

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 1:21-cr-704-CRC

TIMOTHY EARL O'MALLEY,

Defendant.

MOTION TO PERMIT VIDEO SENTENCING OF DEFENDANT

DEFENDANT files this his Motion to Permit Video/Zoom proceedings pursuant to Fed. R. Cri. P. 43(b)(2) and says:

1. Defendant was charged in a four-count complaint.

2. Defendant entered a plea of guilty to count four of said complaint on December 15, 2021.

The count to which the Defendant plead guilty was parading, demonstrating, or picketing in a Capitol Building in violation of 40 U.S.C. § 5104(e)(2)(G).

3. That the crime to which Defendant pled carries a maximum sentence of six (6) months in prison or a fine of not more than Five Thousand Dollars (\$5,000.00).

4. Defendant is a resident of the State of Florida and traveling to Washington, D.C. would be a financial burden on Defendant.

5. That since Defendant's arrest, Defendant has been on Pretrial Release and has complied with all conditions of the Pretrial Release.

6. That Defendant agrees to be sentenced via a Video/Zoom hearing.

7. That Defense Counsel has consulted with the Assistant United States Attorney in this

matter, Sean Murphy, and Mr. Murphy is in agreement with conducting the sentencing hearing by Video/Zoom.

WHEREFORE, Defendant requests this Court allow him to appear at his sentencing by Video/Zoom which is scheduled for March 10, 2022 pursuant to Fed. R. Cri. P. 43(b)(2).



TIMOTHY EARL O'MALLEY



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Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail or U.S. mail to the following parties on this 5th day of January, 2022:

Sean P. Murphy, Esquire, Assistant United States Attorney



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