

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:13-cr-00190-SEB-TAB-01
)	
Plaintiff,)	
)	
v.)	
)	
JEFFREY WILSON,)	
)	
Defendant.)	

DEFENDANT JEFFREY WILSON’S UNOPPOSED MOTION TO CONTINUE

Pursuant to Local Criminal Rule 7.1, Defendant Jeffrey Wilson (“Wilson”), by counsel, in support of his Unopposed Motion to Continue, states:

1. The trial of this matter is currently scheduled on October 13, 2015. (Dkt. 45)
2. Mr. Wilson was recently diagnosed with stage IV invasive squamous cell carcinoma of the left tonsil. *See* Exhibit A, Report of Dr. Anthony Stephens dated August 6, 2015.
3. Mr. Wilson is currently undergoing a combination treatment of chemotherapy and radiation, which is expected to conclude in late August or early September 2015. *Id.* The effects of this treatment include fatigue, nausea, weakness, and difficulty with oral intake of nutrition and hydration. *Id.* As a result of the treatment he is currently undergoing, Mr. Wilson has been unable to assist undersigned counsel with preparing for trial, and he is not expected to be able to physically participate in the trial as currently scheduled. *Id.* It is expected that Mr. Wilson will require a minimum 3-4 month recovery period after his current treatment concludes. *Id.* Mr. Wilson’s treating physician expects to be in a better position to assess Mr. Wilson’s condition and ability to participate in a trial in late December 2015 or early January 2016.

4. The ends of justice served by the requested continuance outweigh the best interest of the public and the defendant to a speedy trial. Under 18 U.S.C. § 3161(h)(7), a continuance is needed to allow Wilson a reasonable time to continue his medical treatment and is necessary for effective preparation. Similarly, failure to grant a continuance would result in a miscarriage of justice because it would deny Wilson the reasonable time necessary for effective preparation, and he is unlikely to be able to physically participate in his trial as currently scheduled.

5. The undersigned counsel has conferred with the government regarding this motion and is authorized to represent that the government does not object to the continuance of the trial.

WHEREFORE, Wilson requests that the Court issue an order vacating the trial currently set in this matter for October 13, 2015. Wilson requests that the Court schedule a status conference for mid January 2016.

Date: August 20, 2015

/s/ Thomas W. Farlow

Thomas W. Farlow, #7908-49
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of August, 2015, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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August 6, 2015

Judge Barker
U.S. District Court for Southern District of Indiana

RE: Jeffrey T. Wilson (DOB [REDACTED])

Dear Judge Barker,

I am a medical oncologist practicing in Newburgh, Indiana. My job is to coordinate care of oncology patients and to administer appropriate therapy with regards to treatment of their neoplasm. Mr. Jeffrey T. Wilson is a 61-year-old gentleman that I initially met on June 30 following a diagnosis of stage IVA invasive squamous cell carcinoma of the left tonsil. He had initially presented with a palpable left neck mass and subsequent imaging revealed a 2.8cm left cervical lymph node associated with a large left tonsillar mass. Biopsy of the lymph node confirmed metastatic squamous cell carcinoma.

As a result of this diagnosis, I had seen him in consultation and subsequently initiated therapy with concurrent chemotherapy and radiation for his malignancy. Treatment includes chemotherapy with cisplatin, administered on a weekly basis, as well as radiation therapy to the head and neck region given daily on Monday through Friday for a total of seven weeks. This treatment was initiated on July 13 and is expected to be completed in late August or early September.

As a result of his treatment, it is anticipated/expected that he will endure significant toxicity. These toxicities include, but are not limited to, profound fatigue, nausea, weakness, and significant difficulties with oral intake of nutrition and hydration. The latter is expected to result in the potential for significant weight loss, which exacerbates his fatigue and weakness. It is also possible that he will require placement of a gastric feeding tube to assist in his adequate nutrition and hydration. Another expected toxicity is increasing hoarseness, which typically develops in the middle portion of his treatment schedule and is expected to affect his ability to orally communicate. To this point, he has tolerated his therapy reasonably well, albeit with the expected fatigue and early onset weight loss.

I am aware that Mr. Wilson is scheduled to begin trial on October 13, 2015. Unfortunately, as a consequence of his cancer diagnosis and treatment with chemotherapy and radiation, it is my opinion, due to a reasonable degree of medical certainty, that Mr. Wilson will not be able to assist his lawyers in preparing for the trial or to participate in the trial given the expected physical effects of his treatment. In fact, while his treatment will be completed in late August, it is not expected that he will have an adequate resolution of his toxicities for several months thereafter. I would anticipate a minimum of a 3-4 month recovery following completion of his treatment. Certainly, I will be in a much better position to assess Mr. Wilson's condition and ability to participate in a trial in late December of 2015 or early January 2016.

In addition, following completion of his therapy in late August, there will be a series of followup physician appointments to assess the efficacy of his treatment and to monitor for any evidence of persistent cancer or recurrence of cancer. This will include appointments with me, his radiation oncologist, and his otolaryngologist. There will be periodic imaging studies as well.

Certainly, I appreciate your attention to this matter. I will be available to answer any specific questions or provide documentation.

Sincerely,

Anthony W Stephens, M.D.
AWS/rp

In the interests of communicating this information expeditiously, this annotation is being mailed without signature.

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**ORDER GRANTING DEFENDANT JEFFREY WILSON’S
UNOPPOSED MOTION TO CONTINUE**

Defendant Jeffrey Wilson, by counsel, has filed an Unopposed Motion to Continue the October 13, 2015 trial, requesting a status conference to be set for a date in mid January 2016. The Court, having reviewed the same and being duly advised in this matter now GRANTS Defendant’s Unopposed Motion.

IT IS, THEREFORE, ORDERED that the trial currently scheduled for October 13, 2015 is continued, and a status conference is now set for the ____ day of January, 2016, at ____:____ A.M. / P.M.

Date: _____

JUDGE, United States District Court
Southern District of Indiana
Indianapolis Division

Electronic Distribution:
To All Counsel of Record