

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL CASE No: 1:21CR00160-001
)	
CHRISTOPHER KUEHNE, ET. AL.,)	SENTENCING: FEBRUARY 23, 2024
)	
DEFENDANTS.)	
)	

**RESPONSE TO ORDER ON MOTION FOR ORDER ON PRE-SENTENCE PAYMENT
AND REQUEST FOR RECONSIDERATION**

Christopher Kuehne moved this Court for an order directing the Clerk of the Court to accept the Defendant’s pre-sentence payment toward the expected criminal case financial obligations to be imposed. *See* ECF 220.

The Court denied this motion, citing a lack of authority suggesting that the Clerk's Office must or should accept payment of restitution before any order requiring restitution has been entered. *See* Minute Order, dated Jan. 3, 2024.

The Defense thus responds to the Order of the Court with a persuasive, though nonbinding, authority where the District Court for the District of Columbia has indeed ordered and directed the Clerk’s office to accept payment of restitution prior to a Defendant

U.S. District Court
District of Columbia

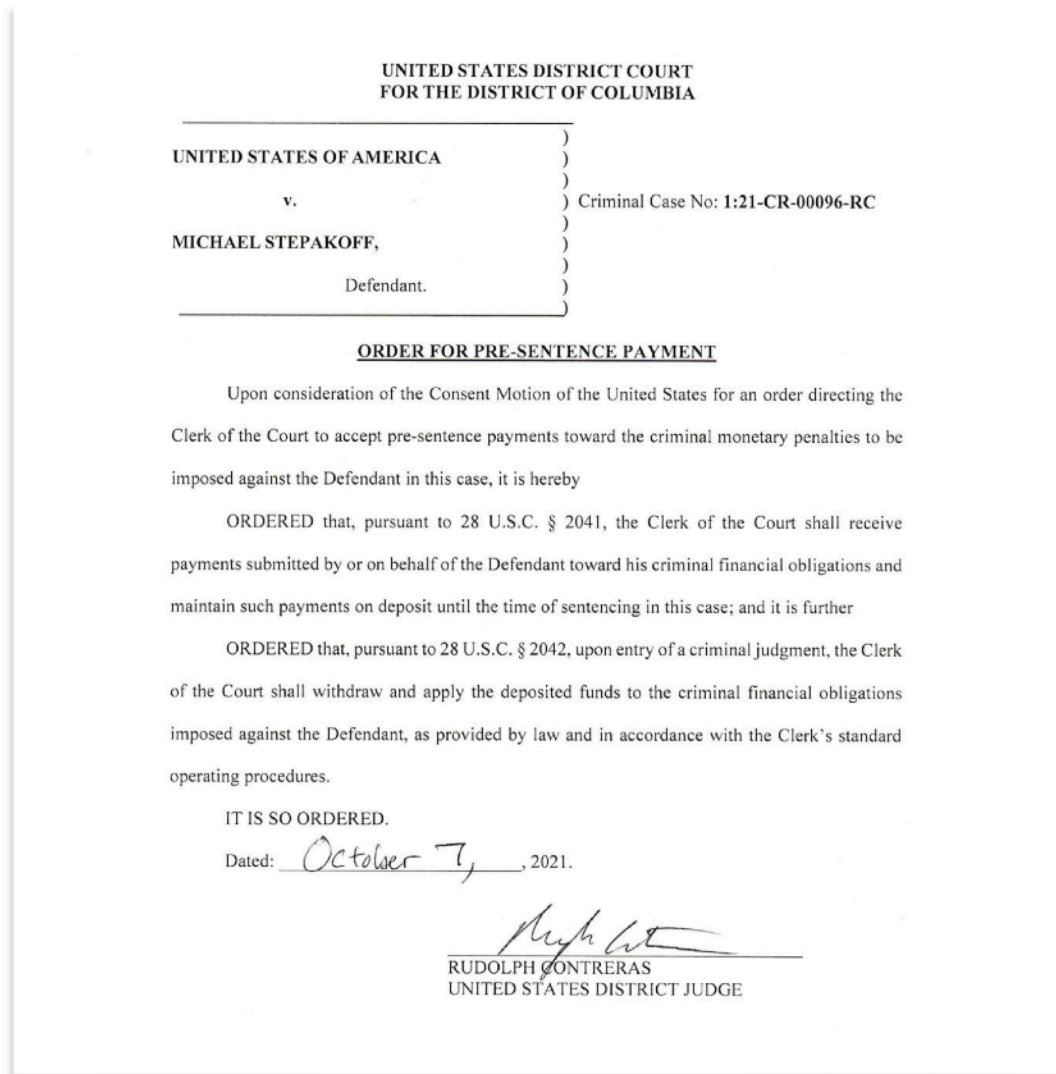
Notice of Electronic Filing

The following transaction was entered on 4/26/2023 at 1:38 PM and filed on 4/26/2023

Case Name: USA v. KRAUSS et al
Case Number: [1:23-cr-00034-JEB](#)
Filer:
Document Number: No document attached

Docket Text:
MINUTE ORDER as to DAVID KRAUSS (1) and NICHOLAS KRAUSS (2): The Court ORDERS [36] MOTION for Order directing the Clerk of the Court to accept pre-sentence payments is GRANTED. So ORDERED, by Chief Judge James E. Boasberg on 4/26/2023. (nbn)

being sentenced: Chief Judge Boasberg recently granted such a motion in *United States v. Krauss*, Case No. 1:23-cr-00034-JEB, Minute Order (Apr. 26, 2023). Moreover, Judge Contreras issued a similar order in *United States v. Stepakoff*, Case No. 1:21-cr-00096-RC, ECF 27 (Oct. 7, 2021), citing authority for the order through 28 U.S.C. §§ 2041 and 2042.



The Defense believes that this Court has authority through 28 U.S.C. §§ 2041 and 2042 to order the payment to be accepted pre-sentence and asks for this Court to reconsider the denial of the defendant's motion for pre-payment of restitution.

Respectfully submitted,
By Counsel:

/s/

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CERTIFICATE OF SERVICE FOR CM/ECF

I hereby certify that on January 4, 2024, I will electronically file the foregoing with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/

Marina Medvin, Esq.