

IN THE  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
vs.	)	15 CR 576
	)	
	)	Hon. Virginia M. Kendall
CARLEOUS CLAY,	)	
	)	
Defendant	)	

**MOTION TO CONTINUE TRIAL DATE**

NOW COMES, the Defendant, Carleous Clay, through his counsel, Matthew J. McQuaid, and moves this Court to grant a continuance of the July 16, 2018 trial date.

1. The Defendant is currently charged with kidnapping and attempted murder. The victim in the case was beaten, lit on fire and sexually assaulted. The effects of her injuries have left her with permanent physical and psychological damage. It would be a fair assumption that if the victim passes away, there is a strong likelihood that this incident would be a major contributing factor and may result in the cause of death to be classified as a homicide. If that were to occur, the Defendant may be subjected to a death penalty sentence. The issues and decisions to be made in this case are complex. The Court has been fully apprised of the victim's situation after having this case placed on its call.

2. The case is currently set for trial on July 18, 2018. The Defendant is detained in the Livingston County jail pending trial. He is asking this Court to continue the trial date until later in year. The Defendant has made representations to counsel about the difficulty he has had over the past several months to view the discovery in its entirety. It should be noted that for

several years, the Defendant was emotionally distraught and depressed. This led to an incident in the MCC with a nurse, wherein the Defendant sought to have law enforcement shoot him to death. He made another attempt at suicide as well. He has been evaluated by several psychiatrists during his detention. It has only been in the past 5 or 6 months that the Defendant dealt with his emotional state and began considering a plea of guilty, a bench trial or a jury trial.

3. However, the computer in the Livingston County Multi-purpose room will not play many of the discs. It cannot handle the different software that plays certain videos and opens some of the documents. Counsel has confirmed that fact. There has been significant effort made to rectify the situation, but the remedies are not ideal. For starters, the Defendant can get an hour or two of viewing time every 10-14 days with advance notice. That access is subject to the schedule of the jail. Counsel must make an appointment in advance, travel to Pontiac and bring his laptop. Scheduling is difficult with counsel's schedule. Then, the time limit is only 2 hours.

4. The Defendant has delivered a letter that he wishes the Court to consider. (Exhibit 1). To summarize, Mr. Clay feels the pressure of making this monumental decision and feels that he is not prepared. Counsel has put as much work as possible. Although counsel is fully capable of advising the Defendant, at this point in time, the Defendant feels that he is not prepared to fully participate in strategy decisions and procedural decisions.

5. Finally, on May 9, 2018, the government returned an indictment against Clay for the incident at the MCC. The defense needs to see the discovery in that case, because at the very least, it will be aggravation at sentencing in the instant case.

WHEREFORE, the Defendant, Carleous Clay, asks this to grant this Motion to continue the trial date.

Respectfully submitted,  
s/Matthew J. McQuaid

Counsel for Carleous Clay

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CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2018, I electronically filed this Motion with the Clerk of the United States District Court for the Northern District using the CM/ECF system.

s/Matthew J. McQuaid  
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4-24-18

USA  
vs.  
Carleous Clay

Case no. 15 CR 576

Dear Honorable Virginia Kendall:

I want to address the courts with some issues I am having in regards to the following: The charges brought against me, my Discovery for such charges and my decision in deciding rather or not to either plea out or take the case to trial.

The Attorney I have now Mr. Matthew McQuaid is the second attorney I was appointed on this case. He was the assistant to Mr. Patrick Blegen. On or about (9-9-17) I requested to the courts to have Mr. Blegen removed from my case because I ~~was~~ ~~traged~~ felt uncomfortable with him representing me. I was having problems getting Mr. Blegen to get me all of the discovery in this case and getting him to help me understand not only what was going on but how I could be able to assist him with the case.

For a year in a half I was having a hard time comprehending what had happened and psychologically I was suffering from depression and anxiety. I was suicidal at one point - twice I tried to kill myself. The MCC incident is verification of that. My attorney told me I wasn't thinking rationally. I told him I was having problems with other inmates and staff at the MCC and that I was going to kill myself. He done nothing about it! I wrote several letters to Judge Der Tschegeman informing him about some of the things I was dealing with and he told me that I wasn't allowed to speak in his court room. He said that I had two attorneys and if I had anything to say that I was to go through them. So I held these things in.

Your honor, this case has been going on for two  $\frac{1}{2}$  years. July is your scheduled trial date for this case. I'm being pressured by time, the prosecutor and my attorney to make the most crucial decision of my life in regards to a potential plea agreement, Jury or Bench trial.

In all honesty, I cannot knowingly and intelligently make a decision as far as what to do because I have not had the opportunity to rightfully view all of the discovery. The amount of disk that I have today is far more than the first copy I received from Mr. Bligen before MCC took them away.

I have a total of (47) disks. Only (10) of them works. The other (37) says either the password is wrong or it cannot open because it is either not a supported file or because it is damaged. It was sent by an email attachment and wasn't properly decoded. Windows media won't play the files either. It says the player might not support the file type or code that was used to suppress it.

My current Attorney is aware of this. He has also told me that certain disks won't play for him either. There is also additional disks where the government has issued a protection order preventing me from having certain disks. Until I am able to see those disks along with the entire discovery I cannot and will not make a decision as to what to do. How can I when I don't know what I'm up against?

I need disk that I'm able to access and time to go over everything. The jail that I'm at allows me to use the Law Library one to two times a week for a couple hours.

Can you help me so that I'm able to see the discovery and maybe you can send a request to Livingston Co. Jail to get me more Law Library time since trial is coming soon.

Carl C.