

U.S. Magistrate Judge Thomas Q. Langstaff is giving the government until Oct. 22 to reply to a post-hearing brief for Michael Parnell. Department of Justice (DOJ) trial attorney Speare I. Hodges wants an extra week “due to the complexity of the issues and scheduling conflicts..”

Arguments will be closed when the government files its reply to Parnell’s post-hearing statements. Parnell, 62, prepared and submitted his Motion 2255 on Nov. 13, 2019, from his federal prison cell at Fort Dix, NJ. He is seeking to vacate his conviction and sentence.

Parnell has a little more than ten years remaining on his 20-year sentence and a projected release date of Sept.30, 2032.

A jury convicted Parnell, his brother Stewart and Mary Wilkerson in 2014. All three were associated with the now-defunct Peanut Corporation of America, and PCA’s peanut processing plant at Blakely, GA. It was the source of a multistate Salmonella outbreak in 2008-09 with multiple deaths.

The jury convicted Michael Parnell of fraud and conspiracy with multiple counts of introducing adulterated food into interstate commerce.

In his hand-written motion, Parnell argued he was denied effective assistance of counsel for not seeking a change of venue for the 2014 jury trial and for failure to strike for cause jurors who knew the Salmonella outbreak resulted in deaths.

While he started alone, Parnell is not finishing alone. By the in-person hearing last May, he’s picked up two Virginia attorneys to make his case. They are Charlottesville attorney Elliot M Harding and Richmond attorney William J. Dinkin.

Harding and Dinkin did originally submit a post-hearing response brief that exceeded the maximum word or page limit, but they were allowed to edit it down to 26 pages.

The government did reply to Stewart Parnell’s post-hearing response brief on Oct. 8. His petition was filed by attorneys Amy Levin Weil of Atlanta, and Amy Lee Copeland of Savannah. It followed the Michael Parnell motion by only a few weeks, and the Magistrate Judge heard arguments for both motions during in-person hearings in May in Albany, GA.

The hearing record and all written arguments got to the Magistrate Judge, who has made recommendations to the Middle District Court, where the jury trial and sentencing occurred. Langstazff made several procedural rulings during the PCA criminal prosecution. The trial judge was W. Louis Sands, who is on “senior status” with the Middle District.

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Source: [Government gets extra time to reply to Michael Parnell’s post hearing response](#)