

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

)	
UNITED STATES OF AMERICA)	
)	
v.)	Criminal Case No: 1:21-CR-00096-RC
)	
MICHAEL STEPAKOFF,)	
)	
Defendant.)	
)	

CONSENT MOTION FOR PRE-SENTENCE PAYMENT

The United States of America (“the government”), by and through counsel, the United States Attorney for the District of Columbia, pursuant to 28 U.S.C. §§ 1651, 2041 and 2042, with the full consent of the Defendant, moves this Court for an order directing the Clerk of the Court to accept Defendant STEPAKOFF’S pre-sentence payment toward the agreed criminal financial obligations to be imposed, and in support states:

1. Defendant MICHAEL STEPAKOFF has executed a Plea Agreement (Doc. #22) stating his intention to plead guilty to Count Four of the Information (Doc. #5), charging Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). On September 24, 2021, the Defendant entered a plea of guilty to Count Four in open court.

2. In addition to agreeing to plead guilty, the Defendant has agreed to make a \$500 payment toward his criminal restitution obligation before sentencing.

3. The Defendant may submit payment by cash, cashier’s check, or money order made payable to the Clerk of the Court with 1:21-cr-00096 noted on each payment made online (*see* <https://www.dcd.uscourts.gov/payment-information>), mailed or delivered to:

Clerk, U.S. District Court
Attn: Finance Office
U.S. District Court for the District of Columbia
333 Constitution Ave, NW
Washington, D.C. 20001

4. Pursuant to 28 U.S.C. § 2041, the Clerk of Court is authorized to accept and hold such funds on behalf of the Defendant until the time of sentencing. Further, pursuant to 28 U.S.C. § 2042, the United States requests an order that upon the entry of a criminal judgment in this case, the Clerk of the Court is to withdraw and apply the deposited funds to the criminal financial obligations imposed against the Defendant.

5. The Court has the discretion to order the requested relief, pursuant to the All-Writs Act, 28 U.S.C. § 1651, which provides that “all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

6. The government has conferred with Counsel for the Defendant, who has consented to the requested order in aid of the guilty plea in this case.

7. The United States Attorney’s Office neither represents the Internal Revenue Service, nor alleges any tax advice in this matter, and nothing in this motion shall limit or in any way waive or release any administrative or judicial civil claim, demand, or cause of action, whatsoever, of the government or its agencies.

WHEREFORE, the United States moves this Court for an order directing the Clerk of the Court to accept pre-sentence payments to be held on deposit until sentencing, and thereafter apply those funds toward the criminal monetary obligations imposed against the Defendant as provided by law and in accordance with the Clerk's standard operating procedures.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Alison B. Prout
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CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with Fed. R. Crim. P. 49, the following document:

United States' Consent Motion for Pre-Sentence Payment
was served on pursuant to the district court's ECF system as to ECF filers.

/s/ Alison B. Prout
Alison B. Prout
Assistant United States Attorney