

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-60173-CR-WILLIAMS

UNITED STATES OF AMERICA

vs.

CAROLYN DENISE WADE,

Defendant.

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UNOPPOSED MOTION TO CONTINUE TRIAL

The United States of America, by and through its undersigned counsel, hereby files this unopposed motion to continue the trial of this case as to Defendant Carolyn Denise Wade (“Defendant”) from March 25, 2024 to April 8, 2024. In support thereof, the United States asserts the following:

1. Defendant is charged by way of indictment with one count of wire fraud, in violation of Title 18, United States Code, Section 1343. The indictment was filed under seal in the above-captioned case on September 14, 2023 (D.E. 3).

2. On October 12, 2023, Defendant was arrested pursuant to an arrest warrant issued for the indictment and made an initial appearance in the Fort Lauderdale Division of this Court (D.E. 8). Defendant was released that day on a \$50,000 personal surety bond (D.E. 9). Defendant remains released on that bond.

3. On October 19, 2023, Defendant was arraigned on the indictment and entered a plea of not guilty and a demand for a jury trial (D.E. 11).

4. On October 19, 2023, the Court entered an Order setting the pre-trial schedule and procedures for this case, including a jury trial date of December 18, 2023 (D.E. 12).

5. On November 3, 2023, the United States produced discovery to Defendant through her counsel of record and filed its response to the Standing Discovery Order (D.E. 13).

6. On November 17, 2023, Defendant filed an Agreed Motion to Continue Trial and Calendar Call (D.E. 15) (the “First Motion to Continue”). The First Motion to Continue requested a 90-day continuance of the trial then set for December 18, 2023. As grounds for the continuance, Defendant asserted the need for her defense counsel to complete their discovery, including the issuance of multiple subpoenas for documents and records to third parties whom defense counsel asserted may possess exculpatory evidence that is material to Defendant’s case. Additionally, defense counsel asserted that he was ordered to appear for another jury trial in the Southern District of Florida on December 4, 2023, and was therefore unavailable for trial on December 18, 2023.

7. On November 29, 2023, in connection with the First Motion to Continue, Defendant, through her counsel of record, filed a Waiver of Speedy Trial pursuant to Title 18, United States Code, Section 3161, pursuant to which Defendant waived her right to a speedy trial from November 29, 2023 to April 1, 2024 (D.E. 18).¹

8. On November 29, 2023, the Court entered a Paperless Order (D.E. 19) granting the First Motion to Continue, pursuant to which the Court reset the jury trial to March 25, 2024 and excluded the time through the rescheduled trial date from the deadline for trial as computed under the Speedy Trial Act.

9. On November 29, 2023, upon receipt of the Paperless Order resetting the jury trial to March 25, 2024 (D.E. 19), the undersigned Assistant United States Attorney advised the Court’s Courtroom Deputy that he is lead counsel for the United States in this case and that he is

¹ Defendant also filed a Waiver of Speedy Trial on November 20, 2023 (D.E. 16), which Defendant signed via DocuSign, but this waiver did not include an end date through which Defendant was waiving her right to a speedy trial.

unavailable for trial the week of March 25, 2024 through March 29, 2024 due to a previously scheduled personal matter. The undersigned further advised that he had conferred with Defendant's counsel of record, and that counsel did not object to the moving the trial to the Court's next available two-week trial period after the week of March 25-29, 2024. The Courtroom Deputy advised that the Court's next available two-week trial period was April 8, 2024 with a calendar call for April 2, 2024.

10. On November 30, 2023, in support of this anticipated motion, Defendant, through her counsel of record, filed another Waiver of Speedy Trial pursuant to Title 18, United States Code, Section 3161, pursuant to which Defendant waived her right to a speedy trial from November 30, 2023 through June 1, 2024 (D.E. 20).

11. Based upon undersigned counsel's unavailability for trial the week of March 25, 2024, and the Defendant's aforementioned Waiver of Speedy Trial (D.E. 20), the United States respectfully asks this Court to continue the trial of this case from March 25, 2024 to April 8, 2024, with a calendar call set for April 2, 2024. The United States submits that, in consideration of the factors set forth in 18 U.S.C. § 3161(h)(7)(B), the ends of justice served by granting this continuance outweigh the interests of the defendant and the public in a speedy trial.

12. Pursuant to Rule 88.9 of the Local Rules of the Southern District of Florida, the undersigned Assistant United States Attorney has conferred with counsel of record for Defendant regarding this motion. Counsel of record has stated that he has no objection to the motion or the relief requested herein.

WHEREFORE, the United States respectfully asks the Court to grant this motion and reset the trial of this case as to Defendant Carolyn Denise Wade to April 8, 2024.

Respectfully submitted,

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