

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

UNITED STATES OF AMERICA

v.

CHARLES HUNTER HOBSON

Criminal No. 2:22-CR-86

MOTION TO CONTINUE TRIAL DATE AND ALL PRETRIAL DEADLINES

Comes the defendant, Charles Hunter Hobson, by undersigned counsel, and respectfully requests this Court issue an Order continuing the trial date in this matter no less than one-hundred and eighty (180) days¹ from February 10, 2025, to a date that allows sufficient time for the United States Department of Justice to evaluate the prosecution of this case in light of Executive Order 14209, filed on February 10, 2025, This motion to continue also encompasses all deadlines in the current pretrial order to dates that would correspond to the new trial date. Pretrial Order in Criminal Case, R. 74.²

In support of this motion, Mr. Hobson would state the following:

1. Trial is currently scheduled for April 21, 2025. Moreover, other disclosures are due over the course of the intervening six weeks.
2. An agreed scheduling order has been filed regarding dates and times for disclosure of *Jencks* material, witnesses, exhibits, and other material. Pretrial Order in Criminal Case, R. 74.

¹ Under the February 10, 2025 Executive Order, the Attorney General may extend the review period for an additional period of 180 days, in her discretion

² These deadlines would include defense production of any expert testimony which previously had the deadline of February 19, 2025. In light of the executive order and with the status of the prosecution of this case in flux, undersigned counsel does not believe it would be appropriate to finalize expert witness disclosures at this time.

3. On February 10, 2025, President Trump issued an Executive Order regarding all prosecutions under the Foreign Corrupt Practices Act, Title 15 U.S.C. §§ 78dd-1, *et seq.*, (“FCPA”). This Executive Order commands the Department of Justice to pause and review enforcement of every FCPA prosecution. The Executive Order states that the Department of Justice and Attorney General of the United States will review guidelines and policies regarding enforcement actions under the FCPA including, as the order states:

Section 2, Policy of Enforcement Discretion.

(a) For a period of 180 days following the date of this order, the Attorney General shall review guidelines and policies governing investigations and enforcement actions under the FCPA. During the review period, the Attorney General shall:

(i) cease initiation of any new FCPA investigations or enforcement actions, unless the Attorney General determines that an individual exception should be made;

(ii) *review in detail all existing FCPA investigations or enforcement actions and take appropriate action with respect to such matters to restore proper bounds on FCPA enforcement and preserve Presidential foreign policy prerogatives; and*

(iii) issue updated guidelines or policies, as appropriate, to adequately promote the President's Article II authority to conduct foreign affairs and prioritize American interests, American economic competitiveness with respect to other nations, and the efficient use of Federal law enforcement resources.

(b) The Attorney General may extend such review period for an additional 180 days as the Attorney General determines appropriate.

(c) FCPA investigations and enforcement actions initiated or continued after the revised guidelines or policies are issued under subsection (a) of this section:

(i) shall be governed by such guidelines or policies; and

(ii) must be specifically authorized by the Attorney General. *9588

(d) After the revised guidelines or policies are issued under subsection (a) of this section, the Attorney General shall determine whether additional actions, including remedial measures with respect to inappropriate past FCPA investigations and enforcement actions, are warranted and shall take any such appropriate actions or, if Presidential action is required, recommend such actions to the President.

Pausing Foreign Corrupt Practices Act Enforcement To Further American Economic and National Security, 90 FR 9587 (emphasis added).

4. This order puts all FCPA enforcement actions in doubt. Furthermore, Mr. Hobson seeks to ensure that his case receives a fair and thorough evaluation and review by the Department of Justice with the possibility that the Department of Justice, under new guidelines, may decide not to further prosecute Mr. Hobson. For example, the Attorney General of the United States, the week prior to the Executive Order, laid out guidelines for the types of cases that should be protected under the FCPA including cartel and international crime, neither of which is present in this case. *Memorandum from Attorney General Pam Bondi, Subject: Total Elimination of Cartels and Transnational Criminal Organizations*, February 5, 2025, at 4, 7. The admonition by the head of the executive branch appears to put Mr. Hobson's case in a state of flux where there are no sureties that the Department of Justice will continue to prosecute this case.
5. Undersigned counsel has been contacted by other lawyers around the country in regard to current FCPA prosecutions. Defense attorneys in those cases will be communicating with the Attorney General asking for guidance on how the

Department of Justice plans to proceed with FCPA cases in general. Undersigned counsel intends, at this time, to sign that letter with other attorneys.

6. Given the Executive Order and its all-encompassing language regarding FCPA prosecutions, it is reasonable for Mr. Hobson to believe that the state of his case might change after the stringent review required by the Executive Order. Moreover, a review of the indictment in this case would seem to reflect that, if the Department of Justice had evaluated this case under the new guidelines, Mr. Hobson would not be prosecuted. *Memorandum from Attorney General Pam Bondi, Subject: Total Elimination of Cartels and Transnational Criminal Organizations*, at 4.
7. In addition to the factors presented in this Motion to Continue, it is Mr. Hobson's position that pursuant to the Speedy Trial Act, the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant. 18 U.S.C.A. § 3161(h)(7)(A). The statute lists several factors for the judge to consider in determining whether to grant a continuance under the Speedy Trial Act.
8. Title 18 U.S.C.A. § 3161(h)(7)(B)(i) directs that a continuance should be granted where the "failure . . . would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice."
9. Title 18 U.S.C.A. § 3161(h)(7)(B)(ii) states that a continuance should be granted where a case is "so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation." This particular case has the

unique situation of an executive order combined with potential prosecutorial discretion. This motion for continuance will allow the Department of Justice to evaluate this case and potentially exercise its discretion and allow Mr. Hobson the opportunity to try and ensure his case receives the fairest evaluation possible.

10. Finally, the Speedy Trial Act directs that for those cases not rising to the level of unusual and complex as stated in 18 U.S.C.A. § 3161(h)(7)(B)(ii), a continuance should nevertheless be granted where the failure to grant such a continuance “would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161 (h)(7)(B)(iv). Even disregarding the complexity this case presents, the continuance should be granted because the defendant and the government require additional time in order to exercise due diligence regarding the application of the FCPA executive order to this particular case.

11. This request is not meant to be dilatory but only to render effective assistance of counsel under the Sixth Amendment. U.S. Const. amend. VI.

Accordingly, Mr. Hobson asks that all deadlines in the scheduling order be stayed, that this Court issue an order continuing this case until the time that this case can be reviewed by the Department of Justice (no less than 180 days).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on February 20, 2025, with the Clerk of Court by using the CMF/ECF System, which will send notice of electronic filing to all counsel of record.

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