

CA NOS. 10-50219, 10-50264
IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee/Cross-Appellant,

v.

CHARLES C. LYNCH,
Defendant-Appellant/Cross-Appellee.

DC NO. CR 07-689-GW

**MOTION FOR AN EXTENSION OF TIME TO FILE APPELLANT'S
REVISED THIRD CROSS-APPEAL BRIEF**

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

HONORABLE GEORGE H. WU
United States District Judge

HILARY POTASHNER
Federal Public Defender
ALEXANDRA W. YATES
Deputy Federal Public Defenders
321 East 2nd Street
Los Angeles, California 90012-4202
Telephone: (213) 894-5059
Facsimile: (213) 894-0081
Email: Alexandra_Yates@fd.org

Attorneys for Defendant-Appellant/
Cross-Appellee

CA NOS. 10-50219, 10-50264
IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee/Cross-Appellant,
v.
CHARLES C. LYNCH,
Defendant-Appellant/Cross-Appellee.

DC NO. CR 07-689-GW

**MOTION FOR AN EXTENSION OF TIME TO FILE APPELLANT'S
REVISED THIRD CROSS-APPEAL BRIEF**

Defendant-Appellant/Cross-Appellee Charles C. Lynch, by and through counsel of record Deputy Federal Public Defender Alexandra W. Yates, applies to this Court under Ninth Circuit Rule 31-2.2 for a fourteen-day extension of time to file a revised third cross-appeal brief, to September 15, 2017. This motion is based upon the attached declaration of counsel, all files and records in this case, and any other information the Court may request.

Respectfully submitted,

HILARY POTASHNER
Federal Public Defender

DATED: August 31, 2017

By /s/ Alexandra W. Yates
ALEXANDRA W. YATES
Deputy Federal Public Defender

DECLARATION OF ALEXANDRA W. YATES

I declare under penalty of perjury that, to the best of my knowledge, the following is true and correct:

I am a Deputy Federal Public Defender in the Central District of California. I represent Defendant-Appellant/Cross-Appellee Charles Lynch in this appeal and cross-appeal. Mr. Lynch is on bond pending appeal.

On July 17, 2017, I lodged Mr. Lynch's third cross-appeal brief and filed a motion for leave to file an oversize brief. On August 25, the Court ordered me to file a revised third cross-appeal brief that includes arguments previously raised in a separate motion and reply, and to do so within one week, by September 1.

The original third cross-appeal brief was just over 18,500 words. The Court allotted 24,000 words for the revised third cross-appeal brief, effectively allotting fewer than 5,500 words for the new arguments.

The motion and reply together total more than 13,000 words. It is taking a substantial amount of time to revise the arguments previously made in the motion and reply to include them in combined fashion in the revised third cross-appeal brief, and especially to reduce the arguments from over 13,000 words to under 5,500 words. I need to re-familiarize myself with the arguments that I made in the motion and reply, which were filed several months ago, in March and April, respectively. I also need time to prepare supplemental excerpts of record to accompany the revised brief, and to redo the tables on the lengthy brief.

I have not been able to complete this work in the one-week timeframe allotted because I had multiple previously scheduled meetings and conference calls this week, and other time-sensitive work that I was unable to put aside. I also had to comply with numerous Court directives in *United States v. Singui*, CA No. 16-50206, to restructure the excerpts of record in that case and update the brief citations accordingly. I have similar commitments next week as well, but am confident that I can devote sufficient time to these revisions next week and the following week to meet the proposed September 15 deadline.

In particular, I am lead counsel in *United States v. Dylann Roof*, Fourth Circuit CA No. 17-3, which is an appeal from a high-profile federal conviction and death sentence. My work on that case typically takes up the better portion of every working day. My office has reduced my caseload to accommodate my work on the *Roof* matter, but in doing so did not budget time for me to revise the *Lynch* brief, which I filed almost six weeks before the Court issued its order.

I therefore request a fourteen-day extension of time to file the revised third cross-appeal brief, to September 15, 2017. I have exercised diligence in preparing this case, and will file the revised brief on or before September 15.

I was unable to file this motion one week ahead of the September 1 deadline, as the Court's order only allotted one week to file the revised brief.

In light of a congressional appropriations rider barring the Department of Justice from spending funds on medical marijuana prosecutions, it is Mr. Lynch's

position that opposing counsel would violate federal statutory and constitutional law if they were to expend any resources on this case. I therefore have not contacted opposing counsel for their position on this motion.

The court reporters are not in default with regard to any designated transcripts.

Executed on August 31, 2017, in Los Angeles, California.

/s Alexandra W. Yates
ALEXANDRA W. YATES

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2017, I electronically filed the foregoing **MOTION FOR AN EXTENSION OF TIME TO FILE APPELLANT'S REVISED THIRD CROSS-APPEAL BRIEF** with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Lorena Macias
LORENA MACIAS