IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. : CRIMINAL No. 15-398-3

WAYDE MCKELVY, :

Defendant :

DEFENDANT'S MOTION FOR CONTINUANCE OF THE SENTENCING

Defendant Wayde McKelvy, by his attorneys, Walter S. Batty, Jr. and William J. Murray, Jr., submits Defendant's Motion for Continuance of the Sentencing, and states as follows:

- 1. McKelvy was convicted by a jury, after 14 days of trial, on all ten counts of the indictment on October 12, 2018.
- 2. On October 29, 2018, the Court granted, at Doc. No. 231, the defendant's motion for an extension of time in which to file supplemental memos in support of his motions pursuant to Fed.R.Crim.P. 29 and of Fed.R.Crim.P. 33. As set out in the paragraph below, the date on which our supplemental memos and the government's memos are due depends on the date on which the transcripts are filed.
- 3. Currently, sentencing is scheduled for January 30, 2019. Pursuant to Doc. No. 231, McKelvy's supplemental memos would not be due until at least February 11, 2019, 30 days after the transcripts are due to be filed on January 10, 2019; the government's responses would be due 30 days later, that is, on March 13, 2019; and McKelvy would then expect to request leave to file reply memos at least 14 days later, that is, on or after March 27, 2019, well past the current sentencing date of January 30, 2019. As such, we expect that the government will not object to this motion to continue the sentencing beyond the current date.

¹ The due date for the transcripts of 1/10/19 was provided today by the Clerk's office.

4. Once the defendant's memos and the government's responses have been filed, the Court will deliberate on the post-trial motions and the parties, which need to assume that these motions will be denied, will use the ensuing time to prepare sentencing papers, including sentencing memos.

WHEREFORE, McKelvy requests this Court to grant the defendant's Motion for Continuance of the Sentencing.

Respectfully submitted,

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Dated: December 21, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have served by electronic mail a true and correct copy of the foregoing Defendant's Motion for Continuance of the Sentencing upon Assistant U.S. Attorneys Robert J. Livermore and Sarah Wolfe:

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/s/ Walter S. Batty, Jr. Walter S. Batty, Jr.

Dated: December 21, 2018