

1 DAVID D. LESHNER
2 Attorney for the United States
3 Acting under Title 28, U.S.C. Section 515
4 EMILY W. ALLEN (CA Bar No. 234961)
5 W. MARK CONOVER (CA Bar No. 236090)
6 PHILLIP L.B. HALPERN (CA Bar No. 133370)
7 Assistant United States Attorneys
8 U.S. Attorney's Office
9 880 Front Street, Room 6293
10 San Diego, CA 92101
11 Telephone: (619) 546-6964
12 Email: Phillip.Halpern@usdoj.gov

13 Attorneys for the United States

14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 MARGARET E. HUNTER (2),

20 Defendant.

Case No. 18CR3677-W

JOINT MOTION TO CONTINUE
MARGARET HUNTER SENTENCING
HEARING

DATE: June 8, 2020

TIME: 9:00am

COURT: 3C (Schwartz)

HON. THOMAS J. WHELAN

21
22 The United States of America, by and through its counsel David D. Leshner, Attorney
23 for the United States, Acting under Title 28, U.S.C. Section 515, and Emily W. Allen, W.
24 Mark Conover, and Phillip L.B. Halpern, Assistant U.S. Attorneys, and Defendant Margaret
25 E. Hunter, by and through her attorneys of record, Thomas W. McNamara and Logan D.
26 Smith, respectfully move jointly to request a continuance of Ms. Hunter's sentencing
27 hearing to July 6, 2020 (9:00 a.m.), or as soon thereafter as is convenient for the court.
28

1 In support of this joint motion, the parties submit that:

- 2 1. On January 22, 2020, the Court ordered that Margaret Hunter’s sentencing
3 hearing be rescheduled to April 7, 2020 (later changed to April 6, 2020).
- 4 2. On March 17, 2020, the Chief United States District Judge of the Southern
5 District of California entered an Order suspending jury trials and other
6 proceedings (including sentencings) scheduled to begin before April 16, 2020.
7 *See* Order of the Chief Judge No. 18, Suspension of Jury Trials and Other
8 Proceedings during the COVID-19 Public Emergency (March 17, 2020).
- 9 3. This Order was imposed, *inter alia*, due to: (1) the state of emergency declared
10 in response to the spread of the coronavirus (COVID-19); and (2) the
11 restrictions on public gatherings recommended by the Centers for Disease
12 Control and Prevention.
- 13 4. In light of the Court’s March 17, 2020 order, and in order to protect public
14 safety and prevent the spread of the COVID-19 outbreak, the parties jointly
15 requested that Margaret Hunter’s sentence be continued until May 4, 2020 at
16 9:00 a.m.
- 17 5. On April 2, 2020, this Court granted the parties joint request to continue
18 Margaret Hunter’s sentence until May 4, 2020. Dkt. 144.
- 19 6. On April 15, 2020, the Chief United States District Judge of the Southern
20 District of California entered an Order extending “the judicial emergency for
21 an additional period of 30 days.” *See* Order of the Chief Judge No. 24,
22 Extending Suspension of Jury Trials and Other Proceedings during the COVID-
23 19 Public Emergency (April 15, 2020).
- 24 7. In light of the Court’s April 15, 2020 order, and in order to protect public safety
25 and prevent the spread of the COVID-19 outbreak, the parties jointly requested
26 that Margaret Hunter’s sentence be continued an additional 30 days until
27 June 8, 2020 at 9:00 a.m.
- 28

1 8. On April 27, 2020, this Court granted the parties joint request to continue
2 Margaret Hunter’s sentence until June 8, 2020. Dkt. 148.

3 9. On May 15, 2020, the Chief United States District Judge of the Southern
4 District of California entered an Order extending “the judicial emergency for
5 an additional period of 30 days” as “[m]any of the circumstances giving rise to
6 the judicial emergency have not abated.” See Order of the Chief Judge No. 27,
7 Extending Suspension of Jury Trials and Other Proceedings during the COVID-
8 19 Public Emergency (May 15, 2020).

9 10. In light of the Court’s latest order addressing the judicial emergency, and in
10 order to protect public safety and prevent the spread of the COVID-19
11 outbreak, the parties jointly request that Margaret Hunter’s sentence be
12 continued until July 6, 2020 at 9:00 a.m.

13 Signature Certification

14 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and
15 Procedures Manual, I hereby certify that the content of this document is acceptable to Logan
16 D. Smith., counsel for Margaret Hunter, and that I have obtained said counsel’s authorization
17 to affix their electronic signature to this document.

18 DATED: May 20, 2020

Respectfully submitted,

19 DAVID D. LESHNER
20 Attorney for the United States
21 Acting under Title 28, U.S.C. Section 515

22 s/ Phillip L.B. Halpern
23 EMILY W. ALLEN
24 W. MARK CONOVER I
25 PHILLIP L.B. HALPERN
26 Assistant U.S. Attorneys

27 DATED: May 20, 2020

28 By: MCNAMARA SMITH LLP
/s/ Logan D. Smith
LOGAN D. SMITH
lsmith@mcnamarallp.com
THOMAS W. MCNAMARA
tmcnamara@mcnamarallp.com
Attorneys for Defendant Margaret E. Hunter