

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal No.: 21-cr-644-RDM
)	
vs.)	
)	
)	
ADAM WEIBLING,)	
)	
Defendant.)	
)	

UNOPPOSED MOTION (1) TO CONTINUE ADAM WEIBLING’S RESPONSE DATE AS TO THE DRAFT PRE-SENTENCE REPORT, (2) TO CONTINUE HIS SENTENCING DATE, AND (3) TO SET NEW BRIEFING DATES

Defendant Adam Weibling (“Defendant”), by and through his undersigned counsel, hereby moves unopposed (1) to continue his response date to the draft Pre-Sentence Report “Draft PSR” **from today** until February 14, 2023, (2) to continue the sentencing date for a third time to March 7, 2023, and (3) to set new sentencing brief dates to replace those that accompanied the current sentencing date, and in support Mr. Weibling states as follows:

1. In this case, Mr. Weibling has pleaded guilty to Count Four of the Information, charging him with Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G), carrying a maximum term of imprisonment of 6 months.

2. This Court granted two previous continuances for reasons of defense counsel's COVID illness, time conflicts, and other scheduling problems, most recently setting the current date for sentencing of February 23, 2023 at 10 a.m.
3. Mr. Weibling continues to be released on bond in this matter, and has remained in compliance with all of his conditions of release. The Government has informed defense counsel that it is likely to recommend a sentence of probation, albeit with some form or forms of restriction on his liberty being a possibility as a condition it would recommend.
4. The U.S. Probation Office's draft of the Pre-Sentence Report ("Draft PSR") was disclosed to counsel on January 19, 2023, specifying a due date of today, February 2, 2023, for any objections by the parties.
5. Though undersigned defense counsel had in general been very much on the look-out for the Draft PSR, the ECF email notification nonetheless escaped the actual notice of defense counsel during a particularly hectic moment in time and went submerged amongst accumulating emails. Undersigned defense counsel was on the verge of inquiring about the mistakenly-perceived delay in the Draft PSR's release when the Government responded to the PSR yesterday (stating they had no objections). Mr. Weibling's deadline for responding with any objections to the accuracy of the draft PSR's content is currently **today**, February 2, 2023.

6. To adequately review and potentially object to certain material in the draft PSR, including consultation with Mr. Weibling, the U.S. Probation Office, and others, undersigned defense counsel needs the full period of time typically specified for this process, and accordingly requests a new response date of February 14, 2023. Other dates, including that for the Government's sentencing brief, would need to be moved back accordingly.
7. Defense counsel has prior plans to leave the country on business on the evening of March 7, 2023, and therefore respectfully requests a new sentencing date of March 7, 2023.
8. To re-set the briefing schedule to align with this proposed new sentencing date of March 7, 2023, the dates for the Government's Sentencing Memorandum would be due by the date of February 21, 2023, and the Defendant's Sentencing Memorandum would be due by the date of February 28, 2023.
9. Undersigned counsel for Mr. Weibling spoke yesterday with the AUSA assigned to this case, and she agreed to postpone the filing and hearing schedule by setting back the various dates sufficiently to account for the above unforeseen situation. Government counsel is reportedly available on the proposed new sentencing date of March 7, 2023.

WHEREFORE, for the foregoing reasons, this Court should grant this Motion to continue the defendant's sentencing proceeding dates, including Mr. Weibling's objections (if any) to the Draft PSR to February 14, 2023, the sentencing hearing to

March 7, 2023, and to make the attendant adjustments to the current briefing schedule.

Dated this 2nd day of February, 2023

Respectfully submitted,

/s/ Bruce H. Searby
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COUNSEL FOR DEFENDANT
ADAM WEIBLING

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of February, true and genuine copies of UNOPPOSED MOTION (1) TO CONTINUE ADAM WEIBLING'S RESPONSE DATE AS TO THE DRAFT PRE-SENTENCE REPORT, (2) TO CONTINUE HIS SENTENCING DATE, AND (3) TO SET NEW BRIEFING DATES were served via electronic mail by this Court's CM/ECF system, which will serve a copy on all counsel of record.

Respectfully submitted,

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