### IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

UNITED STATES OF AMERICA \$
\$
VS. \$ CRIMINAL No. 4:19-786
\$
ALEXANDRA SMOOTS-THOMAS \$

# UNOPPOSED MOTION TO CONTINUE JURY TRIAL AND TO ENTER A NEW SCHEDULING ORDER

TO THE HONORABLE LYNN N. HUGHES, UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION:

COMES NOW, ALEXANDRA SMOOTS-THOMAS, defendant, by and through her undersigned counsel, and respectfully moves this Honorable Court to continue the jury trial and enter a new scheduling order and for good cause would show as follows:

I.

Motions are due on February 3, 2020. Pretrial conference is set for March 16, 2020 at 2:30 p.m. and Jury selection and trial is set for March 24, 2020 at 9:00 a.m.

II.

Counsel for defendant requests a continuance due to the following reasons:

1. Undersigned counsel is lead counsel for Martin Houston in the case of Parallax Enterprises LLC, et al, v. Cheniere Energy Inc. and Cheniere LNG Terminals, LLC v. Martin Houston, Charif Souki, and Tellurian Investments Inc.,

Driftwood LNG LLC, Driftwood Pipeline LLC, Louisiana LNG Energy LLC and Tellurian Services LLC; which is currently set for trial in the 61st District Court (Cause 2017-49685 and cause #2019-11559). This three-year-old case is preferentially set for trial on February 3, 2019 and is projected to last until March 5, 2020. All motions for continuance have been denied. Nearly all of counsel's time for the last six weeks has been spent in preparation for this trial.

- 2. There is voluminous discovery in the instant case, which the government turned over on January 9, 2020. Much of this is comprised of financial documents and counsel has retained a consultant to evaluate this information in order to be able to confront it at trial. To date, however, this has not been completed and will not be for at least another thirty to sixty days. In addition, there are additional financial records for which counsel is awaiting the password information so that they may be accessed.
- 3. This Court previously granted an extension so that counsel could evaluate discovery prior to filing motions; however since the discovery was not produced until January 9 and counsel was already in the process of preparing for the Parallax trial; he has not been able to effectively evaluate the discovery and prepare motions. It is likely that at least one dispositive motion will be filed.
- 4. Because of the nature and volume of evidence in this case; counsel believes that this case should be designated as a Complex Case. The financial records

involved, as well as campaign related documents go back for a period of years and the allegations cover a fairly vast amount of time.

- 5. Due to the unusual and complex nature of the case, it is unreasonable to expect adequate preparation for pretrial proceedings and the trial itself within the time limits established by the Speedy Trial Act.
- 6. The parties agree that failure to grant a continuance in this case would deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice.

Respectfully submitted,

/s/ Kent A. Schaffer

KENT A. SCHAFFER
Federal ID No. 3603
KentSchaffer@gmail.com
JAMES M. KENNEDY
Federal ID No. 30414
JamesKennedy@schaffercarter.com
The Jones on Main
712 Main Street, Suite 2400
Houston, Texas 77002

Telephone: (713) 228-8500 Facsimile: (713) 228-0034

Counsel for Defendant, ALEXANDRA SMOOTS-THOMAS

#### IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL No. 4:19-786
	§	
ALEXANDRA SMOOTS-THOMAS	§	

#### **CERTIFICATE OF CONFERENCE**

Counsel for defendant conferred with AUSA Ted Imperato concerning his position on Defendant's Motion for Continuance. Mr. Imperato stated that the Government is unopposed to this motion.

/s/ Kent A. Schaffer
Kent A. Schaffer

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an email notification of this filing to all registered parties.

/s/ Kent A. Schaffer
Kent A. Schaffer