

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:05-00185
)	Judge Trauger
TIMOTHY RYAN RICHARDS)	

JOINT MOTION TO CONTINUE SENTENCING

COME NOW the Defendant, Timothy Ryan Richards, and the government, by and through their respective undersigned counsel, and respectfully request that this Honorable Court enter an Order continuing the sentencing hearing scheduled for January 16, 2008 at 9:00 a.m. (Docket Entry 327) to a date following the final resolution of *Connection Distribution Co. v. Keisler*, 505 F.3d 545 (6th Cir. 2007). In support hereof, the parties state as follows:

1. The Court has ordered that “the Motion to Vacate the convictions on Counts 11 and 22 will be HELD IN ABEYANCE, pending a final decision by the Sixth Circuit on the unconstitutionality of 18 U.S.C. § 2257.” However, the Court has denied the Motion to Vacate on the remaining counts. (Docket Entry 328).

2. It is clear that the Sixth Circuit will not resolve the government’s anticipated Petition for Rehearing *En Banc* before the January 16, 2008 sentencing hearing in this case.

3. Rather than conducting a bifurcated sentencing hearing, the parties agree that it will conserve both judicial resources and the resources of the parties to conduct a single sentencing hearing in which the parties can address all issues at one time. It is in the best interest of the parties to continue the sentencing hearing at this time.

WHEREFORE, based on the foregoing, the parties respectfully request that this

Honorable Court continue the sentencing hearing scheduled for January 16, 2008 at 9:00 a.m. to a date after the Sixth Circuit has given final resolution to the unconstitutionality of 18 U.S.C. § 2257.

Respectfully submitted,

HODDE & ASSOCIATES
40 Music Square East
Nashville, TN 37203
(615) 242-4200

BY: s/ Kimberly S. Hodde
KIMBERLY S. HODDE
Attorney for Defendant Richards

EDWARD M. YARBROUGH
United States Attorney for the
Middle District of Tennessee
110 Ninth Avenue South, Suite A961
Nashville, TN 37203
(615) 736-5151

BY: s/ S. Carran Daughtrey
S. CARRAN DAUGHTREY
Assistant United States Attorney