

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**UNITED STATES OF AMERICA,** )

**Plaintiff,** )

**v.** )

**LESTER P. RONDEAU** )

**Defendant.** )

**Case No. 3:19-CR-207  
JUDGES VARLAN/GUYTON**

**MOTION TO CONTINUE TRIAL SETTING AND ALL CORRESPONDING  
DEADLINES**

COMES defendant, LESTER P. RONDEAU, through counsel and respectfully moves this Court to enter an Order continuing the trial date and modifying all other corresponding deadlines, to include the deadline for filing pretrial motions, as set forth in the Court's Memorandum and order filed on January 24, 2020 [Doc. 24], and in the Court's order granting defendant's Motion to Continue Pretrial Motions Deadline [Doc. 49], filed March 30, 2020. The trial in this matter is currently scheduled on June 30, 2020.

The defendant respectfully submits that the ends of justice are served by taking such action, particularly to ensure the effective assistance of counsel and zealous representation required by the Sixth Amendment to the United States Constitution and the Rules of Professional Conduct, and that the ends of justice outweigh the defendant's and public's interests in a speedy trial.

In further support, the following is stated:

- (1) Undersigned defense counsel made an appearance in this matter on February 10, 2020 and made a detailed discovery request to the government on February 11, 2020. The government provided its initial discovery production in electronic format on February 12, 2020. Defendant counsel has completed an initial review of the discovery materials and has determined

that some of the materials provided cannot be opened, including several forensic images of cell phones, and some items specifically requested have not yet been produced. A second discovery request was sent to government's counsel on March 27, 2020, detailing these issues. Undersigned counsel has discussed discovery issues with counsel for the government pursuant to Fed. R. Crim. P. 16.1, and has been informed that additional discovery materials are forthcoming.

(2) Given the complex nature of the case, the seriousness of the allegations, the anticipated volume of electronic discovery materials, and the defense investigation and preparation that must be undertaken, undersigned counsel needs additional time to prepare, adequately advise the defendant, and prepare for the filing of pretrial motions and for trial. It is impossible for defense counsel to review and analyze the discovery materials produced, review the materials with the defendant, develop and investigate any leads indicated from such a review, determine any pretrial motions to be filed, determine any factual or legal defenses, engage in any negotiations concerning potential resolution, and prepare for trial within the current timeframe. Defense counsel is authorized to represent that counsel for the government has no objection to this motion.

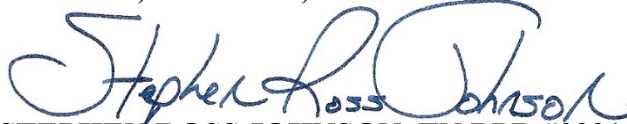
(3) Further, due to the COVID-19 pandemic, defense counsel has been unable to schedule further necessary in-person contact meetings with defendant to discuss his case and to review the voluminous discovery materials. Given the nature of the materials, reviewing them with the defendant in an effective fashion will require multiple in-person contact visits where some combination of counsel, counsel's staff, and the defendant will be able to review together and discuss the discovery materials on an electronic device. The defendant is presently housed at the Roger D. Wilson Detention Facility in Knoxville, Tennessee, and it is counsel's understanding that the facility is not currently allowing contact attorney visits. Further, while

counsel and counsel's staff are not knowingly infected or showing symptoms of COVID-19, even if contact visits were allowed, counsel or counsel's staff would not want to risk unknowingly infecting the defendant, corrections staff or the jail population, or potentially infecting themselves from contact with the defendant, the jail population, or corrections staff in contravention of current CDC guidelines and directives or health recommendations of the state and local governments in Tennessee.

(4) For these reasons, the defendant respectfully moves that the pretrial motions deadline, trial date, and all corresponding deadlines be extended. This motion is not submitted for the purpose of procrastination or unreasonable delay in this matter or some other improper purpose, but rather is made so that counsel may provide the defendant with the effective assistance of counsel to which he is entitled, that the defendant receive zealous representation, and that the defendant, through counsel, is able to adequately review discovery, research potential issues to be raised via motion, and investigate and develop evidence necessary to present a defense to the charged offenses. 18 U.S.C. § 3161(h)(7)(B); Rules of Prof. Conduct; U.S. Const. Amend. VI.

Respectfully submitted this 22nd day of May, 2020, by:

**RITCHIE, DILLARD, DAVIES & JOHNSON, P.C.**



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