

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

UNITED STATES OF AMERICA

v.

LEON McCUTCHINS,

Defendant.

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CASE NO: 7:23-cr-35 (WLS)

ORDER

On August 16, 2023, the United States Probation Office, via memorandum, requested a continuance of Defendant's sentencing hearing. A continuance was requested because the Probation Officer has determined during his presentence investigation that Defendant has a substantial, aged, but pertinent, criminal history. The records originate from a rural part of Georgia, where records are not typically accessible electronically. The Probation Officer has been required to physically collect necessary documents from various locations. The Probation Office requests sufficient time to complete and provide the Court and the parties with a thorough presentencing investigative report to review prior to the hearing. Additionally, based on its review of Defendant's criminal history and the facts of the case, the investigating Probation Officer states that it does not appear Defendant is at risk of overserving his sentence if the Probation Office is given a continuance to complete its investigation. The Court notes this is the first continuance of Defendant's sentencing hearing.

This Court is required by Federal Rule of Criminal Procedure 32(b)(1) to "impose a sentence without unnecessary delay." Defendant entered a plea of guilty in this matter on June 22, 2023. (Doc. 25.) However, as a thorough presentence investigation report may assist this Court in determining a sentence that is "sufficient, but not greater than necessary" to serve the purposes of sentencing set forth in 18 U.S.C. § 3553(a), the Court finds that a continuance of Defendant's sentencing hearing in this matter is appropriate.

Accordingly, it is hereby **ORDERED** that the Sentencing Hearing scheduled to take place on September 14, 2023, is **CANCELLED**, and is **RESCHEDULED** for **Thursday, October 26, 2023 at 3:00 p.m.**

SO ORDERED, this 17th day of August 2023.

/s/ W. Louis Sands

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