

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
 :
 v. : No. 3:11CR214(JBA)
 :
 JULIANA STARBUCK : May 3, 2012

**UNITED STATES OF AMERICA’S UNOPPOSED,
FIRST MOTION TO CONTINUE SENTENCING DATE**

The United States of America (“United States”) respectfully requests a three-week continuance of the present sentencing date of Tuesday, May 8, 2012, and states the following in support of this request.

1. An issue has arisen between the parties concerning the interpretation of a portion of the plea agreement in this case. The resolution of that issue will be dispositive of a portion of the government’s sentencing recommendation.

2. Owing to the need for multiple consultations involving the U.S. Attorney, the investigating agency, and defense counsel, and the likely need for legal research to inform the government’s assessment of the matter in question, the government may require up to two weeks to resolve the above-referenced issue, and to determine from that resolution, what position to take at sentencing.

3. Defendant having already filed her sentencing memorandum, a modified sentencing schedule will need to include new deadlines for the filing of the government’s sentencing memorandum, and for the filing of any response.

4. Defense counsel has advised undersigned government counsel that the defense does not object to the government's requested three week continuance of sentencing.

5. This is the government's first request for a sentencing continuance in this case.

6. Government counsel hereby advises the Court of two *unavailable* dates/times for sentencing: Thursday, June 7, 2012, in the morning; and Monday, June 18, 2012, in the afternoon.

WHEREFORE, the government respectfully requests that the Court (a) continue sentencing for at least three weeks, that is, to on or after Tuesday, May 29, 2012, (b) set a deadline of five workdays before sentencing for the government to file its sentencing memorandum, and (c) set a deadline of two workdays before sentencing for any response to be filed.

Respectfully submitted

DAVID B. FEIN
UNITED STATES ATTORNEY

/s/

HENRY K. KOPEL
ASSISTANT UNITED STATES ATTORNEY
Fed. Bar No. ct24829
157 Church Street, 23d Floor
New Haven, CT 06510
(203) 821-3700

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2012, I filed a copy of foregoing pleading and caused copies of same to be served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System. Copies of the foregoing pleading have also been sent directly by e-mail to counsel for defendant Starbuck, Brian E. Spears, Esq., at bspears@levetrockwood.com, and to United States Probation Officer Mark D. Myers, at mark_myers@ctp.uscourts.gov.

/s/

Assistant U.S. Attorney

Rate My Horse PRO

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ORDER

Upon consideration of the United States of America's Unopposed, First Motion to Continue Sentencing ("Motion to Continue"), and the record of the case as a whole,

IT IS HEREBY ORDERED that the Motion to Continue is granted; and

IT IS FURTHER ORDERED that:

- a. Sentencing in the above-captioned matter is scheduled for _____ ,
_____, 2012, at _____ a.m. / p.m.
- b. The government's sentencing memorandum shall be filed and served on or
before _____ , 2012.
- c. Any responses shall be filed and served on or before _____ ,
2012.

Dated this _____ day of _____ ,
2012, at New Haven, Connecticut.

HON. JANET BOND ARTERTON
UNITED STATES DISTRICT JUDGE