

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

UNITED STATES OF AMERICA

v.

Case No. **19-cr-40091-DDC**

JARRETT WILLIAM SMITH,
Defendant.

**DEFENDANT'S UNOPPOSED MOTION TO CONTINUE
SENTENCING HEARING**

Jarrett William Smith respectfully asks the Court to continue the sentencing hearing for at least 30 days.¹ In support of this motion, counsel states the following.

1. The sentencing hearing is currently scheduled for Wednesday, July 15, 2020 at 1:30 pm in Topeka.
2. Government counsel has no objection to this continuance request.
3. We seek additional time so that we may finalize for filing our sentencing memoranda and evidence. We have been working exhaustively with Mr. Smith's family in South Carolina for the last several months to gather information that we intend to put forward for consideration regarding an appropriate sentence. We just made contact with an additional witness, who has particular importance to our case, that we are still needing to receive information and, hopefully, an exhibit that we will include with our sentencing materials. Moreover, although we have been working to

¹ In particular, counsel are targeting the week of August 17-21, 2020. Government counsel will be out of the district the week of August 3-7; undersigned counsel is scheduled to be out of the district the week of August 10-14.

complete our sentencing materials, we can use and benefit from an additional month to ensure we are able to provide a full and robust presentation to the Court.

4. Mr. Smith is in custody at the CoreCivic Leavenworth Detention Center. He desires to appear in person for these hearings and will not consent to remote appearance, at this point in time. As such, the defendant and counsel have discussed the current public health circumstances and the current administrative order² detailing the Court's plan to assess and mitigate the exposure risks to COVID-19. Due to the significant upward trend in COVID-19 cases in the geographical area in the last 14-days, we also ask to continue the hearing for at least 30 days to reduce the exposure risk from transport to/from the courthouse and being physically present for the proceedings.

5. Because the continuance sought is for sentencing, there are no speedy trial rights or concerns at issue with this motion. Nonetheless, having consulted with counsel regarding this matter, Mr. Smith personally agrees to and requests a continuance of the hearing.

For these reasons and in the interests of justice and public health, Mr. Smith requests a continuance of the sentencing and final revocation hearings for at least 30 days, or to a date available and convenient to the Court and parties.

² D Kan Administrative Order 2020-10.

Respectfully submitted,

s/ Rich Federico

Rich Federico, #22111
Assistant Federal Public Defender
117 SW 6th Avenue, Suite 200
Topeka, Kansas 66603-3840
Phone: 785-232-9828
Fax: 785-232-9886
Email: rich_federico@fd.org

s/ Kathryn Stevenson

Kathryn Stevenson, #27120
Assistant Federal Public Defender
117 SW 6th Avenue, Suite 200
Topeka, Kansas 66603-3840
Phone: 785-232-9828
Fax: 785-232-9886
Email: katie_stevenson@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2020, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all interested parties.

s/ Rich Federico

Rich Federico, #22111