

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIK HERRERA,

Defendant.

Case No. 1:21-CR-00619-BAH

**UNOPPOSED MOTION TO CONTINUE SENTENCING**  
**HEARING DATE AND BRIEFING SCHEDULE**

Defendant Erik Herrera by and through his attorney of record, Federal Public Defender Cuauhtemoc Ortega, hereby moves to continue the sentencing hearing date in this matter from November 10, 2022, to January 13, 2023. The government does not oppose the defendant's requested continuance. In support of this motion, defense counsel offers the following:

1. On August 19, 2022, after a jury trial, Mr. Herrera was found guilty and this Court set a sentencing hearing for November 10, 2022, at 9:00 a.m.

2. On October 3, 2022, the parties received a copy of the presentence investigation report (PSR) from the United States Probation Office (USPO). Under the Court's Standing Order (Docket No. 10), objections to the PSR are due to the USPO and the opposing party 14 days after disclosure (in this case, by October 17, 2022). Pursuant to the Court's Standing Order, sentencing memoranda are due 10 business days before the sentencing hearing.

3. Despite diligent efforts since receiving the PSR last week, defense counsel needs additional time to complete the defense's objections to the PSR's sentencing guidelines findings, including the briefing that will be provided in support of the objections. Defense counsel also needs additional time to complete collecting mitigation information the defense intends to present to the

Court, and to prepare defendant's sentencing memorandum. (Though Mr. Herrera was represented by two attorneys at trial, one of his attorneys is no longer with the Federal Public Defender's Office, and as such, counsel does not have the benefit of his assistance for sentencing preparation.)

4. As noted above, the defense has conferred with the government regarding these matters, and the government does not object to the requested continuance.

5. I conferred with Mr. Herrera regarding my need for additional time to prepare the PSR objections and his sentencing briefing and Mr. Herrera does not oppose the instant request.

6. For these reasons, defendant respectfully requests that the date for providing PSR objections to the USPO and opposing counsel be continued to December 5, 2022. Defendant furthermore respectfully moves for a continuance of the sentencing hearing date to January 13,

2023, with the parties' sentencing memorandum to be filed pursuant to the deadlines set forth in the Court's Standing Order.

Respectfully submitted,

CUAUHTEMOC ORTEGA  
Federal Public Defender

DATED: October 14, 2022

By /s/ Cuauhtemoc Ortega

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DATED: October 14, 2022

By /s/ Christopher M. Cook

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