

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

NO.: 20-18

Plaintiff,

VS.

THOMAS WHITTEN,

Defendant.

MOTION TO CONDUCT CHANGE OF PLEA HEARING BY VIDEO CONFERENCE

Thomas Whitten, by and through his Counsel, Patrick J. Thomassey, and files the within Motion to Conduct Change of Plea Hearing by Video Conference and respectfully states as follows:

1. Defendant's Change of Plea Hearing is currently scheduled for June 30, 2021 before this Honorable Court.
2. Defendant has been advised of and understands his right to be physically present at his Change of Plea Hearing and he is aware of this Court's Orders suspending and limiting certain court appearances due to the COVID-19 crisis; and he therefore requests his Change of Plea Hearing be conducted via video pursuant to, and consistent with, the provisions contained in the CARES Act Administrative Order entered in this District on March 30, 2020 at No. 2:20-mc-466-MRH. See also, MISC. No. 2:20-mc-394-MRH.
3. Under these circumstances, Defendant hereby waives his right to be physically present at his Change of Plea Hearing and requests leave to participate in this hearing, along with his counsel, via videoconference so that it might be expeditiously concluded.

4. Counsel has discussed this matter with Defendant, who has given his consent to conduct the Change of Plea Hearing by videoconference, and Assistant United States Attorney, Cindy Chung do not oppose this request.
5. Justice so requires that the Change of Plea Hearing proceed in this matter in the format requested above.

WHEREFORE, the Defendant respectfully requests that this Honorable Court enter the attached Proposed Order permitting the Change of Plea Hearing to be conducted via videoconference pursuant to Chief Judge Hornak's CARES Act Administrative Order entered at Misc. No.2:20-mc-466-MRH for the reasons set forth in this Motion. See also, Misc. No. 2:20-mc-394-MRH.

Dated: 6-14-21

Respectfully Submitted,



Patrick J. Thomassey, Esquire

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ORDER OF COURT

And now, upon due consideration of the instant Motion to Conduct Change of Plea Hearing by Videoconference (20-18), and upon the request and consent of the Defendant, the Court finds and concludes that, for the reasons stated in the Motion, the Change of Plea Hearing in this case cannot be further delayed without substantial harm to the interests of justice. Therefore, Defendant's Change of Plea Hearing shall be conducted via videoconference and will occur as previously scheduled on June 30, 2021 at 10:30 a.m. The instructions to connect to the change of plea hearing by video will be distributed via email to all counsel of record prior to the hearing. The Court has made arrangements with the detention center for the defendant to appear by video.

SO ORDERED this ____ day of _____,
2021.

/s/ _____

Honorable William S. Stickman

United States District Judge