

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

DEDHAM DISTRICT COURT
DOCKET NO. 2154 CR 000670

COMMONWEALTH

v.

THEODORE MCCARRICK

DEFENDANT'S MOTION TO CONTINUE ARRAIGNMENT

Defendant Theodore McCarrick, through undersigned counsel, respectfully moves to continue arraignment, presently scheduled for September 3, 2021, due to the unavailability of defense counsel on that date. Defense counsel and the ADA all would be available on September 21 or 22, 2021.

In support of this motion, undersigned counsel states:

1. In this case, the Commonwealth alleges sexual offenses that, it contends, occurred forty-seven years ago.
2. Mr. McCarrick, a former cleric in the Catholic Church, is 91 years old and resides in an assisted-living facility in the Midwest.
3. Mr. McCarrick's counsel, for years, have been Barry Coburn and Marc Eisenstein of the law firm Coburn & Greenbaum PLLC, in the District of Columbia. They are not admitted to practice in the Commonwealth of Massachusetts but will be seeking admission *pro hac vice* in this proceeding and plan to represent Mr. McCarrick, together with undersigned counsel.
4. Attorneys Coburn & Eisenstein are scheduled to be in trial in the United States District Court for the Eastern District of Virginia on September 3, 2021, the date currently set for arraignment, which will be Mr. McCarrick's first appearance in this Court.

*After being the
with witness ready
signed
Paul H. Call
8/24/21*

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DISTRICT COURT
DEDHAM DIVISION

5. Arraignment previously was set for August 23, 2021, an open date for attorneys Coburn and Eisenstein, but was postponed until September 3.

6. Undersigned counsel was engaged on August 16, 2021.

7. Undersigned counsel is also unavailable on September 3 and will be out-of-state on that day due to a pre-existing family commitment.

8. Given Mr. McCarrick's age and frailty, he will need to be accompanied on the flight from his home by a relative. Mr. McCarrick is extremely frightened about this proceeding. Undersigned local counsel was only recently engaged and has never met Mr. McCarrick in person.

9. The Commonwealth would suffer no prejudice if the arraignment were moved by a few days in order to accommodate the schedules of Mr. McCarrick's counsel.

10. The Commonwealth indicates that it opposes this request because the Complainant wishes to be present for the arraignment. The Commonwealth indicates that the Complainant has purchased "nonrefundable" airline tickets so that he can attend. On information and belief, the Complainant lives in or near the District of Columbia.

11. We have proffered to the Commonwealth that, if the airline were informed that the purchaser of tickets is planning to attend a court proceeding but the date has changed, the airline typically will accommodate a change to the new date. The Commonwealth nevertheless has declined to assent to this motion.

Accordingly, based on the foregoing, it is respectfully submitted that the arraignment should be moved to a date when Mr. McCarrick's long-time counsel will not be in trial and his Massachusetts counsel will also be available.

Respectfully submitted,

THEODORE MCCARRICK
by his attorneys,

/s/ William W. Fick

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Certificate of Service

I certify that I have served a copy of the foregoing document by e-mail PDF upon ADA Sarah Lelle by e-mail PDF on August 17, 2021.

/s/ William W. Fick