

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

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v.

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XXXXXXXXXXXXXXXXXX

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**MOTION TO CONTINUE SENTENCING HEARING AND FOR
CONSOLIDATION OF CASES**

THE ABOVE DEFENDANT initially was charged in an Indictment with one (1) count of XXXXXXXXXXXXXXXXXXXX, occurring on July 28, 2002, in case number 0:00CR000-0. The Defendant at arraignment entered a guilty plea to that one count, and a sentencing hearing was scheduled for November 15, 2002. A presentence report interview was conducted, and a Presentence Report has been completed, but has not yet been distributed to the parties because of additional bank robbery charges which subsequently have been brought.

The Government charged an additional count of XXXXXXXXXXXXXXXXXXXX by Information charged on October 22, 2002, concerning a May 8, 2002, XXXXXXXXXXXXXXXXXXXX, in case number 0:00CR0000-0. The Defendant appeared for arraignment on October 12, 2002, and waived his right to indictment on that charge, and entered a not guilty plea to that XXXXXXXXXXXXXXXXXXXX. The Defendant entered a not guilty plea so that he could enter a

guilty plea during the November term of court, anticipating that the Government would be filing an additional third XXXXXXXXXXXXXXXXXXXX charge by Information concerning a May 31, 2002, XXXXXXXXXXXXXXXXXXXX. The Defendant wished to enter a guilty plea to both charges brought by Information at the same time so that those charges could be consolidated.

Recently, the Government has charged the Defendant by Information with the third XXXXXXXXXXXXXXXXXXXX, occurring on May 31, 2002, in case number 0:00CR____-0. The Defendant will appear for arraignment on that charge during the week beginning November 24, 2002, and will enter a guilty plea at arraignment on that charge (waiving right to indictment), and also will change his plea to guilty on the charge in case number 0:00CR000-0.

The Government and the Defendant have agreed that the three above cases can be consolidated for sentencing. Therefore, the Defendant respectfully requests that his sentencing hearing in case number 1:02CR239-1 (the July 28, 2002, XXXXXXXXXXXXXXXXXXXX) be continued so that the three cases can be consolidated for sentencing. Upon information and belief, the Presentence Report which has already been prepared in case number 0:00CR000-0 can be expeditiously updated to include the two additional charges brought by separate Informations for the XXXXXXXXXXXXXXXXXXXX

occurring on May 28, 2002, and May 13, 2002, in cases number [REDACTED] and [REDACTED].

Therefore, the Defendant respectfully requests that the sentencing hearing in case number [REDACTED] be continued, and that the three cases ([REDACTED]) be consolidated for sentencing. The undersigned counsel for the Defendant has conferred with Assistant United States Attorney Patrick L. Auld, who consents to the consolidation of the three cases for sentencing as requested in this Motion.

Respectfully submitted, this the ___ day of [REDACTED]

[REDACTED]
First Assistant Federal Public Defender
North Carolina State Bar No. [REDACTED]
101 S. Elm St., Suite 210
Greensboro, NC 27401
(336) 333-5455

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing **Motion To Continue Sentencing Hearing and For Consolidation of Cases** by United States Mail or by hand delivery upon:

[REDACTED], AUSA
P. O. Box 1858
Greensboro NC 27402

[REDACTED]
United States Probation Officer
101 S. Edgeworth St., Ste. 312
Greensboro NC 27402-3327

This the ___ day of [REDACTED].

[REDACTED]
First Assistant Federal Public Defender

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