

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF ALABAMA
 SOUTHERN DIVISION**

| | | |
|---------------------------|---|---------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | CASE NUMBER |
| Plaintiff, |) | |
| |) | 2:23-cr-311-LSC-GMB |
| v. |) | |
| |) | |
| JOHN WESTLEY ROGERS, JR. |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT ROGERS’ MOTION FOR A HEARING TO DETERMINE WHETHER
 THERE IS A BREACH OF THE PLEA AGREEMENT**

COMES NOW, the defendant in the above styled proceeding, JOHN WESLEY ROGERS, JR., by and through his undersigned counsel, and hereby moves this Honorable Court for an order setting a hearing to determine whether the defendant breached the plea agreement. As grounds therefor, the defendant says the following:

1. The government is claiming that the defendant breached the plea agreement, and therefore, the government is no longer bound to recommend a sentence of fourteen (14) months of home detention.
2. The government’s position that the defendant breached the plea agreement is based on an objection to the presentence investigation report filed by defense counsel. The objection concerned the two (2) level adjustment in the offense level for obstruction of justice.
3. Defendant submits that he did not breach the plea agreement. He did not direct his counsel to file the objection. He was not even aware that defense counsel had filed it.
4. Defendant has filed a motion to enforce the plea agreement.

5. Defendant believes that the government has breach the plea agreement by filing their sentencing memorandum with the recommendation that the defendant be sentenced to fourteen (14) months of imprisonment.

6. Whether there is a breach of the plea agreement is a critical issue that should be resolved prior to sentencing.

WHEREFORE, the defendant prays for an order setting a hearing to determine whether the defendant breached the plea agreement.

RESPECTFULLY SUBMITTED,

/s/ John C. Robbins
John C. Robbins, ASB-5635-i70j
Attorney for Defendant

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing via electronic filing this the 23rd day of June, 2024.

/s/ John C. Robbins
Of Counsel