

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

DUSTIN BYRON THOMPSON

Defendant.

:
:
:
:
:
:
:

Case No: 1:21-CR-161-RBW-1

SECOND MOTION TO CONTINUE SENTENCING HEARING

The defendant, Dustin Byron Thompson, by and through undersigned counsel, respectfully submits this Motion to Continue the Sentencing Hearing in the above-captioned matter from September 23, 2022, until November 17 or 18, 2022, at 9:00 a.m. or any other date agreeable with the Court and the parties.

1. Undersigned counsel entered a substitution of counsel on May 13, 2022, following a trial and subsequent guilty verdict.
2. On July 27, 2022, counsel requested a continuance in order to obtain and review trial transcripts in advance of the sentencing hearing. The government did not oppose the motion the matter was reset for September 23, 2022.
3. On September 16, 2022, the final draft of the Presentence Investigation Report was disclosed to the parties and, on September 19, 2022, the government filed its position on sentencing.
4. Counsel requires additional time to review the government's position on sentencing with Mr. Thompson and prepare a thorough and vigorous defense position on sentencing that addresses the government's arguments.
5. In its forty-five page position that includes one-hundred-and-two pages of exhibits, the government makes several arguments addressing numerous sentencing factors.

6. The government also compares Mr. Thompson's offense conduct and charges with several other defendants that have been sentenced. Among these is Anthony Williams (1:21-cr-377 BAH) who was sentenced on September 16, 2022, following a trial. The government argues that Williams' conduct is analogous to that of Mr. Thompson and that a similar sentence is appropriate. Counsel requires additional time to review the pleadings in many of these cases including Williams.
7. Counsel also requires additional time to obtain the transcripts for the Williams trial, which are available, however, the sentencing transcript is not yet available. Counsel also intends to obtain the video and photographic exhibits that were submitted by the government in Williams for the purpose of sentencing.
8. It is impossible for counsel to prepare an adequate position on sentencing in the short time before September 23, 2022, when counsel does not possess certain necessary material described above and the transcript for the September 16, 2022, Williams sentencing hearing has not been prepared.
9. The government opposes this request however undersigned counsel is not aware of any prejudice that the government will suffer as a result continuing the matter for four to six weeks. Mr. Thompson remains incarcerated in the Alexandria Adult Detention Center.
10. If the Court grants this motion the government prefers that the matter is reset for November 17 or 18, 2022, which is agreeable with undersigned counsel.

Wherefore, for the foregoing reasons, the defendant, Dustin Byron Thompson, respectfully requests that the Court continue the sentencing hearing in this matter until November 17 or 18, 2022, or another date agreeable with the Court and the parties.

Filed: September 20, 2022.

Respectfully submitted,

Dustin Byron Thompson

By: /s/ Andrew M. Stewart.

ANDREW M. STEWART, ESQ.

D.C. Bar No. 490984

Dennis Stewart & Krischer pllc

2111 Wilson Boulevard, 8th Floor

Arlington, Virginia 22201

Phone: 703-248-0626

Fax: 703-248-8971

andrew.m.stewart.esq@gmail.com

Attorney for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September, 2022, I electronically filed the foregoing motion with the clerk of the court using the CM/ECF system, which will send an electronic copy to the following:

William Dreher
Assistant United States Attorney
U.S. Attorney's Office, Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101

Jennifer M. Rozzoni
Assistant United States Attorney
U.S. Attorney's Office, District of New Mexico
201 3rd Street NW - Suite 900
P.O. Box 607
Albuquerque, NM 87102

By: /s/ Andrew M. Stewart .
ANDREW M. STEWART, ESQ.
D.C. Bar No. 490984
Dennis Stewart & Krischer pllc
2111 Wilson Boulevard, 8th Floor
Arlington, Virginia 22201
Phone: 703-248-0626
Fax: 703-248-8971
andrew.m.stewart.esq@gmail.com
Attorney for the Defendant