

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**v.**

**PRAKAZREL MICHEL**

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**Crim. No. 1:19-cr-148**

**DEFENDANT’S MOTION FOR CONTINUANCE BASED ON HIS 6<sup>TH</sup> AMENDMENT  
RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL**

Comes now Defendant, Prakazrel Michel, by and through his counsel, David Kenner and moves this honorable court to grant a continuance in this case based upon counsel medical emergency and its substantially negative impact on counsel’s ability to ensure effective assistance of counsel under the Sixth Amendment to the U.S. Constitution, and in support thereof states the following:

1. While visiting family out of state, counsel had an accident wherein he fell and was admitted to the hospital emergency room.
2. Counsel has been seen by several medical professionals, all of whom have advised him to limit mobility, refrain from work and not travel.
3. For the past week, counsel has anticipated a speedier recovery but after medical tests and professional medical advice, has realized his inability to provide effective assistance of counsel.
4. Counsel, by separate motion filed concurrently herewith, is requesting the Court to allow his declaration and medical records be filed under seal. Counsel has provided a copy of

this declaration to the Government's lead prosecutor, Mr. John Keller, with the understanding that it will be filed under seal and because of privacy concerns, not be disseminated publicly.

5. Counsel has consulted with his physicians who have determined that a recovery period of at least eight weeks is advisable. If the Court wants to confer with Counsel's medical professionals, Counsel hereby waives his right to HIPAA protections with respect to only the Court's inquiries. Counsel is available by teleconference if the Court has any further questions to pose to him under oath.
6. Counsel has conferred by email with the Government, and Mr. Keller responded in which he set forward the Government's position on the continuance request. That position was that the Government does not oppose Defendant's motion to continue but will be unable to try the case in the month of January because of a pre-planned medical procedure for one of the assigned Government attorneys on the case, and therefore suggests a trial date sometime in mid-February or March 2023.
7. Counsel appreciates the Government's position and will be available to try this case at a time convenient to the Court or the Government in either mid-February or March.
8. Defendant agrees to a waiver of his Speedy Trial Right up to the continued trial date, determined by the Court.

Based on the foregoing, the Defense respectfully requests that this Honorable Court grant a continuance of at least eight weeks so that counsel may recover from his medical situation and be prepared to provide effective assistance of counsel to his client as required under the 6<sup>th</sup> Amendment.

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DATED: October 10, 2022

Respectfully submitted,

**/s/ David Kenner**

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**/s/ Charles Haskell**

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Counsel for Defendant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

Dated: October 10, 2022

/s/ Charles R. Haskell

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