

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

**UNITED STATES** )  
 )  
**V.** ) **1:21-cr-38**  
 )  
**RICHARD BARNETT** )  
\_\_\_\_\_ )

**DEFENDANT’S MOTION TO CONTINUE SENTENCING HEARING AND DEADLINE  
FOR SENTENCING MEMORANDUM**

TO THE HONORABLE COURT:

Defendant, Richard Barnett, by and through counsel, hereby moves this Honorable Court to grant a continuance for the sentencing hearing set for May 3, 2023, and to extend the deadline for the Defendant to submit a sentencing memorandum currently due on or before April 26, 2023. The primary reason for the continuance is the issuing of a 107-page decision recently issued by the United States Court of Appeals For the District of Columbia in the January 6 case styled *United States v. Fischer*, Case No. 22-3038, addressing the question of “whether individuals who allegedly assaulted law enforcement officers while participating in the capital riot can be charged with corruptly obstructing, influencing, or impeding an official proceeding, in violation of 18 U.S.C. 1512(c)(2).” The decision raises new issues that directly and specifically impact Mr. Barnett’s case, and Mr. Barnett respectfully asks this Court for a reasonable amount of time to properly review and analyze the complicated decision, to decide if a supplement to his pending Rule 29 or Rule 33 motions is appropriate, and if so, to brief a supplement. The D.C. Opinion has prompted a spirited debate on the list serve, hosted by the Federal Public Defender, with over 50 emails laden with argument and content with a wide range of opinions still being debated and argued.

This Court has already noted in a minute order that a continuance may be necessary while the Rule 29 and Rule 33 motions are pending. A continuance will not prejudice the defendant as he is not incarcerated, and it will not prejudice the government.

For the Court's information, Mr. Geyer has a sentencing on May 26, 2023 and hopes to be on a prior scheduled family vacation to the West Coast from June 5 to June 13, 2023

Dated: April 10, 2023

RESPECTFULLY SUBMITTED  
RICHARD BARNETT, *By Counsels*

/s/ Jonathan Gross  
Jonathan Gross  
Bar ID: MD0162  
THE CLEVINGER FIRM  
2844 Smith Ave, suite 331  
Baltimore, MD 21209  
(443) 813-0141  
jon@clevengerfirm.com

/s/ Brad Geyer  
Bradford L. Geyer, PHV  
PA 62998  
NJ 022751991  
Suite 141 Route 130 S., Suite 303  
Cinnaminson, NJ 08077  
[Brad@FormerFedsGroup.Com](mailto:Brad@FormerFedsGroup.Com)  
(856) 607-5708

**CERTIFICATE OF SERVICE**

I hereby certify that on April 10, 2023, a true and accurate copy of the forgoing was electronically filed and served through the ECF system of the U.S. District Court for the District of Columbia.

/s/ Brad Geyer

Bradford L. Geyer, PHV

PA 62998

NJ 022751991

Suite 141 Route 130 S., Suite 303

Cinnaminson, NJ 08077

[Brad@FormerFedsGroup.Com](mailto:Brad@FormerFedsGroup.Com)

(856) 607-5708