

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DANIEL ADAMS,
CODY CONNELL

Defendants.

Crim. Action No. 1:21CR084

CONSENT JOINT DEFENSE MOTION TO CONTINUE SENTENCING
UNTIL AFTER SUPREME COURT'S RESOLUTION OF
FISCHER v. UNITED STATES

Daniel Adams, through counsel, jointly with counsel for Defendant Connell respectfully moves this Court to vacate the sentencing hearing presently scheduled for March 12, 2024, and to stay proceedings in this matter until after the Supreme Court resolves *United States v. Fischer*, 64 F.4d 329 (D.C. Cir. 2023), *cert. granted*, No. 23-5572, 2023 WL 8605748 (Dec. 13, 2023). In support thereof: Defendants state as follows:

1. *Fischer* is to be argued before the Supreme Court on April 16, 2024, with a decision expect by the end of its current term.
2. Less than a week ago, the D.C. Circuit decided *United States v. Brock*, No. 23-3045 (D.C. Cir. Mar. 1, 2024). This decision has further complicated the sentencing landscape.

3. On March 4, 2024 this Court Ordered that:

the parties are directed to file supplemental briefs at or before 12:00 p.m. on March 8, 2024 addressing the proper guidelines range for each defendant and any requested variances. Among other issues, the parties may wish to address: whether U.S.S.G. § 2A2.2 ("Aggravated Assault") applies, either as the proper guideline for a count or as a cross-reference of the proper guideline; whether U.S.S.G. § 3A1.2 ("Official Victim") applies; and whether all counts constitute a single group under U.S.S.G. § 3D1.2.

Id. While counsel have worked diligently to comply with the Court's deadline, the Parties need time to consider their positions in this rapidly changing landscape¹.

4. The undersigned have discussed this request with their clients, and both consent to the continuance requested herein.
5. Counsel for Adams has shared a draft of the instant motion with Assistant United States Attorney Sean McCauley who has authorized him to state that the Government does not oppose this request.

Therefore, in the interests of fairness and judicial economy, Defendants request that the Court postpone sentencing until after the Supreme Court decides *Fischer*.

¹ Counsel for Mr. Adams was lead counsel in a murder trial in Idaho for the last 3 weeks, and has only returned to the district today. As such, it has been challenging to keep up with latest developments.

Respectfully Submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

_____/s/_____
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_____/s/_____
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Counsel for Defendant Adams

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of March, 2024 I have filed this Motion using CM/ECF which will cause it to be served on all counsel of record.

_____/s/_____
GARY E. PROCTOR