

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case Nos. 3:19-cr-0073
	)	
JAHBARI HODGE,	)	
	)	
Defendant.	)	
	)	
	)	

ORDER

THIS MATTER came before the Court for a sentencing hearing held on November 4, 2020. At the hearing, Jahbari Hodge (“Hodge”) argued that, under the Categorical Approach analysis, his past conviction for first degree assault in violation of 14 V.I.C. § 295(3) does not qualify as a “crime of violence.” As such, under U.S.S.G. § 2K2.1(a)(2), his past conviction would not result in a base offense level of 24 for his current conviction. The United States (the “Government”) argued that Hodge’s conviction for first degree assault does qualify as a crime of violence, thereby resulting in the base offense level of 24. Hodge requested a continuance to provide the Court with supplemental briefing on the issue.

The premises considered, it is hereby

ORDERED that, **no later than November 12, 2020**, Defendant Hodge shall file a supplemental brief addressing the following issue: whether a conviction under 14 V.I.C. § 295(3) constitutes a crime of violence under U.S.S.G. § 2K2.1(a)(2);¹ it is further

ORDERED that, **no later than November 16, 2020**, the Government shall file a response to Hodge’s brief; it is further

ORDERED that there shall be no further briefing unless authorized by the Court; and it is further

¹ Pursuant to Local Rules, briefs may not exceed twenty pages in length. LRCi 7.1(d).

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ORDERED that the sentencing hearing in this matter, which commenced on November 4, 2020, is hereby **SCHEDULED** to resume promptly at 2:00 P.M. on November 20, 2020.

Dated: November 5, 2020

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