

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO.: 6:20-cr-00097-GAP-LRH

JOEL MICAH GREENBERG,

Defendant.

**DEFENDANT’S AMENDED UNOPPOSED MOTION TO
CONTINUE SENTENCING FOR A PERIOD OF NINETY (90) DAYS**

The Defendant, Joel Micah Greenberg, moves this Honorable Court to continue his sentencing hearing for a period of ninety (90) days.¹ In support thereof, Mr. Greenberg states the following:

STATEMENT OF FACTS

Procedural History

1. On May 17, 2021, Mr. Greenberg pled guilty to sex trafficking, identity theft, wire fraud, and conspiracy. *See* Doc. 105-106.
2. Based on his convictions for identity theft and sex trafficking, Mr. Greenberg is facing a significant minimum mandatory penalty of 12 years. *See* 18 U.S.C § 1591 (imposing mandatory penalty of ten years) and 18 U.S.C. § 1028A (imposing consecutive mandatory penalty of two years).
3. Mr. Greenberg’s sentencing hearing is currently set for August 19, 2021. Doc. 116.

Grounds Supporting the Request for a Continuance

¹ This motion has been amended to designate that it is not being filed under seal.

4. There are three independent grounds supporting Mr. Greenberg's request for a continuance.

5. Pursuant to his plea agreement with the Government, Mr. Greenberg has been cooperating with the Government and has participated in a series of proffers. Said cooperation, which could impact his ultimate sentence, cannot be completed prior to the time of his sentencing. The parties expect that Mr. Greenberg will participate in additional proffers, and a continuance would provide Mr. Greenberg with additional time to do so prior to his sentencing.

6. Moreover, Mr. Greenberg's sentence will include the imposition of a restitution obligation. In this regard, the parties have been diligently working together, as well as with multiple parties, to resolve the calculation of the Defendant's restitution obligation prior to his sentencing. Nevertheless, because the restitution issue involves multiple parties and disputed amounts, the matter cannot be resolved prior to Mr. Greenberg's current sentencing date.

7. Finally, the parties are in the process of resolving Mr. Greenberg's applicable and advisory sentencing guideline range which has been complicated by both the diversity and nature of his charges.

8. Accordingly, Mr. Greenberg submits that a continuance of the sentencing hearing will allow the parties sufficient time to resolve the foregoing matters prior to Mr. Greenberg's sentencing hearing.

9. The Government does not oppose the request for a continuance.

MEMORANDUM OF LAW

Mr. Greenberg's request for a continuance is predicated on Rule 32 of the Federal Rules of Criminal Procedure and the Sixth Amendment to the United States Constitution. This memorandum discusses each basis in turn.

Rule 32(e) of the Federal Rules of Criminal Procedure provides the time limits for imposing a defendant's sentence. This rule notes that these time limits may be lengthened for good cause shown. In the instant case, good cause supports the requested continuance. Indeed, Mr. Greenberg's ongoing cooperation, which will not be completed prior to his current sentencing date, could have an impact on his final sentence. Moreover, the requested continuance will give the parties sufficient time to potentially resolve any disputes concerning Mr. Greenberg's restitution obligation and advisory guideline range.

Concerning the Sixth Amendment, this constitutional provision guarantees Mr. Greenberg's right to the effective assistance of counsel at sentencing. *See Glover v. United States*, 531 U.S. 198, 203-04 (2001). The undersigned respectfully submits a continuance is necessary in order to vindicate Mr. Greenberg's right to the effective assistance of counsel.

WHEREFORE, the Defendant Joel Micah Greenberg respectfully moves this Honorable Court for an Order continuing the Sentencing Hearing for a period of ninety (90) days.

Respectfully submitted this 6th day of July 2021.

/s/ Fritz Scheller

Fritz Scheller
Florida Bar No. 0183113

CERTIFICATE OF SERVICE

On July 6, 2021, I filed the foregoing with the clerk of the court using the ECF system which will provide a copy to all parties of record.

/s/ Fritz Scheller
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