## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v. : Criminal No. 21-CR-0062 (APM)

MITCHELL TODD GARDNER II,

Defendant.

## <u>DEFENDANT'S MOTION TO</u> <u>CONTINUE SENTENCING AND FILING DEADLINES</u>

COMES NOW the Defendant, Mitchell Todd Gardner, through counsel, and respectfully moves this Court to continue the sentencing hearing and related filling deadlines in this matter. In support of this Motion, Defendant states the following:

1. The October 2021, Indictment in this matter charged Defendant with the following offenses: (1) Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); (2) Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(c)(2), 2; (3) Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of 18 U.S.C. §§ 111(a)(l) and (b); (4) Destruction of Government Property, in violation of 18 U.S.C. §§ 1361, 2; (5) Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); (6) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); (7) Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(4); (8) Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(F); and (10) Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G);

2. On June 28, 2022, this Court entered Defendant's Plea Agreement, under which

Defendant pled guilty to Counts 1-3 of the Indictment;

Based on these convictions and pending sentencing, the Defendant has been in 3.

custody since approximately July 8, 2022.

4. The sentencing hearing is currently scheduled for February 17, 2023;

5. Sentencing memoranda are due on February 6, 2023.

6. On January 17, 2023, Mr. Gardner retained new counsel;

Counsel submitted a substitution of Counsel Consent Order on January 18, 2023; 7.

8. Defendant's newly-retained counsel needs additional time review the file, confer

with Defendant, speak with family and friends of the Defendant, and to prepare a memorandum

of sentencing and for the sentencing hearing.

9. Counsel needs additional time to review the voluminous amounts of discovery to

prepare for sentencing arguments, review the PSR for accuracy, and be able to represent Mr.

Gardner thoroughly.

WHEREFORE, Defendant respectfully moves this Court to continue the sentencing hearing and

related filing deadlines so that Defendant's new counsel has the necessary time to prepare.

Respectfully submitted,

Mitchell Gardner

By Counsel

Farheena Siddiqui, Bar No. 888325080

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Counsel for Defendant

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of January 2023, I caused a true and correct copy of the foregoing Motion to Continue Sentencing and Filing Deadlines be delivered via CM/ECF to all parties in this matter.

/s/	
Farheena Siddiqui	