

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:19-cr-0080
	)	
MALACHI BENJAMIN,	)	
	)	
Defendant.	)	
	)	

ORDER

BEFORE THE COURT is the Report and Recommendation of the magistrate judge recommending that the Court accept Malachi Benjamin's ("Benjamin") plea of guilty (ECF No. 66) to Count One of the Indictment. After conducting a *de novo* review of the record and pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the Court finds that Defendant Benjamin entered his guilty plea knowingly and voluntarily, and that there was a factual basis for the plea. The Court, therefore, will adopt the Report and Recommendation and find Benjamin guilty as to Count One of the Indictment. Accordingly, it is hereby

ORDERED that the Report and Recommendation (ECF No. 66) is **ADOPTED**; it is further

ORDERED that Defendant Malachi Benjamin's plea of guilty as to Count One of the Indictment is **ACCEPTED**, and that Defendant Benjamin is adjudged **GUILTY** on that count; it is further

ORDERED that, pursuant to Fed. R. Crim. P. 32(c)(1)(A), the U.S. Probation Office shall conduct a presentence investigation for the preparation of a presentence report; it is further

ORDERED that the U.S. Probation Office shall disclose the preliminary presentence report to the parties no later than December 21, 2020; it is further

ORDERED that the parties shall submit any objections or corrections to the preliminary presentence report to the U.S. Probation Office no later than January 4, 2021; it is further

ORDERED that the U.S. Probation Office shall disclose the final presentence report to the parties and the Court no later than January 19, 2021; it is further

ORDERED that the parties shall file their sentencing memoranda no later than January 26, 2021; it is further

ORDERED that a sentencing hearing is **SCHEDULED** to commence promptly at 9:00 A.M. on February 2, 2021, in STT Courtroom No. 1 before District Judge Robert A. Molloy.

Date: November 18, 2020

/s/ Robert A. Molloy
ROBERT A. MOLLOY
District Judge