IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
V.)	No. 1:08-CR-215-CKK
EMERSON V. BRIGGS,)	
Defendant.)	
)	

EXPEDITED UNOPPOSED MOTION TO CONTINUE ARRAIGNMENT DATE

Pursuant to Local Criminal Rule 47, Defendant Emerson Briggs, through counsel, and with the consent of the Government, respectfully moves to continue the date of arraignment and plea until the week of September 8, 2008. The request is made to accommodate the pre-planned vacation schedules of counsel for both the Defendant and the Government.

Mr. Briggs further moves, without opposition from the Government, for the arraignment and plea to be scheduled before the Honorable District Judge Kollar-Kotelly, to enable the District Judge to consider the parties' proposed plea agreement at the time of arraignment, and, if that agreement is accepted, to proceed to sentencing.

In support of the unopposed motion to continue the arraignment, Mr. Briggs, through counsel, respectfully submits the following:

- Arraignment is currently scheduled for Monday, August 11, 2008, at
 10:30 a.m. before the Honorable Magistrate Judge Kay.
- 2. Mr. Briggs's lead defense counsel, Mark Hulkower, has a previously planned out-of-state vacation scheduled for the week of August 11-15. Mr. Briggs's co-defense counsel, Bruce Bishop, has a previously planned out-of-state vacation scheduled for the week of August 18-22. Counsel for the Government, Trial Attorney Wendy Waldron, has a previously planned out-of-state vacation scheduled for the weeks of August 18 through September 1.

- 3. To accommodate each other's respective schedules, counsel for both Parties have consented to continuing the arraignment until the week of September 8, 2008, or as soon thereafter as is convenient for the Court.
- 4. The parties have negotiated a proposed plea agreement, under which they anticipate that Mr. Briggs will plead guilty to a one-count information charging receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2). In the proposed plea agreement, the parties have agreed on an appropriate sentence under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. Because the parties have agreed upon an appropriate proposed sentence, Mr. Briggs intends, should the Court accept the plea agreement, to request imposition of the sentence under Rule 11(c)(1)(C) at the time of acceptance. The Government does not oppose this request.
- 5. To enable the Court to consider and accept the proposed plea agreement without delay and to impose sentence upon acceptance, Mr. Briggs respectfully requests, without Government opposition, that the arraignment and plea be set before the Honorable District Judge Kollar-Kotelly.
- 6. For points and authorities in support of this unopposed motion, Mr. Briggs relies upon Rules 2, 7(b), 10 and 11 of the Federal Rules of Criminal Procedure; Local Criminal Rule 47, and the Court's inherent authority over its docket.

WHEREFORE, Mr. Briggs respectfully requests that the Court set the arraignment and plea for the week of September 8, 2008, or as soon thereafter as is convenient for the Court, before the Honorable District Judge Kollar-Kotelly.

Respectfully submitted,

<u>/s/ Mark J. Hulkower</u> Mark J. Hulkower, No. 400463 Bruce C. Bishop, No. 437225 STEPTOE & JOHNSON LLP 1330 Connecticut Ave. NW Washington, D.C. 20036 (202) 429-3000 Counsel for Defendant Emerson V. Briggs

July 31, 2008