

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:23-CR-00192-M-RN-1

UNITED STATES OF AMERICA	:	
	:	
v.	:	MOTION TO RE-SET TIME
	:	TO FILE PRETRIAL MOTIONS AND TO
ERIC C. WELTON	:	CONTINUE ARRAIGNMENT

NOW COMES Eric C. Welton, by and through the undersigned counsel, and moves the Court to re-set the time for filing pretrial motions for a period of 30 days and to continue the arraignment in this matter from the February 13, 2024 term of court, and, in support thereof, shows unto the Court the following:

1. The original scheduling order entered in this matter on June 29, 2023 set the time for filing pretrial motions by or before July 27, 2023, with the arraignment being set for August 22, 2023 (D.E. 21). At the time, Welton was represented by other counsel (D.E. 12-14), who did not file any pretrial motions prior to July 27, 2023.

2. Between August 9, 2023 and October 12, 2023, Welton's prior counsel filed several motions to continue the arraignment, but did not seek or request an extension of time to file pretrial motions, either prior to July 27, 2023 or in connection with the various motions to continue the arraignment (D.E. 22, 23 and 24).

3. On December 13, 2023, Welton's prior counsel filed a motion to withdraw (D.E. 31), which was allowed by the court by order dated December 15, 2023 and which directed the Federal Public Defender to appoint counsel for Welton (D.E. 32).

4. The undersigned filed his notice of appearance in this matter on December 18, 2023 (D.E. 34).

5. The arraignment in this matter is currently set for the February 13, 2024 term of court (Text Order on January 8, 2024).

6. Since his appearance in this matter, the undersigned counsel has received and reviewed discovery materials from the government, and has requested several additional items of discovery, which the government has either already produced or is in the process of locating and producing.

Under the above circumstances, the undersigned requests that the time for filing pretrial motions be re-set for a period of 30 days, to February 24, 2024, to allow newly appointed counsel time to consider and file pretrial motions deemed to be necessary in this matter.

Under the scheduling order entered prior to the undersigned counsel's appearance in this matter, pre-trial motions that Welton's current counsel believes are necessary would be considered untimely and summarily denied. Several pretrial motions, including motions to compel discovery, motions to suppress, and motions under Rules 7, 8, 12, 13, 14, 16, and 41, Fed. R. Crim. P., are anticipated.

7. The undersigned has contacted AUSA Lori B. Warlick and been advised the government does not object to the instant request.

8. Welton agrees that the ends of justice served by the granting of this motion outweigh his best interests and those of the public in a speedy trial and that the period of delay occasioned by the granting of this motion should be excluded in computing the time in which the trial must commence, pursuant to 18 U.S.C. §§ 3161(b)(1)(D) and (h)(7).

WHEREFORE, for the reasons set forth above, Welton respectfully requests the Court re-set the time for filing pretrial motions to February 24, 2024 and that the arraignment be continued from the February 13, 2024 term of court to a term of court in March 2024 or thereafter, in the court's discretion.

Respectfully submitted, this the 24th day of January, 2024.

SCOTT L. WILKINSON & ASSOCIATES, P.C.

BY: /s/ Scott L. Wilkinson
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CERTIFICATE OF SERVICE

I hereby certify that I have, on this the 24th day of January, 2024, electronically filed the foregoing Motion with the Clerk of Court using CM/ECF system which will send notification of the same to the United States, as follows:

Lori B. Warlick
Assistant United States Attorney

/s/ Scott L. Wilkinson
CJA Appointed Counsel for Eric C. Welton