

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 3:23-cr-68-TJC-MCR

DECONNA BURKE

**GOVERNMENT'S UNOPPOSED MOTION TO
CONTINUE SENTENCING HEARING**

The United States of America, by Roger B. Handberg, United States Attorney for the Middle District of Florida, by and through the undersigned Assistant United States Attorney, moves this Court to continue the sentencing hearing currently scheduled for November 21, 2023, and states:

1. On April 19, 2023, a grand jury sitting in the Middle District of Florida, Jacksonville Division returned a one count indictment against the defendant. (Doc. 1) It charged the defendant with wire fraud related to fraud involving the Paycheck Protection Program. *Id.* On April 25, 2023, the Court appointed the Office of the Federal Public Defender to represent the defendant with Scott T. Schmidt, Esquire, ultimately handling the case. (Doc. 11) The Court released the defendant on conditions of bond and he remains out of custody. (Docs. 14,15)

2. On July 26, 2023, the defendant entered a guilty plea pursuant to a Notice of Maximum Penalties. (Doc. 24) On July 31, 2023, the Court accepted the plea of guilty and set the case for sentencing on November 21, 2023. (Doc. 28)

3. The undersigned is now scheduled to be out of the state the entire week of November 20, 2023, for annual leave.

4. The undersigned communicated with counsel for the defendant, Mr. Schmidt. He does not object to a continuance of the sentencing hearing currently scheduled for November 21, 2023.

5. Mr. Schmidt indicated he expects to be out of the office for an extended period of time starting in approximately January 2024.

6. Based on Mr. Schmidt's potential absence and the defendant's job as a trucker both parties respectfully request the sentencing hearing be reset to December 2023, if the Court is available.

7. This motion is made in good faith and not for purposes of delaying the sentencing hearing.

MEMORANDUM

Local Rule 3.08 provides that a continuance may be allowed by order of the Court for good cause shown. Based on the aforementioned the undersigned suggest that good cause exist.

WHEREFORE, the United States requests this Court continue the sentencing hearing now set for November 21, 2023.

Respectfully submitted,

ROGER B. HANDBERG
United States Attorney

By: /s/ Kevin C. Frein
KEVIN C. FREIN
Assistant United States Attorney
Florida Bar No. 0149144
300 N. Hogan Street, Suite 700
Jacksonville, Florida 32202
Telephone: (904) 301-6300
Facsimile: (904) 301-6310
E-mail: kevin.frein@usdoj.gov

U.S. v. Deonna Burke

Case No. 3:23-cr-68-TJC-MCR

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Scott T. Schmidt, Esquire
Counsel for the Defendant.

/s/ Kevin C. Frein
KEVIN C. FREIN
Assistant United States Attorney