

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

)	
UNITED STATES OF AMERICA,)	
)	Case No. 1:21-cr-00028-APM
v.)	
)	
CONNIE MEGGS,)	
)	
Defendant.)	
)	

**DEFENDANT CONNIE MEGGS’S REPLY IN SUPPORT OF HER
MOTION FOR RELEASE PENDING APPEAL**

In its opposition to Defendant Connie Meggs’s Motion for Release Pending Appeal (Oct. 20, 2023) (ECF No. 1064), the government largely disagrees that Mrs. Meggs will prevail in her legal challenges on appeal. Maybe. But unlike, for example, a motion for a stay, which requires this Court to find that it is reasonably likely that Mrs. Meggs will prevail on appeal (and that the Court was wrong in its prior ruling), 18 U.S.C. § 3143 only requires that Mrs. Meggs proffer a substantial question of law. And, put simply, this Circuit has yet to confirm that the enhancements in sections 2J1.2(b)(1)(B), and (b)(2) of the U.S. Sentencing Guidelines apply to convictions involving the obstruction of the certification of the electoral college vote.

Nor did Mrs. Meggs ignore § 3143(b)(1)(B)(iv) in her analysis. The only reason Mrs. Meggs’s received a twelve (12) month sentence was because, “the statutorily authorized maximum sentence of 12 months is less than the minimum of the applicable guidelines range.” Final Presentence Investigation Report, at 41 (July 28, 2023) (ECF No. 1005). Thus, should the D.C. Circuit find sections 2J1.2(b)(1)(B), and (b)(2) inapplicable to the certification of the electoral college vote, both the Probation Officer and the Court would need to recalculate Mrs. Meggs’s guideline range. The government’s suggestion that this recalculation is immaterial is

akin to suggesting that the Court did not rely on the guidelines when it determined Mrs. Meggs's sentences. And as noted in her underlying motion, several of Mrs. Meggs's codefendants have now received no incarceration as part of their sentences.

Dated: October 29, 2023

Respectfully submitted,

/s/ Stanley E. Woodward, Jr.

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CERTIFICATE OF SERVICE

On October 29, 2023, the undersigned certifies that a true and correct copy of the foregoing was electronically filed and served via the CM/ECF system, and subsequently electronically mailed to government counsel.

/s/ Stanley E. Woodward, Jr.
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