

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

UNITED STATES OF AMERICA)
)
v.)
)
EDWARD KELLEY)

Case No. 3:22-cr-118-001
Judges Varlan/Poplin

AMENDED JOINT MOTION TO CONTINUE PLEA DEADLINE AND TRIAL DATE

The defendant Edward Kelley and the United States respectfully and jointly move the Court to continue the plea deadline and trial date. Based on the Court’s Order in Document 48, additional information is provided for the Court’s consideration:

The trial date is currently scheduled to begin on March 26, 2024. Although the plea deadline was recently extended (Doc. 45), additional time is needed to effectuate a potential resolution. Any resolution of the instant matter accompanies simultaneous discussions in a separate, but related matter in United States District Court for the District of Columbia, *United States v. Kelley*, D.D.C. Case No. 1:22-cr-408. Such a resolution requires coordination between two districts. The parties continue in good faith efforts towards a final resolution, but due to the complexity of the legal issues at hand and multi-district negotiations, any final resolution cannot be made within the confines of the currently scheduled trial date.

Continuing the trial date will allow the parties an opportunity to fully address the possibility of resolution by plea, advance the interests of justice, and potentially conserve scarce judicial resources in the event the need for trial is obviated. Accordingly, the parties respectfully move the Court to continue the trial date for 30 days, which should provide sufficient time to complete any potential resolution short of a trial. If a resolution is not achieved, a brief continuance will also

allow the parties to meet any pre-trial filing and disclosure deadlines without the need of any more extensions.

The granting of the continuance should result in the delay being excluded under the Speedy Trial Act as the ends of justice are best served by allowing counsel the additional time necessary for effective preparation given counsel's exercise of due diligence, as required under 18 U.S.C. §§ 3161(h)(7)(A) and (B). Counsel cannot provide the effective assistance of counsel otherwise.

The request for extension is not being made for the purposes of delay. Mr. Kelley has been advised of the request for the continuance and agrees with its purpose and intent. Mr. Kelley also understands that the period of time between the filing of this motion and a rescheduled court date will be fully excludable time for speedy trial purposes. 18 U.S.C. § 3161(h).

Respectfully submitted,

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