

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,

v.

VERNARDO HENLEY,

Defendant.

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CASE NOS:

7:23-cr-65-WLS-AGH-07

7:15-cr-2-WLS-ALS-11

ORDER

Before the Court is Defendant's Motion for Continuance (Case No. 7:23-cr-65, Doc. 1024). Therein, Defendant, through counsel, Eric Landon Gay, requests a continuance of Defendant's sentencing and revocation hearings¹ which are currently scheduled for April 16, 2026. Defendant requests the continuance because Mr. Gay will be in Denver, Colorado from April 15, 2026, to April 17, 2026, for a continuing education conference. Notice of the April 16, 2026 sentencing hearing was docketed on February 12, 2026. Mr. Gay does not indicate whether he has conferred with Government's counsel regarding the continuance or whether they are in agreement with a continuance of Defendant's sentencing and revocation hearings. In the future where a motion is based on a scheduling conflict, counsel is instructed to provide the above details as to that scheduling conflict and opposing counsel's position, if any.

As a second basis for the requested continuance, Mr. Gay states he "has not received the Presentence Investigation Report [for the sentencing hearing] from the U. S. Probation Office. This continuance will allow counsel the time to acquire and review the report." However, although he was appointed as substitute counsel in this case on December 4, 2025, Mr. Gay has not entered his appearance as counsel in this case which is a prerequisite for the USPO to provide him with a copy of the Presentence Investigation Report. Finally, per information received from the USPO, Mr. Gay has not requested a copy of the Presentence

¹ Vernardo Henley's revocation hearing in Case No. 7:15-cr-2 is set for the same date and time as his sentencing hearing in Case No. 7:23-cr-65. Mr. Gay was also appointed as Defendant's counsel in Case No. 7:15-cr-2 and the Court is treating the Motion for Continuance as being filed with respect to both cases.

Investigation Report from the USPO, and the deadline to object to the Presentence Investigation Report has expired without a request by counsel to extend such deadline. Nor has Mr. Gay entered his appearance as Defendant's counsel in Case No. 7:15-cr-2 although he was appointed as counsel in that case on December 5, 2026.

The Court is required to "impose a sentence without unnecessary delay." Fed. R. Crim. P. 32(b)(1). Defendant was found guilty by a jury on January 29, 2025. (*See* Docs. 680, 682). This is Defendant's second request to continue sentencing.

Based on the foregoing, the Court finds that a continuance of the sentencing hearing is necessary to permit Defendant and his new counsel to receive and review the Presentence Investigation Report. Counsel shall promptly take the necessary steps for provision of the report, including a notice of appearance in both cases. Based on the scheduling conflict, a continuance of the revocation hearing in Case No. 7:15-cr-2 is also necessary.

Accordingly, the Defendant's Motion to Continue (Doc. 1024) is **GRANTED**. The sentencing and revocation hearings set for April 16, 2026, are **CANCELED**. Defendant's sentencing and revocation hearings are rescheduled for **Wednesday, June 24, 2026, at 1:30 p.m.**, to be held in Albany, Georgia.

SO ORDERED, this 9th day of April 2026.

/s/W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT