

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)
)
v.)
)
MITCHELL TODD GARDNER II)
)
_____)

Case No. 1:21-cr-00622-APM

**MR. GARDNER’S UNOPPOSED MOTION
TO CONTINUE SENTENCING AND FILING DEADLINES**

Mitchell Todd Gardner II, by and through undersigned counsel, respectfully moves to continue the sentencing hearing to either the late afternoon of December 2, 2022 or the afternoon of December 16, 2022 and to continue the deadlines for submitting sentencing memoranda and replies, accordingly. In support of this motion, Mr. Gardner states the following:

1. On June 27, 2022, Mr. Gardner pled guilty to Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(c)(2), 2; and Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of 18 U.S.C. §§ 111(a)(l) and (b).
2. Mr. Gardner’s sentencing hearing is currently set for October 21, 2022 at 3:30PM.
3. The deadline for submitting sentencing memoranda is currently set for October 10, 2022.
4. The deadline for submitting reply memoranda is currently set for October 14, 2022.
5. Counsel seeks to continue, as Mr. Gardner’s sentencing hearing currently falls on a day and time that counsel will be in trial, and counsel recently learned that the trial judge is not allowing any breaks throughout the day for counsel to attend to other matters.

6. Counsel has explained the scheduling conflict to Mr. Gardner and has obtained confirmation from him that he is willing to continue his sentencing hearing.

7. The government has advised counsel that it does not oppose this motion.

CONCLUSION

WHEREFORE, Mr. Gardner respectfully moves this Court to continue the sentencing hearing and the deadlines for sentencing memoranda and replies.

Respectfully submitted,

_____/s/_____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of September 2022, I caused a true and correct copy of the foregoing Unopposed Motion to Continue Sentencing and Filing Deadlines be delivered via CM/ECF to all parties in this matter.

_____/s/_____
David B. Benowitz