

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:17CR522
 Nathan Wyatt,)
)
 Defendant.)

**JOINT MOTION TO SCHEDULE CASE FOR CONSOLIDATED PLEA AND
SENTENCING HEARING AND FOR PREPARATION AND DISCLOSURE OF A PRE-
PLEA PRESENTENCE REPORT**

Come now the parties, defendant Nathan Wyatt, represented by defense counsel Brocca Morrison, and the United States of America, represented by the Office of the United States Attorney for the Eastern District of Missouri, through Gwendolyn Carroll, Assistant United States Attorney, and the Computer Crime and Intellectual Property Section of the United States Justice Department’s Criminal Division, through Senior Counsel Laura-Kate Bernstein, and notify the Court that: (1) the parties have reached a guilty plea agreement, (2) the parties jointly move to schedule the case for consolidated plea and sentencing hearing; and (3) under Federal Rule of Criminal Procedure 32(e)(1), the defendant consents to the preparation and pre-plea disclosure of the Presentence Investigation Report.

In support of the motion, the parties state as follows:

1. The parties have reached a guilty plea agreement, which resolves all charges pending against defendant. Defendant is prepared to plead guilty pursuant to the written

agreement which is being furnished to the United States Probation office via electronic mail to MOEPml_PSRUSPO@moep.uscourts.gov simultaneously with this pleading.

2. The parties ask the Court to schedule a consolidated plea and sentencing hearing no earlier than 90 days from the date the Court grants this joint motion.

3. The defendant asks the Court to direct the United States Probation Office to prepare a presentence report under Fed. R. Crim. P. 32(d). The defendant has discussed with counsel the fact that under Fed. R. Crim. P. 32(e)(1), the probation office may not submit the presentence report to the Court or anyone else until after the defendant has pleaded guilty, unless the defendant has consented to early disclosure in writing. The defendant consents and asks the Court to allow the probation office to disclose the report to the Court and the parties no later than 35 days prior to sentencing.

4. Following disclosure of the presentence investigation report, the parties will submit objections within 14 days. The final presentence investigation report will be filed at least 7 days prior to sentencing. The confidential sentencing recommendation from United States Probation Office will be submitted at least 7 days prior to the consolidated plea and sentencing hearing.

5. The defendant agrees that the Court may make a finding that the ends of justice served by the delay in setting the consolidated hearing outweigh the best interests of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv), and that the Court may exclude the time between the filing of this motion and the date of the consolidated hearing from the Speedy Trial calculation.

5/4/2020
Date

/s/ Gwendolyn E. Carroll
Gwendolyn E. Carroll
Assistant United States Attorney

5/4/20
Date

Laura-Kate Bernstein
Laura-Kate Bernstein
Senior Counsel
Computer Crime & Intellectual Property
Section, DOJ

16/5/2020
Date

[Signature]
Nathan Wyatt
Defendant

5/26/20
Date

[Signature]
Brocca Morrison
Attorney for Defendant