IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:23-CR-00205-BCW-1
	)	
JARRELL CURNE,	)	
	)	
Defendant.	)	

ORDER

Before the Court are Defendant's motion to stay self-surrender date and execution of monetary judgment (Doc. #133) and motion for leave to file out of time (Doc. #134). The Court, being duly advised of the premises, denies said motions.

On May 14, 2026, the Court sentenced Defendant to 36 months of imprisonment and 3 years of supervised release on one count of Wire Fraud in violation of 18 U.S.C. § 1343. (Doc. #122). The Court also ordered Defendant to pay restitution in the amount of $318,220.49 to the U.S. Small Business Administration. Id. at 6. Furthermore, the Court ordered Defendant to self-surrender for service of his custodial sentence at the institution designated by the Bureau of Prisons ("BOP") on or before 2 p.m. on June 22, 2026. Id. at 2.

On May 15, 2026, Defendant filed a notice of appeal to the Eighth Circuit Court of Appeals, and on May 19, 2026, the Court appointed counsel to represent him on appeal. (Docs. #125, #129). Defendant's appeal is currently pending.

On June 10, 2026, Defendant filed a pro se motion asking to stay his self-surrender date to an unknown time in the future and to stay enforcement of the monetary judgment pending resolution of his appeal. (Doc. #133). On June 13, 2026, Defendant filed a second pro se motion

seeking leave to file out of time a motion to arrest judgment. (Doc. #134). The Government did not respond to Defendant's pro se motions.

A. Defendant's motion to stay is denied.

Defendant argues the Court should stay his self-surrender date pursuant to 18 U.S.C. § 3143(b) and Fed. R. Crim. P. 38(b). (Doc. #133). Defendant argues his current self-surrender date is the day after Father's Day, which is a holiday that has caused him past trauma. Defendant also asserts that he is not a flight risk or a risk to the community. Defendant further argues that execution of the monetary judgment should be stayed until his appeal is resolved because "forcing the collection or liquidation of assets while the foundational validity of the underlying conviction is heavily contested on appeal would cause immediate, irreparable economic ruin." Id. at 5.

First, Defendant's self-surrender date has passed, and he is presently in custody at FCI Leavenworth. See https://www.bop.gov/inmateloc/, Register Number: 76900-510. Consequently, his request to stay or extend his self-surrender date is denied as moot.

Furthermore, Defendant's request to stay execution of the monetary judgment is denied because he has not demonstrated that a stay would be appropriate in this case. Under Fed. R. Crim. P. 38(e)(1), "[i]f the defendant appeals, the district court . . . may stay—on any terms considered appropriate—any sentence providing for restitution under 18 U.S.C. § 3556 or notice under 18 U.S.C. § 3555." Here, Defendant's assertion that enforcement of the monetary judgment would cause economic ruin is unsupported. And Defendant has not shown he is likely to succeed on appeal. Thus, his request to stay execution of the monetary judgment is denied.

B. Defendant's motion to file out of time is denied for failure to show excusable neglect.

Defendant argues he should be granted leave to file out of time a motion to arrest judgment under Fed. R. Crim. P. 34(b). (Doc. #134). Defendant argues the "severe, ongoing ineffective

assistance of counsel and active misrepresentations by his former attorneys legally constitute 'excusable neglect' and 'good cause.'" Id. at 2. Defendant claims he was coerced into pleading guilty. Furthermore, Defendant claims he did not file the motion to arrest judgment within 14 days because he was misled by his former trial counsel when she allegedly told him he was banned by the Court from making any filings. In support, Defendant attaches emails of his communications with his former counsel.

Under Fed. R. Crim. P. 34(b), "[t]he defendant must move to arrest judgment within 14 days after the court accepts a verdict or finding of guilty, or after a plea of guilty or nolo contendere." Here, Defendant's guilty plea was accepted by the Court on December 18, 2025, so a motion to arrest judgment was due on or before January 2, 2026. (Doc. #113).

When a party seeks an extension to file out of time, the party must make a showing of excusable neglect. Fed. R. Crim. P. 45(b)(1)(B). Excusable neglect is an "elastic concept that empowers courts to provide relief where a party's failure to meet a deadline is caused by inadvertence, mistake, or carelessness, as well as by intervening circumstances beyond the party's control." Kurka v. Iowa Cnty., Iowa, 628 F.3d 953, 959 (8th Cir. 2010) (quotations omitted).

Defendant has not shown excusable neglect justifying an extension of time. Defendant's motion focuses on attacking his guilty plea and arguing it was coerced by his former counsel. Defendant's claim that his counsel prevented him from filing is not supported by the exhibits he attaches to his motion. Defendant provides no supportable explanation for why he could not file a motion to arrest judgment by the deadline, nor do his emails demonstrate that he asked his counsel to file such a motion. Defendant has not shown that his failure to meet the deadline was caused by inadvertence, mistake, carelessness, or intervening circumstances, so his motion is denied. Accordingly, it is hereby

ORDERED Defendant's motion to stay self-surrender date and execution of monetary judgment (Doc. #133) is DENIED. It is further

ORDERED Defendant's motion for leave to file out of time (Doc. #134) is DENIED.

IT IS SO ORDERED.

Dated: August 17, 2026

/s/ Brian C. Wimes
BRIAN C. WIMES, CHIEF JUDGE
UNITED STATES DISTRICT COURT