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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	Case No. 2:06-cr-00234-GMN-GWF
Plaintiff,)	
)	
v.)	DONNIE BRYANT'S UNOPPOSED
)	MOTION FOR EXTENSION OF
DONNIE BRYANT,)	TIME TO FILE RENEWED MOTION
)	FOR SENTENCE REDUCTION
Defendant.)	

Defendant DONNIE BRYANT, by and through counsel, Angela H. Dows, Esq., respectfully requests that this Court grant Defendant an extension of time of twenty-nine (29) days or until on or before March 29, 2024 to file a renewed motion for sentence reduction pursuant to this Court's Order entered on January 31, 2024 (ECF No. 867). This Motion is based upon the attached points and authorities and all pleadings and papers on file herein.

DATED this 1st day of March, 2024.

By: /s/ Angela H. Dows
CORY READE DOWS & SHAFER
Attorney for Defendant DONNIE BRYANT

MEMORANDUM OF POINTS AND AUTHORITIES**I.****FACTUAL AND PROCEDURAL BACKGROUND****A. Convictions for Murder and Weapons Offenses Committed While Donnie Bryant was a Juvenile, with Sentence of Life Imprisonment Plus Fifty Years.**

In February of 2006, over seventeen years ago, Donnie Bryant was convicted on several counts of Violent Crimes in Aid of Racketeering Activity (“VICAR”), including murder and weapons offenses under 18 U.S.C. § 924(c) (“other offenses”). (ECF No. 826, at page 1 of 15.) All of Donnie Bryant’s offenses were for acts committed while Donnie Bryant was a juvenile. (ECF No. 18.) Donnie Bryant was sentenced to life imprisonment for the VICAR murder count, plus an additional fifty years for the other offenses. (ECF No. 566.)

B. Amended Judgments Following the United States Supreme Court Decisions in *Miller v. Alabama* and *Johnson v. United States*.

In March of 2010, this Court entered an amended judgment that sentenced Donnie Bryant to life imprisonment on the VICAR murder count, plus an additional forty years for the other offenses. (ECF No. 617.) Following the United States Supreme Court’s decision in *Miller v. Alabama*, 567 U.S. 460 (2012), this Court resentenced Donnie Bryant to forty years of imprisonment for the VICAR murder count, plus forty years of imprisonment for the other offenses, for a total of eighty years of imprisonment. (ECF No. 694.)

Following the United States Supreme Court’s decision in *Johnson v. United States*, 135 S.Ct. 2551 (2015), this Court entered a Judgment in September of 2019 that granted in part and denied in part Donnie Bryant’s motions to vacate. (ECF No. 826.) The Court in part vacated Donnie Bryant’s conviction as to Count 6 and his sentence of imprisonment of ten years as to the same. (ECF No. 827, at page 1 of 1.)

C. Motion for a Reduced Sentence Under the First Step Act.

On July 5, 2023, Donnie Bryant filed a *pro se* motion to reduce his sentence under the First Step Act. (ECF No. 849.) Donnie Bryant argued that: (1) there is an unfair disparity between his sentence and the sentence of his co-defendant Jonathon Toliver, (2) there is an unfair disparity in sentences considering the fact that he was a juvenile at the time of the offenses, and (3) he has participated in educational programs and has become a better person through self-improvement, and sincerely believes that a reduction in his sentence would allow him to “contribute to society.” (ECF No. 849, at page 1 of 1.)

On July 13, 2023, following the appointment of counsel, this Court ordered that appointed counsel be allowed to file a supplement Donnie Bryant’s *pro se* motion. (ECF No. 854), which was later filed (ECF No. 857). The Government filed a response (ECF No. 859), and appointed counsel filed a reply (ECF No. 864).

