

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES)
)
V.) **NO. 17 CR 373**
) **Honorable Matthew F. Kennelly**
JOHN A. MATASSA, JR.)

**DEFENDANT’S UNOPPOSED MOTION
TO CONTINUE SENTENCING DATE**

Now comes the Defendant, JOHN A. MATASSA, JR., by his attorneys, Cynthia Giacchetti and Peter S. Faraci, and hereby moves this Court to continue the Defendant’s sentencing date, presently set for May 22, 2019.

In support of this Motion, the following is stated:

1. Defendant’s sentencing is presently set for May 22, 2019, at 1:30 p.m.
2. Defendant’s sentencing submissions are presently due on May 15, 2019.
3. The Defendant suffers from a significant number of serious medical conditions including coronary artery disease, hypertension, diabetes, sleep apnea, and chronic obstructive pulmonary disease.
4. In preparation for Defendant’s sentencing submission, defense counsel has been gathering information and documents in regard to the Defendant’s present medical conditions. Such information will be a significant part of the Defendant’s argument as to the appropriate sentence in this matter.

5. On Friday May 3, 2019, Defense Counsel Peter Faraci met with Mr. Matassa's primary physician who has been treating him for approximately 20 years. That physician advised Mr. Faraci that Mr. Matassa was given a stress test earlier in the week. However, because of problems with one of his heart valves, the test had to be stopped for Mr. Matassa's safety. The Defendant was directed to set up an appointment with his cardiologist to evaluate the situation.

6. The earliest that an appointment with the cardiologist could be scheduled was May 15, 2019. It is counsel's understanding that while scheduling the appointment the cardiologist advised Mr. Matassa that the cardiologist would need to do some additional testing to determine the prognosis and appropriate treatment and that the potential treatments range from minimal invasive surgery all the way to possible full cardiac surgery, similar to bypass surgery. It should be noted that Mr. Matassa previously has had stent replacement.

7. Given the serious and unclear situation regarding Defendant's present medical condition, Defendant requires additional time so that his cardiologist can complete the additional testing and evaluation and determine the type and extent of any necessary treatment.

8. Defense Counsel Cynthia Giacchetti has contacted Government Counsel in this matter and they advise they do not oppose this motion.

WHEREFORE, Defendant John Matassa respectfully requests that this Court vacate the presently set sentencing date of May 22, 2019, and either set a status date to report to the Court on these medical issues or set a new sentencing date that allows sufficient time for Defendant's present medical issues to be dealt with by his cardiologist.

Respectfully submitted,
Cynthia Giacchetti
One of the Attorneys for
Defendant John A. Matassa, Jr.

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CERTIFICATE OF SERVICE

Cynthia Giacchetti, one of the attorneys for the Defendant John A. Matassa, Jr. hereby certifies that “Defendant’s Unopposed Motion to Continue Sentencing Date” was served on all parties on May 6, 2019, in accordance with Fed.R.Crim.P. 49, Fed.R.Civ.P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court’s system as to ECF filers.

s/ Cynthia Giacchetti