

IN THE CRIMINAL COURT OF SHELBY COUNTY, TENNESSEE
THIRTIETH JUDICIAL DISTRICT AT MEMPHIS
DIVISION 10

STATE OF TENNESSEE

vs.

No. 22-04769

Justin Johnson,

Defendant.

FILED
MAY 14 A 9:28
CLERK OF COURT
JESSIE

4/3/24
5/22/24

JOINT MOTION TO RESCHEDULE TRIAL SETTING TO ALLOW FOR
EXPERT TESTIMONY AND HEARING

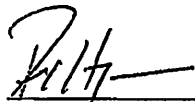
The parties in this matter, the State of Tennessee and the Defendant Justin and Johnson by and through their respective counsels of record state to this Honorable Court as follows:

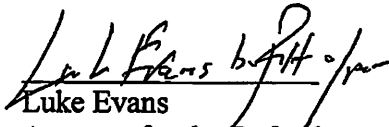
1. This matter is presently set for trial on June 3, 2024, in Criminal Court Division 10;
2. Both parties have begun trial preparation and believe that a trial is necessary for the resolution of this litigation;
3. During trial preparation, the State provided counsel for the Defendant a digital forensics expert report that, among other things, details and offers opinions regarding certain phone records that are essential to the case. In particular, these phone location records included Timing Advance records which the State's expert used to pinpoint location information to particular GPS coordinates.
4. In response, Defense counsel has filed a motion to litigate the admissibility of any expert opinion on this Timing Advance data.
5. To litigate this issue, both the State and the Defense must have the Timing Advance data reviewed by secondary experts and then schedule a hearing at which the various experts will testify.

6. While both parties are on path to proceed to trial, this issue is a highly technical and novel issue that requires expert testimony and hearing. As such, the parties submit that the present trial date cannot accommodate expert review, scheduling and hearing.
7. When this issue became apparent, both counsels met with each other, immediately began securing secondary experts on the technical issues regarding Timing Advance and met with this Honorable Court. This Joint Motion follows that meeting and seeks to continue this litigation on a path to trial but on a schedule that accommodates litigation of this necessary issue. It is expected that litigation of this issue, consistent with this Court's calendar, could be resolved within the next 60 days. Similarly, both counsels have confirmed availability for a September trial setting.

For these reasons, both parties ask this Court to reschedule the June 3, 2024 trial so that a hearing can be held in this matter with regard to the admissibility of the Timing Advance records and expert opinions.

Respectfully Submitted,


Paul Hagerman
/Assistant District Attorney


Luke Evans
Attorney for the Defendant

Certificate of Service

A copy of the foregoing has been caused to be delivered to counsel for the Defendant as well as the Court.


Paul Hagerman