

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO.: 21-cr-342 PLF

JERAMIAH CAPLINGER,

Defendant.

_____ /

MOTION TO ADJOURN SENTENCING

Defendant, Jeramiah Caplinger, moves this Court to adjourn his sentencing from January 12, 2022, to February 1, 2022, at 3:00 p.m. In support of his requests, Defendant states that:

1. Mr. Caplinger is jointly represented by James Gerometta and John Pierce. Mr. Gerometta is scheduled to begin trial on January 11, 2021, in the Eastern District of Michigan and will not be available at the date and time set for sentencing in this case. The Eastern District of Michigan case has been pending for over three years, involves witnesses who must travel internationally and cannot be easily rescheduled. Moreover, because of COVID protocols in the Eastern District of Michigan, trial proceeding (particularly during jury selection) cannot be easily paused or interrupted for other hearings.

2. The Court has provided February 1, 2022, as an open calendar date and all parties have confirmed their availability. Because of the above noted conflict, the short delay in Mr. Caplinger's sentence date is "necessary" and authorized by Federal Rule of Criminal Procedure 32(b)(1) and justifies a time outside of the ordinary 45-day time period set forth in paragraph 12(a) of this Court's speedy trial plan as adopted in Local Criminal Rule 45.1. This is a sentencing date the Court need not make speedy trial findings. See *Betterman v. Montana*, 136 S.Ct. 1609 (2016).
3. The Government does not oppose this request.

For the above noted reasons, this Court should adjourn Mr. Caplinger's sentencing to February 1, 2022, at 3:00 p.m. in order to allow all counsel to attend.

Submitted,

s/James R. Gerometta
Counsel for Jeramiah Caplinger
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December 28, 2022

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

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JERAMIAH CAPLINGER,

Defendant.

_____ /

CERTIFICATE OF SERVICE

I, hereby certify that on December 28, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record.

FEDERAL COMMUNITY DEFENDER

s/James R. Gerometta _____

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Dated: December 28, 2022