

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

CENGIZ JAN COMU

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DOCKET NO. 3:19-CR-00112-K

OPPOSED MOTION TO CONTINUE SENTENCING

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, Cengiz Jan Comu, by and through his undersigned counsel, and submits this Opposed Motion to Continue Sentencing and respectfully moves the Court to briefly continue the sentencing hearing and related deadlines in the above styled and captioned matter. In support thereof, the Defendant respectfully submits as follows:

On August 24, 2022, the Court issued an Order setting the Defendant's sentencing hearing for November 9, 2022, and establishing various related deadlines. *See* ORDER (Dkt. No. 405). The Defendant now seeks a brief continuance of his sentencing hearing, so as to avoid unexpected scheduling conflicts on the part of defense counsel, as well as to facilitate the availability of pertinent witness testimony at the hearing. Specifically, for each of the reasons set forth below, the Defendant respectfully requests that the Court grant a brief continuance of the sentencing hearing and related deadlines in this matter; namely that the Court reset the sentencing hearing of the Defendant to December 21st, December 28th, January 4th, January 11th, or January 18th (hereafter the "Proposed Dates"¹).

¹ The Proposed Dates represent the various Wednesdays which fall within the relevant time frame, less those which are affected by the scheduling conflicts discussed herein. The Defendant respectfully submits these Proposed Dates based upon counsel's observation that Wednesdays appear to be the Court's preferred day upon which to schedule sentencing hearings.

A. Unexpected Scheduling Conflicts

The Defendant seeks the instant continuance in order to avoid two substantial scheduling conflicts of his defense counsel. First, defense counsel Daniel K. Hagood, P.C., is scheduled to begin a jury trial in a wrongful death matter pending before the 284th Judicial District Court in Montgomery County, Texas, Cause No. 20-04-04990, on November 7, 2022, thus posing a significant scheduling conflict with the current sentencing hearing scheduled for November 9, 2022. Importantly, the November 7, 2022 trial setting was the unexpected result of two consecutive mistrials which occurred at the most recent trial setting of that matter, namely on September 19-20, 2022. Thus, despite counsel's attempts to schedule the trial in that matter for a date which would not interfere with the sentencing hearing in this matter, the unusual circumstances of the two recent mistrials resulted in that court specially setting the case for trial on November 7, 2022.

Second, defense counsel Brian D. Poe is set to begin a jury trial in a felony engaging in organized crime and theft of property (\$2,500 to \$30,000) matter pending before the 213th District Court of Tarrant County, Texas, Cause Nos. 1603309 and 1660644, on December 12, 2022, which is expected to take approximately one week to complete. Notably, the trial in this matter was likewise specially set for this date—in this instance on account of the fact that the State will be flying in numerous trial witnesses from out of state.

As such, the Defendant respectfully requests a brief continuance of the sentencing hearing in this matter until one of the Proposed Dates set forth herein, so as to avoid the substantial scheduling conflicts posed by these two specially set jury trials.

B. No Prior Motions to Continue

Additionally, while the sentencing hearing in this matter has been previously continued on various occasions, those continuances were not the result of any prior motion to continue filed by

the Defendant. Rather, the previous resets of the sentencing hearing in this matter have been conducted at the Court's discretion. Particularly given the prior scheduling history of this matter, the Defendant respectfully submits that the single, brief continuance sought herein is reasonable and well-founded under the circumstances.

C. No Likelihood of Prejudice

Finally, it is unlikely that the brief continuance requested herein would result in any prejudice to either the Court or to the parties. With respect to the significant consideration of the Court's busy docket and interest in judicial economy, the requested continuance is unlikely to have any negative impact on the Court's schedule, given that there are approximately four (4) other sentencing hearings scheduled on the same day.² Similarly, three of these four sentencing hearings involve the very same Government counsel as in the instant matter. As a result, the requested continuance will likely have little, if any, impact on either the Court or the Government in terms of scheduling considerations.

With respect to the length of the requested continuance, the Defendant respectfully submits that the Proposed Dates represent those which minimize the length of delay as much as reasonably possible, while simultaneously avoiding the scheduling conflicts of counsel described above, as well as those of at least one significant sentencing witness, which have likewise been accounted for and reflected within the Proposed Dates. To that end, the requested relief would not result in any undue delay of the proceedings in this matter, generally, given that the sentencing hearings of various other codefendants are currently scheduled within the proposed date range, up through at

² Specifically, the following defendants are currently scheduled to be sentenced before this Court on November 9, 2022: (1) Richard Laurence Kadish (Case No. 3:19-cr-112), (2) John Mervyn Price (Case No. 3:19-cr-112), (3) Donald Andrew Rothman (3:19-cr-437), and (4) Jose Pedro Sanchez (Case No. 3:21-cr-317).

least January 11, 2023. In short, the requested continuance is not sought arbitrarily, nor for purposes of delay, but rather so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that the Court enter an Order granting a brief continuance of the sentencing hearing and related deadlines in this matter and resetting the sentencing hearing of the Defendant for one of the Proposed Dates set forth herein (December 21st, December 28th, January 4th, January 11th, or January 18th).

Respectfully submitted,

/s/ Daniel K. Hagood, P.C.

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COUNSEL FOR DEFENDANT COMU

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of October, 2022, a true and correct copy of the above and foregoing document was filed electronically with the Clerk of the U.S. District Court for the Northern District of Texas to be served upon all counsel of record by the Court's electronic filing system.

/s/ Daniel K. Hagood, P.C.
DANIEL K. HAGOOD, P.C.

CERTIFICATE OF CONFERENCE

I hereby certify that on the 23rd day of October, 2022, I conferred with US DOJ Trial Attorney Christopher Fenton regarding the above and foregoing document and that he is opposed to the same.

/s/ Daniel K. Hagood, P.C.
DANIEL K. HAGOOD, P.C.