



USA v. Washington et al

2018 | Cited 0 times | D. Nevada | May 22, 2018

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

United States of America, Plaintiff v. Joshua Sadat Washington, et al., Defendants

Case No.: 2:16-cr-00279-JAD-PAL

Order Granting Motion to Continue Sentencing Hearing and

Denying Other Relief [ECF Nos. 227, 236, 238, 239]

Defendant Joshua Sadat Washington was convicted of interference with commerce by robbery, brandishing a firearm in furtherance of a crime of violence, and transportation of stolen property after the jury in his March 2018 trial returned a guilty verdict on all counts. 1

Sentencing is scheduled for June 11, 2018. Washington moves to continue that sentencing hearing for two months to permit him time to obtain mitigating evidence and to file objections to his presentence investigation report. 2

The government does not object. 3

Accordingly, the court finds good cause to grant the two-month continuance. preparation for post- 4

However, he has not shown that he requires such transcripts to prepare his post-trial motions (he, in fact, filed a motion for judgment notwithstanding the verdict and an extensive supplement to that motion without the transcripts 5

, and appellate counsel has already requested the trial transcripts from the court

1 ECF No. 225. 2 ECF No. 238. 3 ECF No. 240. 4 ECF No. 227. 5 ECF Nos. 228, 230. (Expedited Request). Washington has also filed an Ex Parte Emergency Motion for an order allowing him to consult with an expert prior to sentencing. 6

Washington has not identified any such expert, described the work to be performed, or identified the



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cost associated with this effort, and he does not need court approval to consult with an expert that he pays for. He also does not specifically request funds for this purpose. Although the court assumes that Washington is really asking for court funds to permit him to hire such an expert (and, for that, he would need court approval), his request is simply not developed enough for the court to determine what, exactly, Washington is emergency motion for an order approving expert evidence is DENIED without prejudice to

ability to seek funds for this purpose through the CJA process (likely with the assistance of standby counsel). Finally, Washington has filed a separate motion asking the court to grant various of his motions because nobody has opposed them. Not all motions in criminal cases require parties to respond. This is particularly true when opposing parties would not have an interest in the subject matter of a motion (like with Washington's request for expedited trial transcripts 7

, or when the party who is the subject of a motion was never served with that motion (as appears to be the case with Washington's request to hold Corporation Trust Company of Nevada in contempt 8

. Accordingly, I do not find that Washington's pending motions are the type that the court can grant merely because nobody opposed them, so I deny his motion to grant these pending motions simply because no opposition was filed.

6 ECF No. 239. 7 See ECF No. 227. 8 See ECF No. 231 (the certificate of service lists the Clerk of Court as the only recipient). Sentencing Hearing [ECF No. 238] is GRANTED. The June 11, 2018, sentencing hearing is

VACATED and continued to August 13, 2018, at 10:30 a.m.; and Motion to Grant Doc # 227, 231 due to Failure of Valid Respond [sic] by Court Ordered Response Dates [ECF Nos. 227, 236] are DENIED; and Finally, Requesting an Order Approving Expert Evidence [ECF No. 239] is DENIED without prejudice. Dated: May 22, 2018 _____ U.S. District Judge Jennifer A. Dorsey

