conference. Typically, we keep each other abreast of new dates and developments in this case.

11. It certainly was not the intent of the undersigned counsel to disregard or disrespect a court order.

WHEREFORE, the undersigned counsel respectfully submits the above as good cause for not appearing at the court-ordered calendar call on July 25, 2024.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 31, 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 serving 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 31st day of July, 2024.

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/s/ Johnny L. McCray, Jr. _____
Johnny L. McCray, Jr., Esquire
Florida Bar No. 342319
Law Office of Johnny L. McCray, Jr., P.A.
400 East Atlantic Boulevard
Pompano Beach, Florida 33060
Tel: (954) 781-3662
Fax: (954) 786-2289
mccrayjlaw@gmail.com

cc: Client