UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v. CRIMINAL ACTION NO. 2:23-00123

SEAN PATRICK BOYD, JR.

O R D E R

Pending before the court is defendant's Motion to Continue Trial and Related Pretrial Deadlines, filed on October 3, 2023, by Emily L. Szopinski, Assistant Federal Public Defender, defendant's counsel. In the Motion, the defendant moves the court for a forty-five (45) day continuance of the trial inasmuch as defense counsel needs additional time to review discovery, confer with the defendant regarding the same, and conduct any necessary investigation and research to determine what if any pretrial motions should be filed.

The court finds that for the reasons outlined above, defendant's counsel needs additional time to review discovery, consult with and review the same with the defendant, conduct any necessary investigations and research, and determine what, if any, pretrial motions to file; as related in the Motion, the Government does not object to the continuance, it is ORDERED that the Motion be, and it hereby is, GRANTED, to the extent

that the trial date and all related pretrial deadlines are continued as set forth below.

It is accordingly ORDERED that the trial previously scheduled for October 31, 2023, is continued to 9:30 a.m. on December 5, 2023. It is further ORDERED that pretrial motions are due on or before November 8, 2023; and the hearing on pretrial motions previously scheduled for October 17, 2023, is continued to 1:30 p.m. on November 16, 2023.

Correspondingly, the time for filing voir dire and jury instructions and the time for filing witness lists are continued to six (6) and four (4) days before the trial, respectively.

Pursuant to 18 U.S.C. § 3161(h)(7)(A) and (7)(B)(iv), the court finds the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial inasmuch as failure to grant a continuance would unreasonably deny counsel for the defendant time necessary for effective preparation, taking into account the exercise of due diligence. Accordingly, the period of delay from October 31, 2023, to December 5, 2023, is excludable in computing the time within which trial must commence pursuant to the Speedy Trial Act.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 4, 2023

John T. Copenhaver, Jr.
Senior United States District Judge