

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

**UNITED STATES OF AMERICA** :  
 :  
 v. : **Criminal No. 21 CR 103 (CJN)**  
 :  
**ROBERT KEITH PACKER** :

**CONSENT MOTION TO CONTINUE SENTENCING**

COMES NOW defendant, Robert Keith Packer, through undersigned counsel, Stephen F. Brennwald, in support of this Consent Motion to Continue Sentencing, states as follows:

1. Defendant pled guilty to a charge of “parading” in the United States Capitol, and is scheduled to be sentenced on April 7, 2022.
2. The initial draft of the presentence report is set to be submitted by the United States Probation Office on Friday, February 25, 2022.
3. Unfortunately, undersigned counsel has been unable to undertake the necessary steps that the probation office needs him to undertake in order to be in a position to prepare the initial report. Part of the issue is the distance between Mr. Packer and undersigned counsel, part is due to counsel’s schedule, and part is the result of technical problems when undersigned counsel met in person with Mr. Packer.
4. The parties have made progress on this case since the time of the plea, however, as they have met and fulfilled the defendant’s obligations listed in paragraph 3 of the plea agreement.
5. Unfortunately, because of technical problems, as noted above, when undersigned counsel met with the defendant in person (in reference to the matter discussed in paragraph 4, above), he was not able to complete the lengthy questionnaire that the

probation officer provided to counsel - a questionnaire that the probation office needs in order to prepare the presentence report.<sup>1</sup>

6. Counsel will complete that questionnaire within the next week or so, and provide it to the probation office. At that point, the office will likely need at least three weeks to incorporate the material in the questionnaire into its initial presentence report, submit that report to the parties, await any objections, and then prepare the final report.
  7. That process should take about four to six weeks.
  8. Out of an abundance of caution, defendant suggests that sentencing be deferred for about six weeks.
  9. The United States consents to this motion.
  10. The probation office obviously consents, as it has contacted counsel regularly over the past several weeks to inquire about the filing of a motion to postpone sentencing.
- WHEREFORE, in light of the foregoing, and for any other reasons that may appear to this Court, defendant prays that the Court postpone sentencing in this case for four to six weeks, and for any other relief this Court deems proper. The parties will confer with this Court's courtroom clerk to clear a date for sentencing.

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<sup>1</sup> In over 35 years of practice, counsel has never been asked to prepare such a questionnaire, but he is happy to do so, in accordance with what appears to be a new practice in the United States Probation Office.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing motion was sent, by ECF, this 24<sup>th</sup> day of February, 2022, to all parties of record.

/s/

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Stephen F. Brennwald