

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

CASE NO. 1:21-CR-00551-TFH

ROBERT FLYNT FAIRCHILD, JR.

UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING

The Defendant, Robert Flynt Fairchild, Jr., by and through his undersigned attorney, files this *Unopposed Motion to Continue Sentencing Hearing* in the above-styled case, seeking a continuance for the sentencing hearing for a period of one month, until the week of September 19, 2022, or any date convenient to this Court. As grounds in support thereof, the undersigned states the following:

1. The Defendant's sentencing is currently scheduled for August 22, 2022. There have been no previous continuances of the sentencing hearing.
2. The Defendant entered a plea of guilty to Count One and is facing a statutory maximum penalty of five years in prison. The parties agree that the advisory guideline range is 8 to 14 months. The Defendant has successfully adhered to the conditions of his pre-trial release for the past eleven months.
3. The undersigned is still in the process of completing his mitigation investigation and needs an additional month to prepare for the sentencing

hearing. The Defendant served in the United States Marine Corps from April, 2002 until April, 2006, serving in the war in Iraq. He has been diagnosed with Traumatic Brain Injury (TBI) and with Post Traumatic Stress Disorder (PTSD) and currently has a 90% disability rating with the Veteran Affairs Administration. The undersigned has been attempting to locate Marines who served with the Defendant and who can provide information about his service during the war. Recently, the undersigned's investigator has located several Marines who served with the Defendant, and she is in the process of gathering information that will serve as mitigation on behalf of the Defendant at the time of sentencing. Additionally, the undersigned is obtaining additional information which will provide further documentation as to the Defendant's war related injuries and how those injuries have impacted his life. It will take approximately one month for the undersigned to finish his preparation for sentencing.

4. The undersigned has contacted the Assistant United States Attorney representing the Government in this case, Ms. Alison Prout. Ms. Prout does not object to the continuance sought by this motion.

5. That this motion is filed in good faith and not for purposes of delay.

MEMORANDUM OF LAW

Fed. R. Crim. P. 32(b)(1) provides that the court must impose sentence without delay. Rule 32(b)(2) provides that the court may, for good cause, change any time limits prescribed in the rule. The undersigned is requesting a one-month continuance to allow the undersigned to finish the investigation and gathering of important mitigation evidence, relating to the Defendant's war time service, for the sentencing hearing. Mr. Fairchild is facing a maximum penalty of five (5) years in prison and a guideline range of 8 to 14 months in prison. The undersigned seeks additional time to complete his mitigation investigation in this case.

Wherefore, the Defendant, Robert Flynt Fairchild, Jr., moves this Honorable Court to continue the sentencing hearing in the above case.

Respectfully submitted,

A. Fitzgerald Hall, Esq.
Federal Defender, MDFL

/s/ James T. Skuthan
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Counsel for the Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August 2022, a true and correct copy of the foregoing was furnished by using the CM/ECF system to the Clerk of the Court, which will electronically serve notice on Assistant United States Attorney Alison Prout.

/s/ James T. Skuthan

James T. Skuthan, Esq.