

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 25-001
v.	*	SECTION: "I"
DANIEL WAYNE CALLIHAN	*	
	*	
	*	
	*	

**UNOPPOSED MOTION AND INCORPORATED
MEMORANDUM TO CONTINUE PRETRIAL CONFERENCE AND TRIAL**

NOW INTO COURT, comes the United States of America, appearing herein through the undersigned Assistant United States Attorneys, who respectfully submit the following in support of this unopposed motion.

I.

On January 3, 2025, Daniel Wayne Callihan was charged by a two-count Bill of Information with for Kidnapping Resulting in Death, in violation of Title 18, United States Code, Section 1201(a)(1) (Count One), and Transportation of a Minor with Intent to Engage in Criminal Sexual Activity, in violation of Title 18, United States Code, Section 2423(a) (Count Two). *See* Doc. No. 38. A conviction under Count One is punishable by death or life imprisonment. *See* 18 U.S.C. § 1201(a). The pretrial conference in the above captioned matter was scheduled for June 25, 2025, and trial is currently set for July 28, 2025, at 8:30 a.m. *See* Doc. No. 53, Doc. No. 62. The Government respectfully requests that the pretrial conference and trial be continued for the reason(s) noted below.

II.

The Government and the defendant have concluded discussions regarding a resolution of this matter without the necessity of a criminal trial. Due to the complex, multi-jurisdictional nature of the matter, the parties will be unable to schedule a arraignment before the date for which this matter is set for trial. Consequently, the parties respectfully submit that a brief continuance of the pretrial conference and trial dates, not to exceed thirty (30) days, is necessary to facilitate a plea in the instant matter.

III.

Subsection (c)(1) of Title 18, United States Code, Section 3161 (“Speedy Trial Act”) provides that a trial shall begin within seventy days of the date a defendant has first appeared before a judicial officer in the district in which such charge is pending. The Speedy Trial Act also provides that any period of delay resulting from a continuance granted by a judge: (1) on his/her own motion; (2) at the request of a defendant or his/her counsel; or (3) at the request of the attorney for the Government shall be excluded in computing the time within which the trial of any such offense must begin if the judge granted such continuance on the basis of findings that the ends of justice served by taking such action outweigh the best interest of the public and a defendant in a speedy trial. Title 18, United States Code, Section 3161(h)(7)(B)(i) sets out a list of factors which the court shall consider in determining whether to grant the continuance based on the ends of justice. One factor is whether the failure to grant a request for continuance would result in a miscarriage of justice. *See id.* at 3161(h)(7)(B)(i). Another factor considers whether the time afforded under the statute allows counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* at 3161(h)(7)(B)(iv). In sum, requiring this matter to proceed to trial as scheduled would deny the defendants (1)

reasonable time to discuss any plea with the Government; (2) a reasonable time to prepare for trial; (3) and sentencing benefits derived from entering a guilty plea.

IV.

The best interests of justice would be served by the continuance of this pretrial conference and trial and outweigh the interest of the defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). Specifically, the parties submit that failure to grant a continuance at this juncture would result in a miscarriage of justice would not permit the parties reasonable time necessary for effective preparation.

V.

Counsel for the defendant has been contacted and has stated to the Government that he does not oppose this motion.

WHEREFORE, the United States of America, respectfully requests that the pretrial conference and trial in the above-captioned matter be continued.

Respectfully submitted,

MICHAEL M. SIMPSON
ACTING UNITED STATES ATTORNEY

/s/Jordan Ginsberg
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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2025, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all defense counsel of record.

/s/Jordan Ginsberg
JORDAN GINSBERG
Assistant United States Attorney