

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-cr-128 (RC)
	:	
WILLIAM POPE,	:	
	:	
Defendant.	:	

**UNITED STATES’ RESPONSE IN OPPOSITION TO
DEFENDANT’S MOTION TO CONTINUE TRIAL**

This criminal case has been pending for more than forty four months. A criminal complaint was filed against the defendant on February 10, 2021 and he was arrested on February 12, 2021. ECF Nos. 1, 7. A grand jury returned an indictment charging the defendant with felony and misdemeanor offenses on February 17, 2021. ECF No. 8. The government respectfully submits this opposition to the defendant’s most recent motion to continue his trial, currently set for December 2, 2024. ECF No. 373. The defendant argues that the outcome of the 2024 Presidential election warrants a continuance for two reasons: (1) he believes he will receive a pardon, *id.* at 1, and (2) he argues that it will not be possible to empanel an impartial jury, *id.* at 3. For the reasons set forth below, the Court should deny the motion.

There is a public interest in the prompt and efficient administration of justice. The government and the Court have endeavored to vindicate that interest. No continuance is warranted here. At this time, the defendant’s expectation of a pardon is mere speculation, and the Court should proceed as it would in any other prosecution. Indeed, “the potential future exercise of the discretionary pardon power, an Executive Branch authority, is irrelevant to the Court’s obligation to carry out the legal responsibilities of the Judicial Branch” *United States v. Lichnowski*, 23-cr-341 (RBW), ECF No. 73 at 1. Courts in this jurisdiction have denied similar motions. *See, e.g.,*

United States v. Avery, 24-cr-00079 (CRC), Nov. 6, 2024 Minute Order (denying motion to continue sentencing hearing in light of possibility of a pardon); *United States v. Carnell, et al.*, No. 23-cr-139 (BAH), Nov. 6, 2024 Minute Order (denying motion to continue status conference based on claim of potential clemency); *Lichnowski*, 23-cr-341 (RBW), Nov. 7, 2024 Minute Order (denying motion to continue sentencing hearing “in order to permit the defendant to seek a Presidential pardon”); *United States v. Fuller, et al.*, 23-cr-00209 (CKK), Nov. 7, 2024 Minute Order (denying motion to continue sentencing hearing in light of the President-elect’s statements that he intends to pardon January 6 defendants and the potential that charges against not-yet-convicted co-defendants would be dismissed). The various “inefficient” scenarios about which the defendant hypothesizes – a verdict that is different from his brother’s and the possibility a successful appeal or collateral challenge – are neither unique nor new and are not grounds to further delay his trial.

Further, to the extent that certain individuals in the jury pool would have difficulty being fair and impartial in light of the results of the election – an assertion that is based solely on speculation and conjecture – the remedy is to conduct a thorough *voir dire* to screen out such potential jurors, not to continue the trial. See *United States v. Bosch*, 24-cr-00210 (DLF), Nov. 7, 2024 Minute Order (“Despite the recent election, the Court continues to conclude that the Court’s *voir dire* procedures will be adequate to screen out potential jurors who cannot be fair and impartial.”).

The Court should deny the motion and proceed to trial on December 2, 2024.

Respectfully submitted,

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