

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MOHAMED BAHI,

Defendant.

**Affidavit Requesting
Order of Continuance**

No. 24 Mag. 3535

State of New York)
County of New York) ss.:
Southern District of New York)

Derek Wikstrom, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am an Assistant United States Attorney in the Office of the United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated October 7, 2024, with witness tampering in violation of 18 U.S.C. § 1512, and destruction of records in violation of 18 U.S.C. § 1519. The defendant was arrested on October 8, 2024, was presented before Magistrate Judge Robert W. Lehrburger on October 8, 2024, and was ordered to be released on bail subject to certain conditions. At the presentment, defense counsel consented to a waiver of his client’s right pursuant to Federal Rule of Criminal Procedure 5.1 to a preliminary hearing within 21 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until November 7, 2024, within which to file an indictment or information. On November 6, 2024, Magistrate Judge Jennifer E. Willis entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A),

extending the time within which an indictment or information would otherwise have had to be filed in this case until December 9, 2024. On December 4, 2024, Magistrate Judge Henry J. Ricardo entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until January 8, 2025. On January 6, 2025, Magistrate Judge Barbara Moses entered an Order of Continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A), extending the time within which an indictment or information would otherwise have had to be filed in this case until February 7, 2025.

3. The defendant, defense counsel, and the Government have entered into a written plea agreement to resolve this case, and are in the process of having the case assigned to a district judge and scheduling a waiver-of-indictment and change-of-plea hearing. Such a hearing has not yet been scheduled, and the parties do not anticipate being able to hold it before the February 7, 2025 deadline under the Speedy Trial Act.

4. Therefore, the Government is requesting a 30-day continuance until March 10, 2025, to finalize the foregoing discussions and reach a disposition of this matter. Defense counsel Derek Adams, Esq. has consented to this request. This application has been authorized by Assistant United States Attorney Jane Kim, Deputy Chief of the Criminal Division.

5. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.

Dated: New York, New York
February 7, 2025

/s/ Derek Wikstrom
Derek Wikstrom
Assistant United States Attorney
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