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June 17, 2025

VIA ECF

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Centre Street
New York, NY 10007
engelmayerNYSDChambers@nysd.uscourts.gov

Re. Request to Adjourn June 18, 2025 Plea
United State of America v. Justin Heath Smith
1:24-mj-02422-UA-1

Dear Judge Engelmayer,

My firm, along with Baldassare & Mara, LLC, represents Defendant Justin Smith in the above-captioned matter. Mr. Smith is detained at MDC.

We respectfully submit this letter-motion pursuant to Paragraph 2(E) of Your Honor's Individual Rules of Practice in Criminal Cases to request an adjournment of the plea proceeding currently scheduled for Wednesday, June 18, 2025 at 11:00 a.m. This is the first request for an adjournment of the plea date. The plea was just scheduled yesterday. There are no other appearances presently scheduled in this matter.

The Government consents to this request. Indeed, the Defense respectfully submits it is in the Government's best interest to ensure that Mr. Smith's plea proceeding is adjourned to ensure he receives the full effective assistance of counsel and that his plea is knowing and voluntary.

The request is based on the following:

1. This is a complex case involving a similarly complex plea agreement. Mr. Smith intends to plead guilty to a mandatory minimum charge with a significant advisory range under the United States Sentencing Guidelines. Despite collaborative efforts between the parties, we have not had adequate time to fully prepare Mr. Smith for the allocution and all required aspects of the plea because this hearing was scheduled yesterday. Proceeding on the current schedule would not permit meaningful preparation, as contemplated under Paragraph 5(B) of the Court's Rules.

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2. I have an unavoidable scheduling conflict that prevents me from appearing on June 18. I am required to appear in New York County Supreme Court at 10:30am in the matter of *Gopaul v. AFAB Industrial Services, Inc. et al.*, Index No. 154189/2021. Given my long-standing representation of Mr. Smith across a broad range of matters, my presence is essential to the integrity and effectiveness of the proceeding. Mr. Smith has placed his trust in me as counsel, and he expects me to be present, along with co-counsel Michael Baldassare, Esq.

We respectfully request a brief adjournment and are available this Friday, June 20th and again beginning the week of June 30th for an alternative date convenient to the Court. This adjournment – even if only until Friday – will afford us time to meet with Mr. Smith and ensure a smooth and legally sufficient plea hearing.

Thank you.

Respectfully Submitted,

/s/ Thomas Andrykovitz
Thomas H. Andrykovitz
For the Firm

GRANTED. The conference is adjourned to Friday, June 20, 2025 at 11:45 a.m.
The Clerk of Court is requested to terminate the motion at Dkt. No. 32.

6/17/2025

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

cc Getzel Berger, Esq. (AUSA SDNY)
Michael Baldassare, Esq.