D. Order Denying Motion for Sentence Reduction.

On November 14, 2023, this Court issued an order that denied without prejudice Defendant’s Motion for Sentence Reduction. (ECF No. 865). The order additionally provided Defendant until February 1, 2024 to file another motion for sentence reduction, with the renewed motion to “remedy the deficiencies identified in this Order.” (ECF No. 865). The current renewed motion is due on or before March 1, 2024. (ECF No. 867).

E. Motion for Copies of Sealed or Stricken Documents/Items.

On February 13, 2024, Donnie Bryant filed a *pro se* motion that was stricken by this Court on the same day. (ECF Nos. 869, 871). On February 16, 2024, without revealing the substance of the communications, instant counsel had a telephone conference with Donnie Bryant in which the need to obtain certain documents or information was understood by instant counsel.

1 On February 26, 2024, instant counsel left a voicemail with the U.S. District Court's
2 clerk's office to request copies of certain documents. On February 28, 2024, instant counsel had
3 a telephone conference and sent separate electronic correspondences to the U.S. District Court's
4 clerk's office for a copy of:

- 5 a. Donnie Bryant's *pro se* motion for sentence reduction filed on February 12, 2024.
- 6 b. A docket in a juvenile delinquency case from 2004 in which Donnie Bryant was a
7 named defendant.

8 On March 1, 2024, instant counsel received responses to the requests as follows:

- 9 a. Since ECF 869 was stricken from the record, it is now a restricted document viewable
10 to court personnel only. You may file a **motion** requesting to obtain this document.
11 The judge can review the motion and enter a ruling on your request. (*See Exhibit 1*
12 (emphasis in original)).
- 13 b. Per my supervisor's review, there is a **sealed** docket sheet for this defendant in case
14 2:04-cr-00495 . If you wish to obtain a copy of this sealed docket sheet, you will need
15 to file a motion. (*See Exhibit 1* (emphasis in original)).

16 On March 1, 2024, following said conferrals, instant counsel filed a motion for copies of sealed
17 and/or stricken documents or information. (ECF No. 872).

18 Instant counsel now files a motion for extension of time to file a renewed motion for
19 sentence reduction.

20 II.

21 ARGUMENT

22 Instant counsel respectfully requests an extension of time of twenty-nine (29) days, or to
23 on or before March 29, 2024 to file a renewed motion for sentence reduction. Said request is
24 made under the following reasoning:

- 25 a. Instant counsel has diligently worked on the matter, including conferring
telephonically and via U.S. Mail correspondences.

- 1 b. Instant counsel set up and completed a call via the counselor for Donnie Bryant in
2 February of 2024, which took additional conferring due to Donnie Bryant's in-
3 custody status.
- 4 c. After said telephone call, instant counsel was left with the impression that Donnie
5 Bryant would like counsel to review one or more *pro se* filings by Donnie Bryant in
6 preparation for his renewed motion for sentence reduction, including a filing in the
7 year 2006, and in February of 2024, as well as a docket from a 2004 case.
- 8 d. That, additionally, counsel with the Federal Public Defender's Office also inquired
9 with instant counsel as to Donnie Bryant's February 2024 *pro se* motion insofar as the
10 motion requested relief under Amendment 821.
- 11 e. Instant counsel advised the Federal Public Defender's Office that counsel would try
12 and obtain a copy of the *pro se* motion for review by the Federal Public Defender's
13 Office to see if there is an argument under Amendment 821.
- 14 f. In order to properly represent Donnie Bryant and review all potential information in
15 preparation for the renewed motion, instant counsel respectfully requests an extension
16 of time for the Court to rule on the March 1, 2024 motion for copies of sealed or
17 stricken documents and information, as well as review the information obtained
18 therein.
- 19 g. The instant Motion is not being prepared or filed under any bad faith, or lack of due
20 diligence.
- 21 h. On March 1, 2024, instant counsel conferred with counsel for the Government,
22 Assistant United States Attorney Jim W. Fang, regarding the proposed extension.
23 Said counsel advised that there was not an opposition to said request.
- 24
25

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