

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Case No. 1:24-cr-200

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID PAUL DANIEL,

Defendant.

**MOTION TO CONTINUE TRIAL
AND EXTEND MOTIONS
DEADLINE**

Defendant, David Daniel, moves the Court to continue trial and to extend the deadlines for filing motions to November 15, 2024. In support of this Motion, Mr. Daniel shows the following:

1. Trial is set for January 6, 2024.
2. Pretrial motions are due October 11, 2024.
3. Counsel is court-appointed.
4. While Mr. Daniel's instant case ("DC Case") was pending, the United States Attorney's Office for the Western District of North Carolina obtained a Criminal Complaint in a new case against him alleging violation of 18 U.S.C. § 2552A(a)(5)(B)(possession of child pornography) and 18 U.S.C. § 2251(a)(sexual exploitation of a minor). *See United States v. Daniel*, 3:24-mj-302 (W.D.N.C.)("NC Case")(Doc. 3).
5. He was arrested on September 20, 2024 (3:24-mj-302 Doc. 5) and ordered detained pending trial (3:24-mj-302 Doc. 11).

6. Mr. Daniel previously had the benefit of pretrial release in the DC Case. Now, he does not, rendering trial prep far more difficult.

7. Not only is Mr. Daniel detained, but he is currently housed in a facility (the Catawba County Detention Center) that is a two hour round trip from Charlotte. Worse, it is anticipated that he will soon be moved to a facility in Lovejoy, Georgia, where most individuals facing federal charges in Charlotte are currently housed. Lovejoy is a ten hour round trip from Charlotte.

8. The fact of Mr. Daniel's incarceration many hours from Charlotte imposes a severe burden on his ability to communicate with counsel and prepare for trial.

9. Moreover, it greatly complicates matters for Mr. Daniel that he now faces serious federal charges in a second case and district. In particular, the existence of two cases may affect his plea decisions.

10. It is anticipated that Mr. Daniel will be indicted in the NC Case during the third week of October. Based on that timeframe for indictment, he anticipates a trial date in the NC Case either immediately before or after the current DC trial date. It will not be practical, and will unfairly prejudice Mr. Daniel, to have to try two cases back to back with completely different sets of facts and violations. The undersigned represents Mr. Daniel in both matters.

11. Mr. Daniel also objects to beginning his trial – which is about the events of January 6 – on or around January 6, 2025. Inflammatory media coverage about the events of that day are typically at their height on January 6, and it is

inconceivable that a DC venire will not be exposed to sensationalized coverage of the day's events the day trial begins.

12. In summary, Mr. Daniel requests a final trial continuance for the following reasons:

- a. His distant incarceration is impeding trial preparation.
- b. The additional NC Case greatly complicates trial preparation and strategic analysis in both cases. The NC Case may alter how the DC Case is resolved.
- c. There is a strong likelihood that Mr. Daniel will have to try the NC and DC Cases one after the other, without adequate preparation time for whichever trial comes second.
- d. Mr. Daniel faces the probability of a jury that is biased by inflammatory January 6 media coverage if this case begins on the anniversary of the infamous event.

13. Independent of his request for a trial continuance, Mr. Daniel requests an extension of the motions deadline through November 15, 2024, so that:

- a. He can have adequate time to meet with counsel now that he is incarcerated at a distant location.
- b. He can consider to which extent, if any, the NC Case affects his briefing in the DC Case.

14. The government opposes the trial continuance.

15. The government does *not* oppose extending the motions deadline.

16. This Motion is not being filed for purposes of improper delay, but because the relief requested herein is necessary to serve the interests of justice.

WHEREFORE, Mr. Daniel moves to continue trial. In addition, he moves to extend the motions deadline up to and including November 15, 2024.

Respectfully submitted this 11th day of October, 2024.

/s/ William R. Terpening
William R. Terpening
N.C. Bar No. 36418

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CERTIFICATE OF SERVICE

I certify that I have filed this **MOTION TO CONTINUE TRIAL AND EXTEND MOTIONS DEADLINE** through the Court's ECF system, which constitutes service on all parties.

Dated: October 11, 2024.

/s/ William R. Terpening
William R. Terpening