

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

v.

ALEXANDER SHEPPARD,

Defendant.

Case No. 21-CR-203 (JDB)

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION TO DELAY
SELF-SURRENDER DATE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully opposes Alexander Sheppard’s (“Sheppard” and “the defendant”) motion to delay his self-surrender (“Motion”). ECF Dkt. 112.

After a jury trial in January 2023, a federal jury convicted defendant on all but one charge of the indictment in connection with his conduct on January 6, 2021. Minute Order Jan. 26, 2021. Sentencing was initially scheduled for April 27, 2023. *Id.* At the defendant’s request, that hearing was continued and subsequently rescheduled for September 5, 2023. Minute Order April 28, 2023 and Sept. 5, 2023. In September 2023, roughly four months after he was initially scheduled to be sentenced and seven months after he was convicted, this Court sentenced Sheppard to 19 months of incarceration and 24 months of supervised release. *Id.* Sheppard was not detained at that time and, without government objection, was permitted to voluntarily self-surrender. *Id.*

In his motion, Sheppard states his self-surrender date has been scheduled for November 2, 2023, or roughly two months after he was sentenced and more than nine months after he was convicted. Motion at 1. He now asks the Court to delay his self-surrender date until after the New Year holiday, *i.e.*, an additional two months beyond the currently scheduled surrender date. *Id.*

In support, defendant explains that the prison to which he has been designated is approximately 7 hours from his home and that is therefore “likely” that he will not be able to visit with his family during the winter holidays. Motion at 1. The government respectfully notes that Sheppard’s family made the approximately 7-hour trip between his home and Washington, D.C., on three separate occasions: (1) his trial in January 2023; (2) his sentencing hearing in April 2023; and (3) his sentencing hearing in September 2023. It is unclear why it is “likely” that his family will be unable to visit him over the holidays and Sheppard’s Motion offers no explanation.

The government also notes that if defendant’s motion is allowed, the commencement of his sentence will occur more than eleven months after his conviction. The purposes behind criminal sentencing are “retribution, deterrence, incapacitation, and rehabilitation.” *Tapia v. United States*, 131 S. Ct. 2382, 2387 (2011) (“[A] court must fashion a sentence ‘to achieve the[se] purposes . . . to the extent that they are applicable’ in a given case.”) (quoting and citing 18 U.S.C. § 3551(a)). Further delay is unfair to the public, which has an interest in speedy justice just like criminal defendants do and would serve to undercut respect for the rule of law.

Finally, the government fears that further delay in the commencement of Sheppard’s sentence will undermine its deterrent effect. As demonstrated in the government’s sentencing memorandum and supplemental sentencing memorandum, Sheppard has repeatedly sought to justify his conduct on January 6 and to impugn the process by which he is being held to account for his actions that day. ECF Dkt. 97 and 106. He has continued to do so even since his sentencing. *See, e.g.,* Nick Mordowanec, *Capitol Rioter’s Jail Sentence Brings Him Closer to Trump*, Newsweek, Sept. 6, 2023 (available at <https://www.newsweek.com/capitol-rioters-jail-sentence->

[brings-him-closer-trump-1824973](#) and last checked October 11, 2023). While he remains entitled to hold and express his views, such statements demonstrate Sheppard's persistent belief that his perceived political grievances justified his criminal conduct on January 6 and would therefore justify similar conduct in the future. Prompt imposition of his sentence is evidently necessary to convey to Sheppard the unjustified and unlawful nature of his actions on January 6 and so to deter their recurrence.

Accordingly, the government respectfully recommends denying Sheppard's motion to further delay commencement of his sentence.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Craig E. Estes
CRAIG E. ESTES
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Dated: October 11, 2023