

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

TERENCE SUTTON

and

ANDREW ZABAVSKY,

Defendants.

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) Criminal No. 21-0598 (PLF)
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MEMORANDUM OPINION AND ORDER

The government has requested that the Court set a sentencing date in this case. See Status Report [Dkt. No. 493]; Government’s Motion for Sentencing Date [Dkt. No. 507]. The Court previously ordered the parties to confer and submit proposals regarding a sentencing date. See Hearing Transcript of June 5, 2022 [Dkt. No. 506] at 146:22-147:16. The parties were not able to agree on a proposed schedule for a sentencing hearing and for submitting memoranda in support of sentencing. Defendants Terence Sutton and Andrew Zabavsky noted their objection to setting a sentencing date at this time; they have requested that the Court schedule sentencing ninety days after the resolution of the post-trial motions. See Defendants’ Objection to Setting a Sentencing Date [Dkt. No. 492] at 2.

On June 30, 2023, the Court issued an Order directing the parties to file submissions indicating their availability between January 4, 2024 through January 15, 2024 for sentencing. See Order of June 30, 2023 [Dkt. No. 498]. In that Order, the Court noted that if “more time is necessary for the fair and careful resolution of the pending motions – or for the presentation of arguments related to sentencing – the Court can and will postpone future hearing

dates.” Id. at 2. In response to that Order, the government indicated that it was available for sentencing on any of the Court’s proposed dates. See Status Report [Dkt. No. 501]. Neither Mr. Sutton nor Mr. Zabavsky filed a submission in response to the Court’s Order.

In view of the foregoing, it is hereby

ORDERED that the parties shall appear in person for sentencing on January 9, 2024 at 10:00 a.m. in Courtroom 29 in the William B. Bryant Annex to the E. Barrett Prettyman Courthouse at 333 Constitution Avenue N.W., Washington, D.C. 20001; it is

FURTHER ORDERED that the United States Probation Office shall submit a draft presentence investigation report on or before November 9, 2023; it is


FURTHER ORDERED that the parties shall file any objections to the draft presentence investigation report on or before November 17, 2023; it is

FURTHER ORDERED that the United States Probation Office shall submit the final presentence investigation report on or before December 1, 2023; it is

FURTHER ORDERED that the government shall submit a memorandum in support of sentencing on or before December 8, 2023; and it is

FURTHER ORDERED that counsel for Mr. Sutton and Mr. Zabavsky shall submit a memorandum in support of sentencing on or before December 22, 2023.

SO ORDERED.


PAUL L. FRIEDMAN
United States District Judge

DATE:

9/5/23