

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.	)	
	)	

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UNOPPOSED MOTION (1) TO CONTINUE ADAM WEIBLING’S SENTENCING DATE, (2) TO SET NEW BRIEFING DATES, AND (3) TO VACATE THE COURT’S ORDER REQUIRING THE GOVERNMENT TO FILE ITS SENTENCING BRIEF BY OCTOBER 19, 2022

Defendant Adam Weibling (“Defendant”), by and through his undersigned counsel, hereby moves unopposed (1) to continue his sentencing date for a second time to February 14, 2022, (2) to set new sentencing brief dates to replace those that accompanied the original sentencing date, and (3) to vacate the Court’s minute order issued on Tuesday, October 18, 2022, which noted the passage of the original due date for the Government’s sentencing brief, as a result of which the Court required the Government to file its sentencing brief by October 19, 2022, 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 one previous continuance for reasons of defense counsel's COVID illness and time conflicts, and set the current date for sentencing of January 10, 2022 at 9 a.m. Mr. Weibling continues to be released on bond in this matter, and has remained in compliance with all of his conditions of release. The Court's minute order of August 31, 2022 continuing the sentencing from October 28, 2022 did not identify any new sentencing brief due dates to replace the original due dates, presumably because undersigned counsel's motion and proposed order did not do so inadvertently. Because the pre-sentence investigation and Pre-Sentence Report had not yet been done, undersigned counsel should have included proposed new briefing dates when filing for the first continuance.
3. More recently, as a result of undersigned defense counsel's ongoing preparations for sentencing proceedings in this case and other matters, the date for Mr. Weibling to have a Pre-Sentence Report interview with the U.S. Probation Office with defense counsel could not take place in early October 2022 as previously scheduled. Instead, it is being rescheduled for the end of October 2022 or thereabouts. Accordingly, defense counsel has communicated with the U.S. Probation Office and the U.S. Attorney's Office

about a second continuance to ensure there was enough lead time between a PSR interview, the PSR report's distribution to the Parties, their respective briefs, and the sentencing date.

4. In these calculations about a new sentencing date, defense counsel has taken into consideration the December Holidays, and not placing on U.S. Probation, counsel for the Parties, and Mr. Weibling and his family the need to brief the sentencing issues over those holidays before a new sentencing date.
5. Finally, defense counsel also has had to take into consideration his long-scheduled participation from January 22, 2023 to January 25, 2023 as Faculty in the Advanced Criminal Law Seminar of the National Association of Criminal Defense Lawyers (among other things, presenting "The Questioning of Corporate Individuals in Criminal Investigations").
6. Accordingly, undersigned counsel for Mr. Weibling has identified a new, unopposed sentencing date of February 14, 2022. The U.S. Probation asked for counsel to please file the motion with the Court extending the sentencing dates for a rescheduled PSR interview at the end of October, and did not oppose the second week of February 2023 for sentencing. The U.S. Attorney's Office responded that it was fine with pushing the PSR interview and correspondingly other dates out as proposed, and would defer to the Court and to U.S. Probation. To re-set the briefing schedule to align with this new sentencing date of February 14, 2022, the dates for the Government's Sentencing Memorandum would be due by the date of February 3, 2023, and

the Defendant's Sentencing Memorandum would be due by the date of February 7, 2023. Undersigned counsel was prepared to file this motion for a second continuance of the sentencing date by today, October 19, 2022.

7. However, in the meantime, the Court had noted the passing of the original due date for the Government's sentencing memorandum of October 17, 2022, which had not been re-set from the original date as explained above. The Court issued a minute order last night on October 18, 2022, requiring the Government to file its sentencing memorandum by October 19, 2022. As explained above, the PSR interview still needs to take place and the PSR Report prepared before the Government or Mr. Weibling can file their sentencing memoranda.

WHEREFORE, for the foregoing reasons, this Court should grant this Motion to continue Defendant's sentencing date to February 14, 2023, and to make the attendant adjustments to the current briefing schedule.

Dated this 19th day of October, 2022

Respectfully submitted,

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

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October,, true and genuine copies of UNOPPOSED MOTION (1) TO CONTINUE ADAM WEIBLING'S SENTENCING DATE, (2) TO SET NEW BRIEFING DATES, AND (3) TO VACATE THE COURT'S ORDER REQUIRING THE GOVERNMENT TO FILE ITS SENTENCING BRIEF BY OCTOBER 19, 2022 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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