

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 SECOND UNOPPOSED MOTION TO
CONTINUE SENTENCING UNTIL MARCH 2022**

The Defendant, Joel Micah Greenberg, moves this Honorable Court to continue his sentencing hearing until March 2022. 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 before this Honorable Court on November 19, 2021. *See* Doc. 119.

4. This is Mr. Greenberg's second request for a continuance. *See id.*

Grounds Supporting the 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.¹

6. 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.

7. After consulting with the Government, the Government has advised that it does not oppose Mr. Greenberg's request for a continuance until March 2022.

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.

Concerning the Sixth Amendment, this constitutional provision guarantees Mr. Greenberg's

¹ Because Mr. Greenberg's ongoing cooperation involves sensitive matters concerning ongoing investigations, he requests that the parties be allowed to provide additional information regarding Mr. Greenberg's cooperation to the Court under seal, if deemed necessary.

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. Considering the significant mandatory penalties that Mr. Greenberg currently faces, the undersigned has the critical responsibility of pursuing all avenues of mitigation on his behalf. *See, e.g., Porter v. McCollum*, 558 U.S. 30 (2009).

WHEREFORE, the Defendant Joel Micah Greenberg respectfully moves this Honorable Court for an Order continuing the Sentencing Hearing until March 2022.

Respectfully submitted this 5th day of October 2021.

/s/ Fritz Scheller
Fritz Scheller
Florida Bar No. 0183113

CERTIFICATE OF SERVICE

On October 5, 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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