

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

UNITED STATES OF AMERICA :

v. : 21-CR-275 (ABJ)

James Matthew Horning :

Notice of Waiver of In-Person Appearance at Sentencing Hearing

Mr. Horning, through undersigned counsel, respectfully files this notice informing the Court that Mr. Horning wishes to waive his right to have an in person sentencing and requests that the Court permit his sentencing hearing scheduled for February 15, 2023 to be held remotely. Below are the reasons in support:

1. On October 6, 2022, Mr. Horning entered a guilty plea to one count of 18 U.S.C. §1752(a)(1), a misdemeanor offense.
2. On that day, the Court advised that if Mr. Horning wished to have his sentencing remotely, that he should file a notice prior to the scheduled sentencing date indicating his intention and waiving his right to an in person hearing.
3. Undersigned counsel has discussed this with Mr. Horning and it is his wish to waive his right to an in-person sentencing and to proceed remotely. Attached is Mr. Horning's written waiver.
4. Mr. Horning lives in Ohio and would have to take time off work and travel to Washington, D.C. if the sentencing was to be held in person.
5. Pursuant to Rule 43(b)(2) of the Federal Rules of Criminal Procedure, courts may hold a sentencing hearing for a misdemeanor matter by video teleconferencing.

Respectfully submitted,

A. J. KRAMER
FEDERAL PUBLIC DEFENDER

_____/S/_____


Maria N. Jacob
Assistant Federal Public Defender
625 Indiana Avenue, N.W.
Suite 550
Washington, D.C. 20004
(202) 208-7500

Waiver of Right to In-Person Sentencing Hearing

I, Matthew James Horning, the undersigned, hereby waive, under Rule 43(b)(2) of the Federal Rules of Criminal Procedure, my right to an in-person sentencing, scheduled for February 15, 2023, at 9:30 a.m. before United States District Judge Amy Berman Jackson, in case no. 21-cr-275 (ABJ) in the United States District Court for the District of Columbia.

My counsel, Maria N. Jacob, has explained to me my right to appear in person for my sentencing. I knowingly and voluntarily waive my right to appear in person and agree to appear instead by video teleconferencing.

Date: 2/1/23, 2023


Matthew James Horning